



# OKLAHOMA CITY DAY ONE





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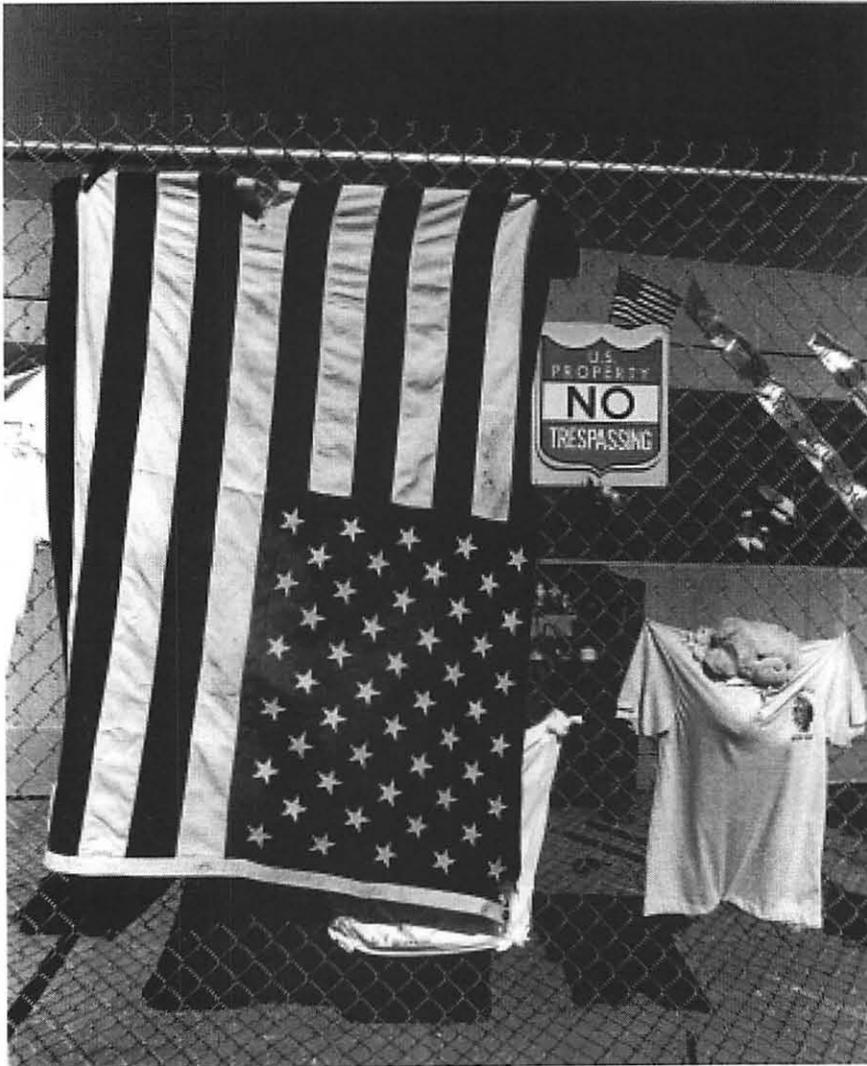


PHOTO BY JOHN JENKINS





# OKLAHOMA CITY

## DAY ONE

A Detailed Account of the  
**Bombing of the Alfred P. Murrah Federal Building**  
Oklahoma City, Oklahoma  
April 19, 1995

Michele Marie Moore

With a Foreword by  
William Cooper



Published by  
The Harvest Trust  
Eagar



## **OKLAHOMA CITY: DAY ONE**

A Detailed Account of the Bombing of the Alfred P. Murrah Federal Building  
Oklahoma City, Oklahoma  
April 19, 1995

by Michele Marie Moore, with a foreword by William Cooper

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### **FIRST EDITION**

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*"Another parable put he forth unto them, saying, The kingdom of heaven is likened unto a man which sowed good seed in his field;*

*"But while men slept, his enemy came and sowed tares among the wheat, and went his way.*

*"But when the blade was sprung up, and brought forth fruit, then appeared the tares also.*

*"So the servants of the householder came and said unto him, Sir, didst not thou sow good seed in thy field? From whence then hath it tares?*

*"He said unto them, An enemy hath done this. The servants said unto him, Wilt thou then that we go and gather them up?*

*"But he said, Nay; lest while ye gather up the tares, ye root up also the wheat with them.*

*"Let both grow together until the harvest; and in the time of harvest I will say to the reapers, Gather ye together first the tares, and bind them in bundles to burn them, but gather the wheat into my barn."*

— Matthew 13:24-30



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## DEDICATION

This book is dedicated to the memory of my grandfather

JAMES ELTON WATKINS  
December 14, 1895-October 29, 1990

a veteran of World War I  
and the greatest patriot I have ever known.

He was never ashamed of loving and supporting his country  
or of standing with and for his God.



Always aware of the true state of the nation,  
he taught me about political realities when I was but a child  
and strongly believed that a knowledge of history  
would open many doors to understanding current events.



He was our family patriarch  
and loved us unconditionally all his life.  
I love him unconditionally to this day.

Because he would have instantly grasped  
the meaning and consequence of this tragedy,  
the bombing of the Alfred P. Murrah Federal Building  
would have irreparably broken his heart.

For that reason,  
I am thankful he did not live to see it.



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## 🌿 ACKNOWLEDGMENTS 🌿

I could never have completed this monumental task without the patient, tender support of my husband, daughter, and mother. The astute perceptions of all of you contributed greatly to the orderliness of the presentation of this material. Your prayers for me brought such comfort and peace as I was daily confronted by the horrific details of the bombing—an unavoidable consequence of writing this book. Because of your love, I could believe to be healed.

Darling daughter, because of you, I can still smile at the end of the day. Your hugs are such a blessing to me and you give them so freely. I love you and am eternally thankful for the joy you continually bring to my life in these dark days. Be always strong, faithful, and very courageous. It is our way.

Mom, you have been to me a loving, concerned sounding board, ever balanced and never shocked, no matter what devastating information comes to light. You have always seen the “big picture” and you always tell me the truth. It is so wonderful to have you as my closest friend.

Dear husband, you are the whole of my heart forever and ever. Thank you for enduring this unexpected project in its totality. You have held me and us together through the all-nighters, the seemingly endless series of interviews, the phone calls from friendly informants and creepy provocateurs, the perils of the investigation, and what was, for me, the extremely personal and confrontational task of actually writing the book. It has been an exercise in overcoming fear and standing steadfast and unmovable on what we know is right and good. Your contributions to the material and your participation in the investigation have been invaluable to me—even when I foolishly resisted your good advice. Thank you for helping me change my mind. You have always been right about everything. May God keep us ever together in health and safety.

This book would never have been written had it not been for the vision and persistent supportive guidance of William Cooper, Director of Intelligence, Second Continental Army of the Republic.



Bill, you demanded a level of performance from me that I was not sure could be achieved and you wouldn't take "no" for an answer. Your unfailing encouragement and keen-eyed advice always brought focus and direction when the project became overwhelming—which was all too often the case. Thank you for your integrity which has served as the example and the inspiration for so many. I continue to be grateful for the opportunity to serve and to grow in the responsibilities you have placed before me. But more than anything else, I am thankful to have you and your family as my close, personal friends. That is a forever thing.

The compilation of the research material for this book would have been impossible without the willing assistance and complete dedication to duty of untold numbers of members of the Intelligence Service of the Second Continental Army of the Republic, CAJI News Service, concerned citizens, victims of the bombing, and "special helpers"—all of whom must remain nameless in the interest of security and the continuance of the bombing investigation, which is far from over.

To these supremely committed Americans I must give full credit and thanks. You know how much I have depended upon your tireless work, and you know why I cannot publicly declare the details of your immense contribution to this effort. This book is *your* book. I am so proud of you and thankful for the loyalty of your stand. Your kind affection for me has made this project bearable when times were tense and doors were closed. Thank you for caring so much that you gave a part of your life to this project and to me personally. May you be rewarded for the quality of your service to your country and the strength of your courage.

To my other family: God is our sufficiency, our strength and shield. Thank you for your prayers, sweet fellowship, and love.

— Michele



## 🌿 FOREWORD 🌿

*Oklahoma City: Day One* has been a joint effort of many people directly under the supervision of Major Michele Marie Moore. It is the initial results of the investigation by the Intelligence Service of the Second Continental Army of the Republic, Militia, of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma on April 19, 1995.

The Intelligence Service does not wear uniforms, drill with firearms, or run around in the woods. It is recommended that our people own and be proficient with firearms of all types. They must be prepared to fulfill their mission under any and all situations, including—if necessary—living on the ground in the woods. No people can survive in this world unless they have men and women who are prepared to give their lives, if necessary, in support of certain principles and ideals; and those people cannot survive without timely and accurate information. Our mission is to gather, by any and all legal and lawful means, information from all sources, and provide for the free flow of information to the whole of the People, the Militia of the several States of the Union.

Most of those who took great risks, contributed their own money, volunteered time and effort to seek out and gather the truth of the Murrah Federal Building bombing cannot be identified. To do so would put them at even greater risk; to do so would compromise their ability to function as intelligence officers in any future endeavor. They have pledged their lives, their fortunes, and their sacred honor in support of Freedom. Without them this investigation would have produced nothing. Without them the master of deceit might have been successful. Their service has been in the highest tradition of all those who have gone before.

Michele Marie Moore is a remarkable woman. She entered my life through e-mail asking if she could be of some help. No matter what I said or did, she would not go away. Eventually I assigned her the task of transcribing tapes of *The Hour of the Time* into text files for the online computer database. At some point she became a member of the Intelligence Service, executed her Oath of Allegiance, and was assigned to intelligence gathering. She excelled. In the last two years she has risen from Lieutenant to Major and has been recommended for a position on the command staff. Michele has demonstrated that she is a natural leader, intelligent, loyal, dedicated, and very talented. She is unassuming and sometimes shy. If you asked her to



describe herself she will tell you that she is “just an opinionated female.” I have seldom found that to be true, although she will not budge on an issue if she believes that she is right—a trait that I also possess.

It must be recognized that no matter how dedicated and resourceful Major Moore has been, she could never have accomplished much without the physical and emotional support of her husband and daughter. Her husband, another Intelligence Service officer, has an uncanny ability to fulfill any mission assigned. Some crucial data was obtained by him. He also functions as security for his wife, who is one of our most valuable assets. Her daughter has taken on many extra chores and readily accepted some hardships to which she was not accustomed. In the midst of all this turmoil, the Moore family has grown stronger and more supportive of each other than ever before. They serve as a fine example for all of us to follow.

*Oklahoma City: Day One* is as complete as humanly possible. It is only lacking in a historical perspective. That history must be provided for the reader to fully understand the full meaning and consequences of the bombing of the Alfred P. Murrah Federal Building.

Many centuries ago the Roman senator Cicero implemented a plan to invoke the ultimate decree of the senate, a declaration of martial law which would permit summary execution of “Outlaws” and the suspension of provocatio, the ancient right of appeal to the people in capital cases.

Cicero claimed Rome’s enemy was within. He used slogans such as: “The plot against Liberty; pernicious designs of nefarious citizens; seditious plots against the present form of government; passionate men, always disposed for violence, ready for revolution.”

Cicero fostered “an atmosphere of prejudice and hysteria in which any proposal for the reinforcement of constitutional rights would be denounced as a cover for conspiracy.” Rome’s constitutionists were assassinated or exiled; the followers of the “most dangerous” were massacred. Cicero warned against patriots and veterans who “would not excel as farmers” that might take up arms against the senate. A law forbade anyone carrying arms within the gates of Rome.

When no *real* subversives could be found, Cicero or his confederates would hire thugs to attack and beat citizens. Those attacked were considered sacrifices for the greater good of the Empire. If the political opposition was particularly strong, a government building or a temple might be sacked and burned. There was said to be a “new order.”

The Romans were great propagandists, fooling themselves and their slaves into believing Rome represented the defender of liberty, justice, and peace for the world. Citizens of Rome felt they were an elite class of humanity.

Arthur Kahn wrote in his *Julius Caesar*, “Cicero adopted the prophetic magniloquence of the newly popular eastern mystical cults which preached

an eternal war of 'the armies of light against the forces of darkness' and promised initiates eternal happiness after death through the grace of divine redeemers." Cicero, it appears, was "illuminated."

The German National Socialist Worker's Party, or Nazis, promoted mysticism and lectured about "the armies of light against the forces of darkness." The SS required the candidate be given an occult education at an isolated castle, culminating in the officer's initiation into the "new religion."

When Herr Hitler could not muster enough votes to control Germany, he burned the Reichstag, Germany's congress. He labeled his political enemies responsible and rounded up his opposition literally overnight. By this method, Hitler seized power over all Germany.

Hitler spoke of a "new order of the world." To confidants he whispered of spirit visitors. The Jews became the enemy within the gates. The Japanese Ambassador, noting how well the "enemy within" worked upon the German people, is said to have commented, "I wish we had some Jews in Japan." The 1938 gun laws disarmed the German people. The Nazis were also masters of propaganda.

The same scenario is presenting again. The ancient mystery religion has risen like the Phoenix and taken wing in the so-called fraternal orders and the New Age movement. President Clinton speaks of an eternal war of "the armies of light against the forces of darkness." Hillary was recently discovered performing seances in the White House where she communicated with "spirit guides." There is a "new world order."

When the administration wanted an Omnibus Counter-Terrorism Bill, the World Trade Center in New York City was bombed. The terrorists used fertilizer and a Ryder rental truck. It was later revealed during their trial that they were working for the Federal Bureau of Investigation. The FBI taught them how to make the bomb. The FBI taught them how to drive the truck. When the culprits wanted to substitute inert ingredients so as not to injure or kill anyone, the FBI denied their request and insisted they use the real thing. The FBI in their usual thorough fashion recorded everything on tape. It was introduced at the trial and a transcript was printed verbatim in the *New York Times*.

When the Omnibus Counter-Terrorism Bill languished in Congress with no hope of passage, the Alfred P. Murrah Federal Building in Oklahoma City was bombed. Those accused supposedly used a Ryder rental truck and a fertilizer bomb. The President spoke of "those who have sacrificed." A year of lies and propaganda followed, along with gun control legislation on a massive scale. It has been discovered that, before the bombing, the Bureau of Alcohol, Tobacco, and Firearms was performing experiments blowing up trucks in the New Mexico desert with fertilizer bombs.

The Antiterrorism legislation passed into law, giving government almost the same powers Cicero sought and Hitler realized. Once again, a Republic is



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moving to oligarchy, then to dictatorship. The American people, as the Romans, as the Germans, haven't a clue.

Michele Marie Moore didn't just write about this nightmare; she experienced it, she lived it, and that fact will quickly become obvious to the reader. She takes us upon a journey that we will never forget. She untangles the web and guides us through wave after wave of horror and deception, all the while never failing to deliver the truth. As Director of the Intelligence Service, I know all that is included in the book and much more; but even so I find myself unable to leave it. I read and reread incessantly.

I am no literary expert. The very best that I can think of to say about *Oklahoma City: Day One* is that ... it is the truth. *Omnia vincit veritas.*

— William Cooper  
Director, Intelligence Service  
Second Continental Army of the Republic, Militia  
Eagar, Arizona  
June 25, 1996





## *Oath of Allegiance*

I do affirm with free will and full knowledge that I will carry out to the best of my ability all legal and lawful instructions of the Officers of the Intelligence Service. And that I will gather by any and all legal and lawful means information from all sources. I will provide for the free flow of information to the whole of the People, the Militia of the several States of the Union. If required I will Protect and Defend the Constitution of my State, Execute the Laws of the Union, suppress insurrection, and repel invasion. I will Protect and Defend the Constitution for the United States of America from all enemies foreign and domestic. For the support of this oath, with a firm reliance on the protection of divine Providence, I Pledge my life, my Fortune, and my Sacred Honor.

Signed \_\_\_\_\_ Date \_\_\_\_\_  
 \_\_\_\_\_ State/Republic  
 \_\_\_\_\_ County

Before me, the undersigned, a notary public within and for the said county and State, personally appeared and swore or affirmed this Oath in my presence. Witness my hand and notarial seal this \_\_\_\_ day of \_\_\_\_\_ 199\_\_

My Commission expires \_\_\_\_\_  
 Signature \_\_\_\_\_



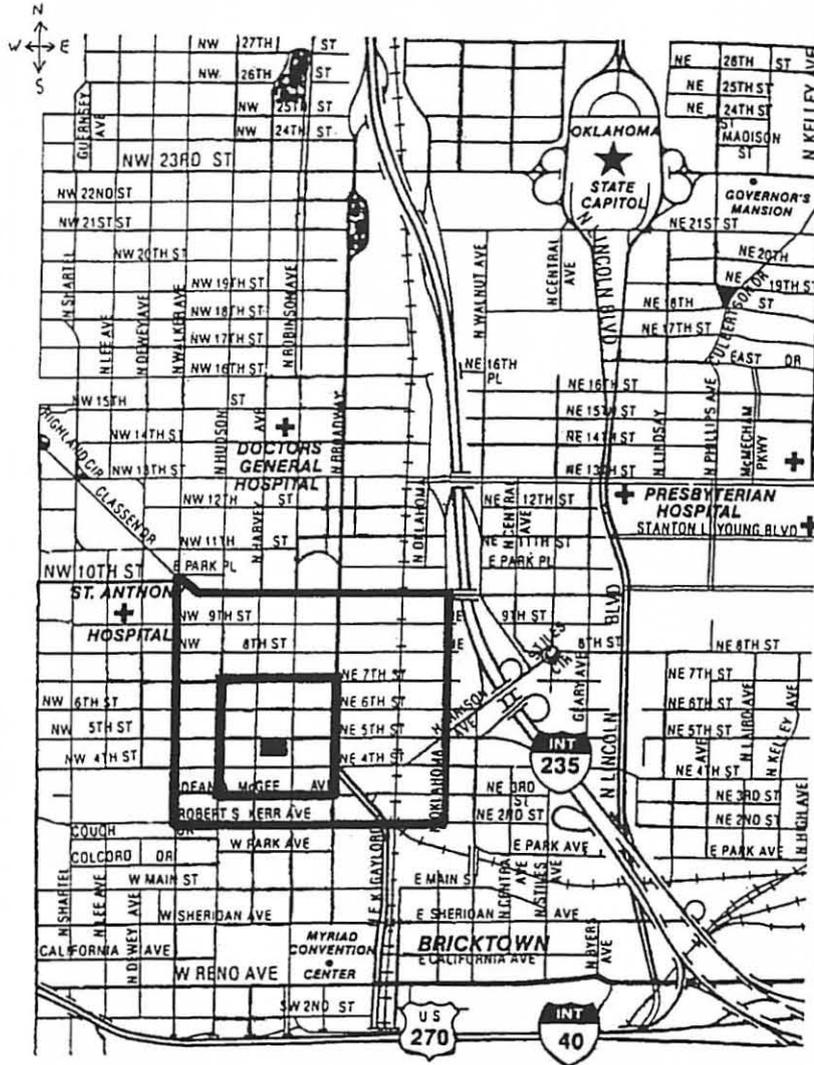
**Oath of the Intelligence Service**  
**Second Continental Army of the Republic, Militia**

I do affirm with free will and full knowledge that I will carry out to the best of my ability all legal and lawful instructions of the Officers of the Intelligence Service. And that I will gather by any and all legal and lawful means information from all sources. I will provide for the free flow of information to the whole of the People, the Militia of the several States of the Union. If required I will Protect and Defend the Constitution of my state, Execute the Laws of the Union, suppress insurrection, and repel invasions. I will Protect and Defend the Constitution of the United States of America from all enemies foreign or domestic. For the support of this oath, with a firm reliance on the protection of Divine Providence, I Pledge my life, my Fortune, and my Sacred Honor.



**Aerial photograph taken April 26, 1995**

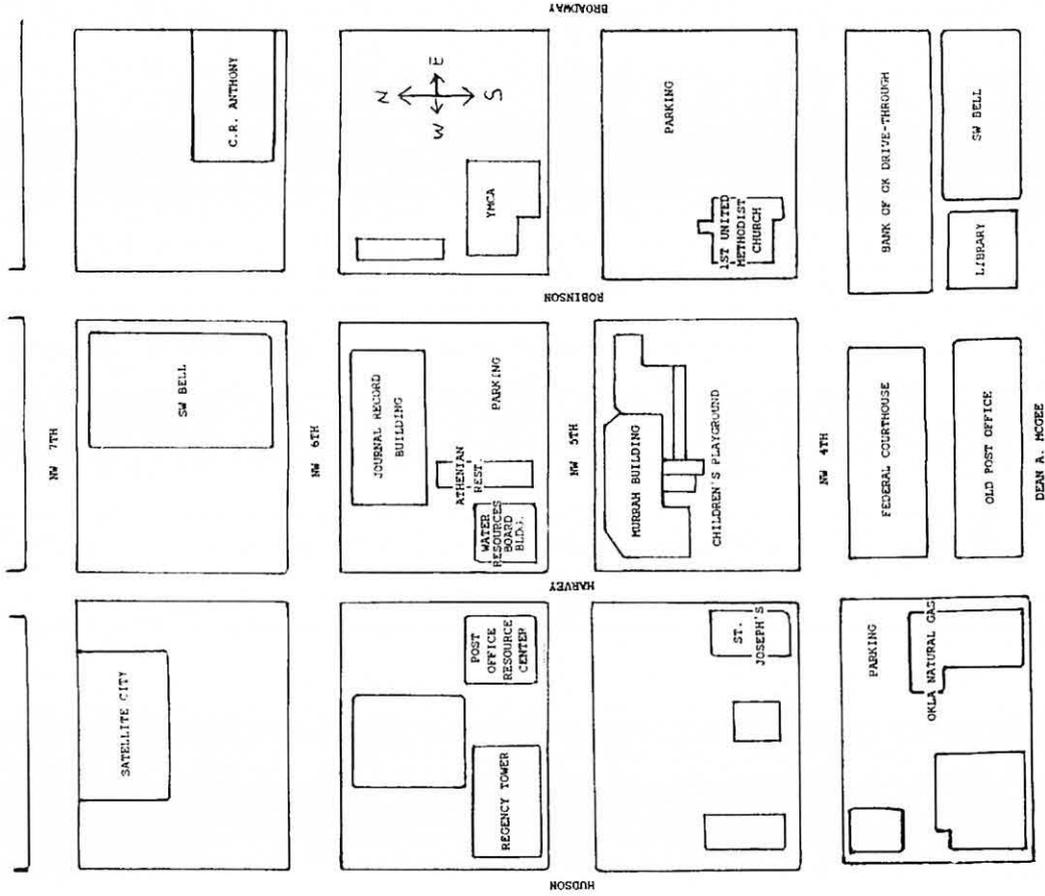




Map: Oklahoma City, Oklahoma—Murrah Building Area, Inner and Outer Perimeters



Maps 25



Map: Bomb Site Landmarks, Inner Perimeter





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## ❧ INTRODUCTION ❧

“Human blood is heavy; the man that has shed it cannot run away.”

Those words ... At first they had been nothing more than a quietly passing thought, the barely discernible voicing of an ancient proverb. Initially, they had served as the dismal acceptance of the overwhelming events of that day, an acknowledgment of the evil that had come upon us.

But now the day was over. Long over. Hours before, midnight had come and gone, a chill had settled, and the air was unnaturally damp and oppressive. The sticky heat of the afternoon had been swept away by a sharp, bone-chilling northern blast that rushed through the city shortly before sunset, bringing unwanted rain and high winds. Threatening clouds, hanging low and thick in the southwest, and distant lightning had warned of continued gloom.

The whole world seemed to shudder that night. But how could you avoid it? After all, human blood is heavy ...

That night should have been the first vibrant blush of wild prairie spring. Oklahoma April! It should have been a time both tranquil and fragrant with the scent of newly blooming iris and daffodils, a peaceful hour that should have carried the fragile perfume of honeysuckle on the prevailing southern breeze. It should have been a night for throwing open the windows after the bundling of winter and drifting sleepily into the late hours on thoughts of starlight and beauty.

But you see, human blood is heavy ...

It had been eighteen hours since the Alfred P. Murrah Federal Building in Oklahoma City had exploded in an instant of carefully orchestrated horror and terror. Already it was evident that deceptions deliberately and meticulously rehearsed were being given their first performances for an unsuspecting, shocked, and numbed audience. Already a multitude of contradictions had been revealed, altered, denied, and disguised. Already a quickly manufactured blanket of disinformation had been thrown over the disaster by players who did not even realize they were performing in the drama. And from some inner place of spiritual strength and personal conviction, I knew that this situation could not be allowed to stand unchallenged. Human blood is heavy; the man that has shed it cannot run away.





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Those words ... Throughout the day, those words had increased in intensity and fervor in my mind, and just then, in that cold darkness between days, I was hearing them at full volume. No longer were they merely the miserable acquiescence of helplessness in the face of so great a trauma and disaster. No longer were they the impotent sigh of hope against hope that someday someone might solve the mystery of who was responsible for these multiple acts of wanton murder. No longer was I content to remain silent and motionless while my homeland became the sacrificial altar and my countrymen the hapless victims in a highly ritualized political execution.

Those words had become my force of will.



There was no contemplative silence that night. For many hours, the atmosphere of my home had been a confused jumble of sounds. Television, local radio, police-scanner reports, and shortwave broadcasts were all simultaneously transmitting the news of the same event. Every available audio cassette deck was in use. Every boombox was recording a different local radio station, isolated in a closed bedroom or closet. The video recorder was rolling tape, preserving information from different visual news sources. The fax machine was in operation, the computer word processor was never far from my fingertips, and always there was the ringing telephone, even into that late and desperate hour.

At that moment, exhausted and shivering in the unseasonable coldness, belting back yet another cup of coffee, I knew that the possibility of sleep was out of the question. I was not so much sleepy as emotionally drained. My husband and I continued working throughout the night and into the next day, planning for an uncertain future and collecting the initial information that would later assist in the separation of truth from the official story.

So much vital and revealing information was broadcast during the first thirty-six hours after the explosions—information that might consist of nothing more than a passing glance at a significant piece of the rubble of the building, a full-face shot that identified an individual walking before the camera who should not have been there, or an unintentionally telling remark made by a witness or an expert. Important audio information was recorded from reports made by eyewitnesses at the scene, much of which would later be vigorously denied by federal officials. Some of that information would vanish completely after the first day, never again to be repeated over the airwaves. In later stages of the investigation some of the witnesses and journalists who broadcast those reports denied ever making the statements that had been recorded in their own voices.

But all of these minute details would have to wait for another day of sorting and careful thought. The important thing at that particular moment was to



stay totally focused on the collection of information of local origination. It required intense concentration due to the large number of sources being recorded simultaneously, but more importantly, it required me to be fully conscious—and my eyes were burning with fatigue. I poured another cup of coffee, cut the bitterness with a generous dollop of milk, stretched long and hard in the hope of forcing wakefulness into my bones, and returned to the living room to monitor the course of events.

The need to focus inwardly and grieve was not to be given rein at this time. The intense desire to shut out the noise and withdraw into my own private haven of safety and security could not be indulged. Human blood is heavy ... and its weight is a call to service.

As a member of the Intelligence Service of the Militia of the Second Continental Army of the Republic, I had a clearly defined duty to perform, the importance of which could not be underestimated. I was sworn upon my sacred oath to “gather by any and all legal and lawful means information from all sources ... [to] provide for the free flow of information to the whole of the People, the Militia of the several States of the Union.” This was my responsibility, and I would perform it to the best of my ability, to my last dying breath.

While tracking the video tapes, flipping the audio cassettes, and monitoring the police scanner with my husband, I reviewed in my mind the fearsome facts of that first day: April 19, 1995.



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## MORE THAN THE WISEST MAN CAN ANSWER

### *April 19, 1995: A Shock to America's Heartland*

I first heard about the explosions that destroyed the Alfred P. Murrah Federal Building while drinking my morning coffee. A friend had telephoned to make certain that my husband was not working in downtown Oklahoma City that Wednesday morning. I assured him that my husband was right there in the house, and asked why he was so concerned. It was then that he told me what had happened. Finding himself unable to adequately describe what had occurred or to answer the barrage of questions I asked, he finally, with an odd resignation in his voice, told me to turn on the television for full coverage of the disaster. He said it was the only way I was going to understand. His utterly serious tone and uncharacteristic speechlessness about the details was enough to alarm me. He encouraged us to pray.

Before the telephone receiver ever left my hand, I called frantically to my husband to quickly turn on the television so we could see what was going on. Rushing into the living room to see for myself, I stopped dead in my tracks at the scene before me. A single glance sent me bounding back to my desk to telephone a report to my commanding officer, William Cooper (See Appendix A).

I knew it was still quite early in Arizona where he lived—two hours earlier than in Oklahoma—but this was a situation of such magnitude and with so many potentially dangerous consequences that I decided not to wait until a more reasonable hour to break the news. I was shaking as I dialed the number. During my telephone conversation my husband continued monitoring the television news reports.

The telephone in Arizona rang only twice, and Mr. Cooper's wife Annie answered. I identified myself, asked for Bill, and told her it was an emergency. In the background I could hear her urgently rousing him from sleep. Bill took the receiver and at first sounded a bit groggy, still half asleep; but the instant he knew what had happened, he became fully alert and gave me his undivided attention. I again identified myself, apologizing for calling so early in the morning, and told him I thought he should know what had occurred here. Much like the friend who had first notified me, I suddenly found myself incapable of fully describing the event. I glanced once more at the pictures on the television screen. How could such gut-wrenching information be conveyed? My shocked mind was going into a verbal shut-down, and after a moment of struggling to find any words at all, I blurted out, "Bill, somebody just blew up the Federal Building in Oklahoma City. The building looks like the whole front of it has been sliced off and a big chunk cut out. A lot of people have been injured and probably many are dead. Just go turn on your TV. Get something on the satellite feed. The coverage is live everywhere." I'm sure I sounded a bit hysterical—I *was* a bit hysterical.

There had been multiple explosions. The video reports of the disaster showed extreme asymmetrical damage: the front of the building, facing north, had been blown outward and at the far east end a large, rounded section of the interior, which had collapsed vertically upon itself, was now nothing more than a confused pile of rubble, dust, debris, and blood two stories high.

At first there were two columns of smoke, one coming from the building, and the other, larger column of black smoke boiled upward from the parking lot across the street on the north side of NW 5<sup>th</sup> Street, where many automobiles were burning. Several eyewitnesses would later report seeing a mushroom cloud of smoke rising from the building. There was not yet any information about the number of dead or injured, only frightened and shocked speculations offered by the news media.

Firefighters were already on the scene, extinguishing the burning cars and initiating the rescue operation. The streets were filling with the dazed and bloodied walking wounded, who staggered out of the rubble of the Federal Building and the wreckage of other damaged buildings in the area.

Friends and relatives of government and civilian workers in the Murrah Building came running from their offices nearby. Some were crying hysterically as they searched for their loved ones; others rushed into the dangerously unstable remains of the building and began extracting the wounded from the shattered concrete and twisted metal. Mothers, weeping and screaming for their children buried inside the building's day-care center, were clawing at law-enforcement officers, who held them back from the dangerous wreckage.

Medical personnel began pouring into the area, and many unnamed civilian heroes joined the medical, police, and fire-rescue workers to save as many of those still living as was humanly possible. The scene on television was graphically tragic and violent, dreadful and compelling. It was painful to watch, yet it was impossible to look away.

All of this information was streaming into my living room as I made my sketchy report to Cooper. At that moment nothing conclusive could be relayed other than that the Alfred P. Murrah Federal Building in Oklahoma City was, quite simply, gone.



PHOTO BY JOHN JENKINS

Murrah Building as photographed from above and behind the damaged roof of the Athenian Restaurant and the Water Resources Board Building. Note shock-wave structural damage to the corner of WRB Building, lower center of the photograph, to the right of the traffic signal.

### *The Building's Namesake*

The Alfred P. Murrah Federal Building, located at 200 NW 5<sup>th</sup> Street, was originally called the GSA Building and was later named for a circuit court judge of distinguished reputation.

Alfred Paul Murrah had been born in Johnston County, Oklahoma, on October 27, 1904. The son of George Washington and Nora (Simmons) Murrah, Alfred received his LL.B. from the University of Oklahoma in 1927. He became a member of the Oklahoma Bar in 1928 and married Agnes Milam on June 29, 1930. Together they had three children: Ann, Paul, and Sue.

During the 1930s, Alfred Murrah was active in Democratic Party politics and helped coordinate the Young Democrats Organization. With his school buddies, Luther Bohannon and Roy Savage (known together as “the Rover Boys”), Murrah helped engineer the triumphal 1936 United States Senate campaign of Joshua Bryan Lee, his former speech professor at the University of Oklahoma.

From 1937 to 1940 Murrah served as a U.S. District Court judge, and in 1940 became a judge for the U.S. Circuit Court of Appeals, 10<sup>th</sup> Judicial Circuit, where he served for many years, later as Chief Judge. He earned his LL.D. from Oklahoma City University in 1954.

In 1947, as one of a three-judge panel ruling on an appeals case, Murrah helped open the doors of Oklahoma University to black students when he ordered that George W. McLaurin, whose law-school application had been denied solely on the basis of race, be allowed to attend classes at the Oklahoma University College of Law.

Always active in civil-rights cases, Murrah found himself again working with his long-time school friend Luther Bohannon, who had become a federal judge in his own right. When the school busing issue came before the courts, it was Judge Bohannon’s ruling that changed Oklahoma City public schools from the neighborhood concept and brought about the policy of busing students to achieve integration and racial balance—a decision that remained controversial for decades.

Judge Murrah, a Methodist, served as a trustee for Southern Methodist University in Texas, and in 1954 received the Distinguished Service Citation from Oklahoma City University and the Hattom W. Summers Award. In his later years he served as the executive director of the administration office of the Federal Judicial Center in Oklahoma City.

Murrah was a member of the American Bar Association, the Oklahoma Bar Association, the Order of the Coif, Lambda Chi, Phi Alpha Delta, and was a 32<sup>nd</sup> Degree Freemason of the Southern Jurisdiction of the Scottish Rite. Murrah passed away in 1975 and is buried in the northwest corner of the Fairlawn Cemetery located at 2700 N. Shartel in Oklahoma City.

### ***The Building’s Occupants and Description***

The building that would eventually bear Murrah’s name had been designed under the direction of James Loftis and had been a joint architectural venture between the firms of Shaw Associates and Locke, Wright and Foster. The structural engineer was Ed Kirkpatrick. The building was designed in the late 1960s and early ’70s, and the ground-breaking ceremony took place in 1974. Construction, completed in March 1977, had taken eighteen months and had cost \$13.2 million. The building was dedicated the following October.

Within the Alfred P. Murrah Federal Building were the offices for the following government agencies and departments:

the Bureau of Alcohol, Tobacco and Firearms [BATF];  
the Defense Department Investigative Service Field Office;  
the Department of the Army Oklahoma City Recruiting Company  
Headquarters;  
the Drug Enforcement Administration [DEA];  
the Federal Employees Credit Union;  
the General Accounting Office [GAO];  
the General Services Administration [GSA];  
the Social Security Administration;  
the U.S. Air Force [USAF];  
the U.S. Customs Service;  
the U.S. Department of Agriculture;  
the U.S. Department of Housing and Urban Development [HUD];  
the U.S. Department Lab;  
the U.S. Department of the Treasury, Secret Service;  
the U.S. Government Department of Transportation, Federal Highway  
Administration;  
the U.S. Government Office of Health and Human Services;  
the U.S. Government Office of Personnel Management;  
the U.S. Labor Department Bureau of Apprenticeship and Training;  
the U.S. Marine Corps Recruiting Station and Officer Selection Office;  
the U.S. Small Business Administration;  
the Veterans Administration [VA];  
the offices of several federal judges; and  
the America's Kids Day Care Center.

Although the Murrah Federal Building was described by the media as a nine-story structure, it actually had thirteen stories—four of which were underground—and included several levels of underground parking. According to James Loftis, head of the building's design team, two-thirds of its square footage was underground. It had 107,000 square feet of office space, 196,000 square feet of storage, and 11,750 square feet of "special space," which included bathrooms and a cafeteria—for a total of 315,000 square feet. Originally, the underground parking garage had been built with a 10,000-gallon gasoline reservoir and pump, but fortunately, the reservoir had been filled with sand.

Following the explosions, all that remained of the exterior, aboveground structure were the shattered east, south, and west walls. The north front wall—a curtain wall constructed primarily of steel-reinforced concrete, glass, and aluminum—had been blown fifty yards to the north across NW 5<sup>th</sup>

Street. The flying rubble had crashed into the south side of the Journal Record Building, falling into a mangled heap piled onto the sidewalk and parking lot.



PHOTO BY JOHN JENKINS

Damage to the southeast corner of the Journal Record Building. Note deformation of heavy steel purlins disposed horizontally across the roof, over the rafters.

### ***The Surrounding Properties***

The Journal Record Building had been constructed in 1923 by the Masonic Temple Building Association of Oklahoma Lodge Number Thirty-Six, and for fourteen years its auditorium played host to many illustrious entertainers. The Masons and the India Temple Shrine used the new Masonic Temple as their principal place of business for seven years until 1930, when both organizations moved to other locations. After the explosions of April 19, 1995, the ornate columns and symbolic temple architecture adorning the east side of the Journal Record Building was all that remained unscathed. The rest of the building, inside and out, was a wreck.

Many of the properties in the immediate vicinity of the Murrah Building had originally been owned by the Oklahoma Masonic Lodge Number Thirty-Six, the India Temple Shrine, the Benevolent and Protective Order of Elks, and the Knights of Columbus. For almost fifty years following the Oklahoma Land Run of 1889, these four organizations had leased, borrowed, bought, and traded the properties among themselves.

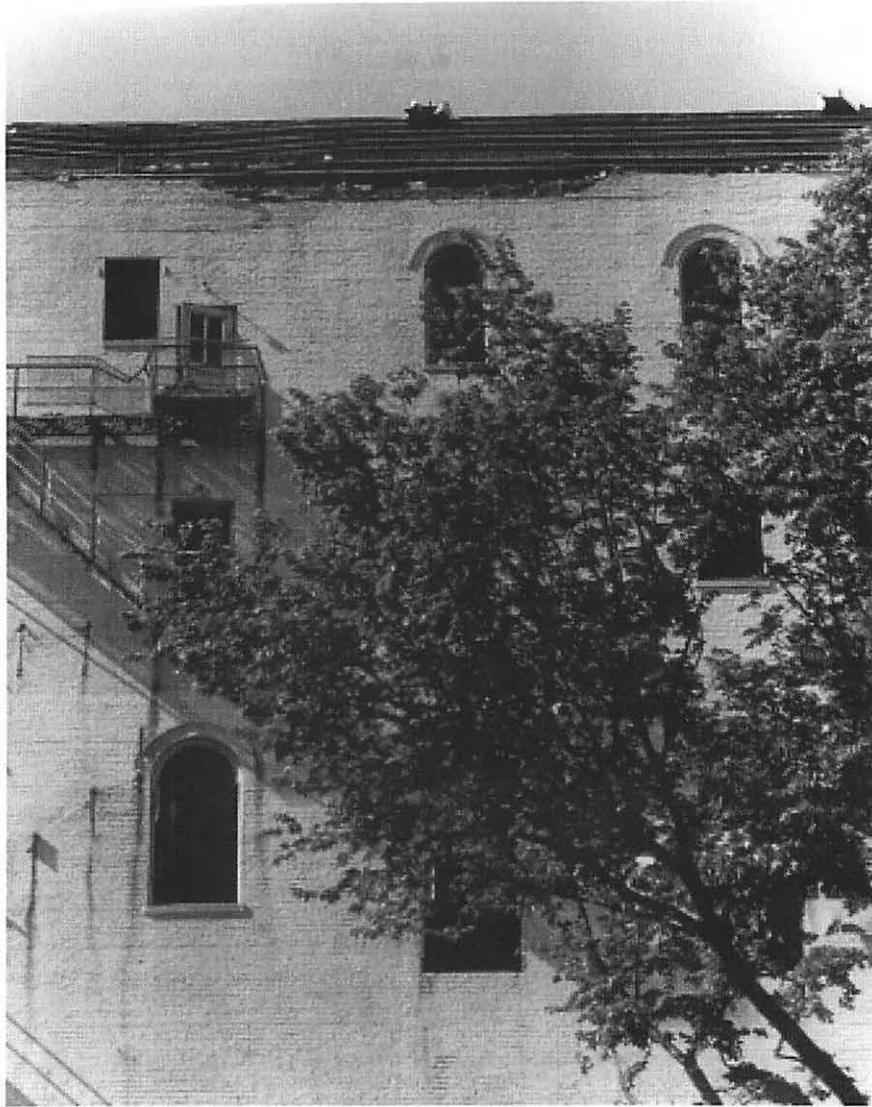


PHOTO BY JOHN JENKINS

South side of the Journal Record Building. The tree in the photograph, now known as the "Survivor Elm," remained leafy and sturdy on the day of the explosion in spite of its scarred trunk and branches. The Survivor Elm was directly in the path of the Murrah Building's flying fascia.

Most of those fraternal organizations lost their downtown property holdings during the Great Depression of the 1930s. These properties included land on which would eventually be built the Myriad Convention Center, the BancFirst Building, the Wright Building, the Kerr McGee Complex, the Colcord Building, the Internal Revenue Service Office Complex, the Federal



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Courthouse Building, the Oklahoma Natural Gas Building, the Oklahoma City City Hall, the Maney Building, the YMCA Parking Annex, Liberty Bank Tower, Trigen of Oklahoma, the White Temple, the Journal Record Building, and the Murrah Building.

In November 1995, as federal prosecutors were preparing the Oklahoma City bombing case, it was discovered that the Murrah Building had been built upon a piece of property known as Block 39. Much mystery still surrounds the property, and as of this writing the issue has not yet been resolved. It seems that the Murrah Building itself was owned by the federal government; however, there was no documentation in any of the real-estate records that indicated that the government had ever taken possession of the land upon which the building stood. In the absence of that vital possession document, it was ruled that both the federal and local governments had concurrent jurisdiction in the case against the men accused of the bombing, and thus murder charges could be brought against the suspects at every court level.

#### *The Outer Damage*

Across the street from the Journal Record Building, the entire side of the Alfred P. Murrah Federal Building was severely damaged, but the west end



PHOTO BY JOHN JENKINS

The Journal Record Building as viewed from the east side. The temple architecture remained relatively undamaged, although windows were broken throughout the building.





PHOTO BY JOHN JENKINS

The Journal Record Building as viewed from the east side. The temple architecture remained relatively undamaged, although windows were broken throughout the building.

was not as structurally devastated as the east end. The outer measurements of the building were approximately 70 feet deep (north to south) by 200 feet long (east to west). In only four portions of the building's interior did the support columns remain standing:

- ❖ A section at the west end that measured approximately 70 feet (north to south) by 40 feet (east to west). This was the single largest interior area still standing.
- ❖ To the east of that section, a middle section of the interior remained that was approximately 35 feet (north to south) by 60 feet (east to west). A section of equal size, which comprised the entire north half of the building, had been blown outward at this location.
- ❖ To the east of the middle section, a portion of the building approximately 60 feet by 60 feet had been gouged out of the structure, leaving only ten feet of flooring material still attached to the south wall.
- ❖ The very small southeast corner section remained standing, measuring approximately 50 feet (north to south) by 20 feet (east to west).

The interior of the building was completely, totally gutted.



As I spoke to Bill Cooper on the telephone the morning of April 19, I could hear Oklahoma City Mayor Ron Norick (See Appendix A) on the television reporting to the media that there had been an estimated 590 workers and possibly another 400 citizens conducting morning business in the building at the time of the explosions. We were suddenly faced with the first speculation of the day: that there might have been almost 1000 people in the Murrah Building when the explosions occurred.

The information being reported was so horrific as to be unbelievable. This sort of event happened in places like Beirut, Lima, Bogota, or New York City—anywhere but here. Like everyone else, I felt totally out of my element. This could not have happened in Oklahoma—in my state, in my city.

I felt myself hovering near panic. Thousands of possible imminent scenarios were passing through my mind. It seemed to me a foregone conclusion that before the day was over, martial law would be declared. What would that mean in the practical reality of daily living? Having no information yet about possible suspects, but knowing that escalating terrorism and inner-city violence had long been used to manipulate the American people politically, the immediate future looked very bleak indeed. I was uncertain what plan of action to take in response to the bombing, and that indecisiveness had a paralyzing effect upon my thinking.

Cooper calmly took matters in hand and brought some focus to the situation. I was instructed to try to find out what was going on. That sounded simple enough, and I thought my husband and I would be able to assemble some kind of a report on the situation before the day was through. I told Bill we would do our best and I would get back to him late in the afternoon. But as the day progressed, my husband and I discovered that it was going to be a far more complex assignment than we could have ever imagined.

### *Initial Suspicions of Middle East Terrorism*

As Cooper and I conversed, my husband reported that former Oklahoma Congressman Dave McCurdy was speaking via telephone to KWTN Channel 9 news anchors Kelly Ogle and Jenifer Reynolds. Although the bombing had just occurred, McCurdy was already certain that Islamic fundamentalists were the parties responsible for the tragedy.

McCurdy stated that there was a “false sense of security in the heartland” that made it more vulnerable to terrorist attack. He further remarked that a “lax security environment” existed in places like Oklahoma City and that terrorists “operate more freely in that environment.” Using his position as former Chairman of the House Intelligence Committee as his foundation for expertise, McCurdy said he was aware that “extreme radical supporters of terrorism in the Middle East” had spoken to groups in Oklahoma City, and stated that he believed that Islamic fundamentalist involvement was “a very real possibility.”

Having just impugned those of Middle Eastern descent specifically and Muslims generally, without any evidence whatsoever of their participation in this disaster, McCurdy further speculated that the bombing might otherwise have been the work of "some extreme, right-wing militant anti-government" group. His reasoning centered on the fact that Wednesday, April 19, was the second anniversary of the government raid on the Branch Davidian church in Waco, Texas.

Dave McCurdy was not the only official personage offering public speculation and innuendo. U.S. Congresswoman Ileana Ros-Lehtinen from Miami, Florida, told the press that she had notified the FBI of testimony before her subcommittee in Washington. She stated that Steven Emerson, who had produced the PBS documentary entitled "Jihad in America," had described witnessing a meeting in Oklahoma City attended by 3000 "Islamic fundamentalists."

According to Lehtinen's press conference, Emerson had testified that a "militant Islamic leader based in Pakistan," Kamal Kelbawi, had addressed the group, saying, "O brothers, the Palestine cause is not a conflict of borders and land only. It is not even a conflict over human ideology. And not over peace. Rather it is an absolute clash of civilizations, between truth and falsehood, between two conducts: one satanic, headed by Jews and their conspirators; and the other religious, carried by Hamas, the Islamic people in general, and the Islamic movement in particular." Emerson's PBS special had aired on educational television in November 1994.

This thirdhand information, in tandem with Dave McCurdy's secondhand information, was used by the media to fuel anti-Islamic sentiment that would endanger the lives of respectable citizens and result in at least one death in the Islamic community before the madness changed direction and fingers began pointing at other bombing suspects.

A warning light went off in my head as I felt the wheels of the national propaganda machine beginning to roll into motion. It was going to be a day of rumor and speculation, and it would be critical to keep track of what was said, when it was said, by whom, to whom, and to what it was responding. One thing was certain: the Middle East rumors were originating with the Washington bureaucrats.

Later reports of Middle Eastern participants were obtained by the news media from eyewitnesses in the downtown area. However, by that time the government and federal law-enforcement agencies had targeted American patriot groups, vigorously denying all of the rumors they had previously encouraged. Additionally, some of the witnesses who had seen men of Middle Eastern appearance in the area of the Murrah Building on the morning of April 19 stated that they had been threatened and harassed by federal law-enforcement agents to keep quiet and say nothing about what they had seen.

That persons of Middle Eastern appearance were observed in the area was not surprising. As the evidence began to pile up, it was apparent that these men were deliberately in place and were intended to be seen by the public. It also became clear that they were not acting on the instructions of some Muslim fundamentalist terrorist leader or group, but were under the direction and control of federal agencies who had planned a sting operation for the night of April 18 that had gone tragically awry. It was also never established that these men who were meant to be seen were Middle Eastern nationals; they were probably American citizens of Middle Eastern descent.

Bill Cooper had warned me to observe a pattern that would soon emerge. He predicted that Islamic fundamentalists would initially be blamed for the disaster, but that within a few days charges would be leveled against militia groups in the United States. I filed that information into the back of my mind for future reference.

In only fifty-one hours Cooper's prediction came to pass, and by that time I fully understood how he could anticipate it so accurately. By then the disinformation campaign was in full swing. Evidence of a major cover-up by federal authorities was already well-documented and obvious to anyone who could break through the mass hysteria produced by the media's bombardment of the public consciousness. It was going to be treacherously difficult to keep one's footing on firm, logical ground in the face of what occurred over the following days.

In the meantime, Ms. Lee Evans of KFOR Channel 4 Television received a telephone call at 9:45 a.m. from an unidentified male who claimed to be a member of the Nation of Islam. The caller stated that the Nation of Islam claimed responsibility for the bombing and that such a thing could happen again in other buildings in the area. The caller immediately hung up.

Ms. Evans contacted the Nation of Islam headquarters in Chicago, Illinois, hoping to speak with Minister Louis Farrakhan to ask him to confirm or deny the claim. She was told by Nation of Islam representatives that the organization would hold a press conference in the afternoon to comment on the matter, but at that time they had nothing to say in response.

Later that afternoon, shortly before 2:30 p.m., the Nation of Islam national headquarters released a statement denying any involvement in the Oklahoma City bombing, saying, "Nation of Islam officials emphatically deny any connection with the terrible act and, along with the entire country, pray for the success of public officials, rescue workers, and all those working to save lives and property." The Chicago headquarters announced that an official press conference would be held at 3:00 p.m., and further statements would be made at that time. That press conference was not broadcast in the Oklahoma City area.

The rumors, claims, counterclaims, and denials about Middle Eastern perpetrators continued at full strength for two-and-a-half days and would later

reappear as other “independent” investigations (directed by the local news media) got under way. Only once was any effort made by the news media to discern and publicize the difference between the Nation of Islam and the Middle Eastern practitioners of the Islamic religion. That there was a substantial difference between the two groups—to say nothing of the differences between Muslims and Muslim fundamentalists—was never fully explained to the public. The general public was thus encouraged to believe they were all the same thing, and this ignorant and prejudicial view caused great tension in the Islamic communities of Oklahoma City, Norman, and Edmond.

Dr. M.A. Shakir, a cardiologist and president of the American Muslim Association in Oklahoma City, addressed the situation in the newspapers. He had spent hours working at the bomb site helping the rescuers and providing treatment to the injured. Dr. Shakir’s wife, an anesthesiologist at St. Anthony Hospital, had worked a seven-hour shift aiding the wounded until the hospital began to send medical personnel home when it became apparent that there were going to be few if any additional survivors. Said Dr. Shakir, “There is an element of concern in the [Muslim] community—until they find whoever did it—that there might be a backlash. As a doctor, as a parent, I can feel the tragedy. Nobody in the Muslim association in any way condones the crime, and everyone hopes the criminals, whoever they are, will be punished.”

The media was asked to remain objective and calm and to act with restraint. In the late afternoon Ibrahim Hooper, National Communications Director for the Council on American-Islamic Relations in Washington, D.C., stated that the possibility of a Middle Eastern suspect did not mean that the suspect was necessarily a Muslim.

“This is what happens in these situations,” Hooper said. “But there are no suspects. Why people jump to those conclusions that this was done by Muslims, I don’t know. The thing is, members of the Muslim community hesitate to even discuss this because even in condemning it, we’re associating ourselves with it.”

The Council on American-Islamic Relations, in conjunction with other American Muslim groups, issued a formal statement condemning the bombing attack as “a criminal and immoral act.” The statement also said, “To link this attack with the religion of Islam places millions of responsible American Muslims at risk.” The sentiment of most Muslims in the Oklahoma City area was summed up by one gentleman who asked to remain anonymous for fear of retaliation: “We are just like any other Americans here. We condemn it as much as anybody else.”

That there are people of Middle Eastern descent in the Oklahoma City area should not have come as a surprise to anyone. There is a large, peaceful, and well-respected Middle Eastern Islamic population in the metropolitan area,

estimated at from 6,000 to 10,000 people. For at least two decades the University of Oklahoma in Norman had attracted large numbers of students from the Middle East because of its excellent petroleum engineering and land-management degree programs. The Oklahoma City area was home to many wonderful business and professional people of Middle Eastern descent, and the city of Edmond, located fifteen miles north of Oklahoma City, had recently erected a mosque in which Islamic worshippers practiced their religion.

The aspersions cast upon those from the Middle East—all of whom were automatically and incorrectly assumed to be of the Islamic faith—were racist, prejudicial, and predictable. Many local citizens assumed that, given the violent nature of the war in the Middle East and the terrorist bombing of the World Trade Center in New York City, it was only logical that Muslim fundamentalists must have been responsible for the bombing in Oklahoma City as well.

During the broadcast of *ABC World News Now*, John McWethy, reporting from the Pentagon, speculated: "The fact that it was such a powerful bomb in Oklahoma City immediately drew investigators to consider deadly parallels that all have roots in the Middle East. The car bomb has been a weapon of choice there for decades, and in recent years the skillful bomb makers have exported their skills and often their extremist hatreds all over the world. The first horrible evidence of that in the United States was the World Trade Center bombing in 1993."

Few local people, if any, realized that court documents filed in May following the World Trade Center event revealed that the Federal Bureau of Investigation had been implicated in the World Trade Center bombing; that it had supervised the building of the bomb; that it had planned and directed the event; and that an FBI employee even instructed accused bomber Mohammed Salameh how to drive the infamous Ryder rental van two days before the explosion occurred.

In addition to the court documents, the *New York Times* and the *Los Angeles Times* had published transcripts of tapes made between an FBI informant and his federal government handlers that clearly documented and demonstrated the degree of involvement of the FBI in the World Trade Center Bombing—a disaster designed to achieve a specific political end.

That the manipulated suspects in the New York tragedy were of Middle Eastern descent and were considered "Islamic fundamentalists" was very convenient indeed for providing ready-made scapegoats in the Oklahoma City bombing. A similar and at times identical scenario would play itself out in the local and federal investigations that followed.

### ***The Evidence of Multiple Explosions***

The rumors of Middle East terrorists were but the first of many speculations and false assumptions that would rule the day. Of even greater import were

the rumors that only one explosion had occurred on the morning of April 19. There has always been an overwhelming amount of direct evidence indicating multiple blasts, but for some reason federal officials denied then—and continue to deny today—that more than one explosion occurred.

The first call for help was received by the Oklahoma City Fire Department within three seconds of the blasts. The emergency tapes reveal that the initial report described more than one explosion: "We have a large column of smoke to the south of this address ... we just heard some loud explosions ... ."

The earliest eyewitness reports of the bombing indicated that people had heard the sounds of two distinct and separate explosions. Evidence would later indicate that there had actually been several explosions, occurring so closely in time as to sound to the ear like one detonation, in conjunction with the detonation of the cover-up bomb—the proverbial yellow Ryder rental truck supposedly filled with many blue 55-gallon barrels of ammonium nitrate fertilizer mixed with fuel oil. To the ears of witnesses within a few miles of the scene, there were unmistakably two concussions followed by the long, low rumbling of the collapse of the Murrah Federal Building.

Brett Wooley, who lives approximately three miles northwest of the Murrah Building, was in his front yard working on his car and listening to his scanner radio at the time of the explosions. He reported hearing two very loud "staccato-like" explosions separated in time by five to eight seconds and followed by "a long, diminishing rumbling sound, like rolling thunder and lower in pitch than the two explosions."

Mr. Wooley stated that he first thought that the railroad cars at NW 36<sup>th</sup> Street and Broadway Extension had blown up or that a natural gas explosion had occurred. Immediately thereafter, he reported the scanner radio "went nuts" as rescue workers began arriving at the scene.

Jim Ferguson, one of the assistant building managers and the electrician and air-conditioning foreman for the Murrah Building, stated, "Everyone in town, everybody who was there, knows there were two blasts." At the time of the explosions he was in an office at the U.S. Federal Courthouse just south of the Murrah Building. He firmly declares that he heard two distinct and separate explosions.

Mr. Ferguson's wife was shopping a mile and a half away when the explosions occurred. She reported hearing two blasts about five to eight seconds apart and said she saw two separate clouds of dust and smoke rising from the building.

Two blocks from the Murrah Building, P. G. Wilson had been starting his day's work at the Investors Capital Building when the explosions occurred. He said, "The walls seemed to bulge out as if pulled by a strong wind, and debris fell from the ceiling and walls. A second explosion came after the

first one and shards of glass began flying in the office. The office employees ran from inside the building. The odor of sulphur was very strong.”

Two attorneys with offices in downtown Oklahoma City were both dictating correspondence at the time of the explosions. The taped records of the two explosive events and the rumbling of the collapse of the Murrah Building are clearly discernible on their audio cassettes.

Michael Hinton lived in the YMCA building located a half-block diagonally northeast of the Murrah Building. He was standing on the corner of NW 5<sup>th</sup> Street at 8:50 a.m. on the morning of April 19. Because he had missed the first bus that would have taken him to work, Hinton ran east another block to the corner of Broadway to catch another bus at 8:55 a.m. He remarked how thankful he was that he had chosen to catch the Broadway bus. His initial thought had been to catch the 9:05 a.m. bus that stopped directly in front of the Murrah Federal Building.

After boarding the Broadway bus, Mr. Hinton seated himself next to the bus driver and rode to the transfer terminal to connect with the bus he would take to the State Capitol. He stated: “I had just climbed aboard the bus and sat down when I heard this very violent rumble under the bus. It was a pushing-type motion. It actually raised that bus up on its side. About six or seven seconds later, another one which was more violent than the first pushed the bus again, and I thought the second time the bus was going to turn over.”

The driver threw the bus into gear and beat a hasty retreat from the area. The passengers on the bus, all of whom distinctly heard and felt the two explosions, learned later that the Federal Building had been destroyed as they saw the streets filling with emergency vehicles.

Just prior to the explosions, a staff meeting was under way at the Oklahoma Water Resources Board Building located on NW 5<sup>th</sup> Street opposite the westernmost front of the Murrah Building. The audio tape of the staff meeting clearly recorded two separate explosions, the rumbling collapse of the building, and the panicked escape of the staff employees as they picked their way through the falling ceilings, flying glass, and collapsing walls of their building.

Lt. Col. George Wallace had had much experience with explosives. He had served in Vietnam and was a retired Air Force fighter pilot with twenty-six years in the service. From his home nine miles northwest of the Federal Building, Wallace was pouring a cup of coffee when “I saw it jiggle and shake. I immediately ran outside.” As an experienced combat pilot, he stated that the explosions sounded like a succession of bombs being dropped in the distance—an unmistakable sound he had heard often in Vietnam.

Dr. Charles J. Mankin (See Appendix A) of the Oklahoma Geological Survey located in the Sarkeys Energy Building on the University of Oklahoma

campus in Norman, Oklahoma, granted an extensive interview about the interpretation of the seismic records of the events. Dr. Mankin stated, "We had originally heard there were two [explosions]. That was what came over the radio. And so when we heard there were two and we saw these two events [on the seismic record], the logical conclusion was to say, well, the first one looks about right for the time, and so apparently the second one relates to the second blast. That was a hell of a blast! (See Appendix B.)

"All I can tell you is that there were two events. They look very similar. We've done every analysis we can think of. We know it's not the air blast. There's no question about that. The time is dead wrong. Everybody is agreed to that. While we can't rule out a refraction [an echo], everybody that has looked at the signal has said a refraction would really be strange because there's absolutely no loss of energy in the recorded seismic signal. The second event has the same amplitude as the first. So if you get a refraction—like an echo off of a building—a refracted wave, you're going to have a loss of energy. You'll lose a part of the energy in the process. And so the fact that the two events are of equal intensity suggests ... well, that makes it difficult.

"Secondly, the arrival time is wrong for a refracted wave. You're going to have to take it [the refraction] off the mantle or off of basement rocks or something. The problem with the shallow section of the earth's crust between here and Oklahoma City is that we've got a pile of rather discontinuous sandstone and shale, a big delta called the Garber Delta. That's where we get our water. It's a big delta consisting of channels of sand that go from east to west, and they're irregularly scattered through this pile of material. There aren't coherent layers from which you could get a reflection until you get some depth. And if you try to calculate the travel time down and back up, the time is wrong, and it still wouldn't be the same intensity.

"So we've ruled out reflections, refractions, and the air blast. The thing I can't rule out is that there could have fortuitously been an earthquake somewhere. But we didn't pick up anything like an earthquake. So we determined it was a local phenomenon. From an earthquake, you pick up surface waves some distance away.

"But here, we knew the building was blasted. We knew where it was. We had the seismometer. We got this record and said, Okay, if it was this building, then this first event would have occurred at 9:02 plus some seconds. And if you look at the signal, it looks very much like a quarry blast, very much like some of the information you would expect. So our interpretation of this event is that these signals on the seismic record are the building being blown up.

"Now, that interpretation was confirmed in an indirect way by the Omniplex seismometer sitting up in Oklahoma City. It picked up two events. Unfortunately, their clock was malfunctioning so we couldn't get an

absolute [time] number. But we saw the two events on our seismogram, and we saw the two events on their seismogram. We said, the Omniplex was closer to the event, so it should have higher amplitude. It did. There should be two events if we are both recording the same thing. The Omniplex had two events and we had two events. We determined that these two records of these two events corroborate our interpretation that there were two explosions.”

Although we did not realize it at the time, the witnesses who reported hearing two separate explosions would not be heard from again that day or for many days to come. When their stories began to be told weeks later, few would be willing to allow their names to be used for fear of government harassment. Their stories were, for some unknown reason, being discounted or completely suppressed. None of the witnesses who had initially told radio news reporters of hearing two explosions were ever interviewed a second time. No account of the two explosions was recorded in the newspapers that hit the stands later that Wednesday afternoon. None of the newspapers published the next morning mentioned two explosions. As far as the mainstream media was concerned, only one explosion occurred. In daily press conferences the representatives of the media were told by federal officials what to say and how to explain the event to the public, and the media obeyed.

Taking it a step further, approximately two months after the bombing, ABC National News claimed that it had just acquired the audio tape from the staff meeting at the Oklahoma Water Resources Board building, and a heavily edited version was aired on television. The televised version of the tape revealed only the first explosion, followed by very poorly executed and obvious audio edits leading directly to the panic-stricken escape section of the tape. The sounds of the second explosion and the collapse of the Murrah Building had been completely removed from the televised version of the Water Resources Board tape! One must assume that the sloppy editing had been done under the direction of ABC News. One has to ask: who ordered ABC News to edit the tape prior to national broadcast, and why was it so important to remove all evidence of the secondary explosion? Who or what was being protected by those audio edits? Why was the evidence being altered?

The nature of the injuries that resulted from the bombing, the bodies of the dead, and the remains of the building itself all told a story that contradicted the official reports. Those official reports began taking over the airwaves by the afternoon of the day of the bombing. The building had been destroyed from both within and without. The fact that the entire north face of the Murrah Building had been blown fifty yards away to smash into the Journal Record Building was the clearest indication that at least one explosion must have occurred within the building itself.

The children in the second-floor day-care center had been eating breakfast at the side of the room at approximately 9:00 a.m. The north wall of the day-care center, which faced NW 5<sup>th</sup> Street, had been blown outward, and the inner wall that buried the children had also been blown outward from the inside of the building, crushing them where they sat at the breakfast table.

Later in the investigation, the spokesman for the Medical Examiner's Office, Ray Blakeney, would report that the bodies of some victims had been blown outward from the building through concrete walls and into the street.

One rescue worker on the scene commented about the instability of the building. Oklahoma Highway Patrol Trooper Kyle Greenfield left the building, saying, "That building could go at any minute. It's totally shook off its foundation." But the building stretched four stories deep into the earth. A single car bomb located fifteen to twenty feet from the building at street level would not have greatly affected the underground structure. Only explosive devices placed *within* the building on the support columns could have shaken the building from its underground foundation.

Jim Hargrove worked in the office of the Inspector General for the U.S. Department of Health and Human Services. His office was located on the south side of the building. Mr. Hargrove said, "The most disconcerting thing about my office is, there is an office to the right of me and an office to the left of me, and after the explosion there was just nothing there. It was bare. I looked out from my office, which was on the south side, and normally I couldn't see anything except the other offices, and there was nothing there at all. No offices. Instead, I could see my car out in the parking lot on fire. We tied curtains together and lowered ourselves through the window of the third floor to escape."

Something was terribly wrong with the big picture. If the bomb had been in the street, why wasn't the front of the building blown *into* the building? Why was the damage so asymmetrical? Why was so much of the building destroyed? Why had the columns in the building collapsed vertically, as if they had been sliced away from the foundation?

Within a few hours of the event, members of the news media suddenly began stressing, with much repetition, that there had been only one explosion. They all stated too emphatically too many times that the one explosion alone had done all of the damage that we were seeing on television.

I silently wondered about these strange contradictions. I wondered why the media had stopped airing the interviews of the witnesses who had heard two explosions, who had seen two pillars of smoke, who had felt two concussions. Right before my very eyes, within only a few hours after the explosions, the official story of the event was being carefully crafted,



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cautiously molded, and delicately manipulated away from the testimony of witnesses to become something else entirely—some fiction that had virtually nothing to do with what had actually occurred. I wondered who was doing it and why. But most of all, I wondered why no one else seemed to be asking any questions.

*Examinations are formidable even to the best prepared,  
for the greatest fool may ask  
more than the wisest man can answer.*

— Charles Caleb Colton  
*Lacon, 1825*





## ONE VERY LONG MOMENT

### *The Immediate Response*

Barely an hour had passed since the explosions. The television stations were endlessly rerunning the aerial shots of the Federal Building taken moments after the bombing by video cameras mounted in their helicopters. Anchor-desk personnel tried in vain to find the appropriate words to explain to the viewing public what had happened. But on the scanner radios there was no poetic explanation, no Pulitzer prize-winning prose. There was no one to translate the information coming across that medium, and there was no way to wrap the event in a nice newsroom package. It was raw, and it was happening right then.

The first call for emergency help had been received by the Oklahoma City Fire Department three seconds after the explosions: "We have a large column of smoke to the south of this address ... we just heard some loud explosions ... " Within seconds of that call for assistance, reports of injuries at the scene began pouring over the scanner. "We have several injuries downtown on an explosion at the YMCA on 5<sup>th</sup> ... there's injuries all over the place downtown ... "

Oklahoma City firefighter Monte Baxter, arriving at the disaster at 9:03 a.m., was the first fireman on the scene. He radioed back to fire department headquarters, "This explosion is at the corner of 5<sup>th</sup> Street and Robinson ... we have multiple injuries." Other fire trucks began to arrive, driving into the dense black smoke. From the scanner we heard, "We need to get a pumper over here on Robinson. We could put out these car fires and cut down on your black smoke a little bit."

As one group of firefighters concentrated on putting out the fires in the parking lot across the street from the Murrah Building, others began trying to assess the number and nature of the injuries. Said Sgt. Eric Thompson, "There were people crawling, just stumbling out to the street. Several people were bleeding. There was debris everywhere. There was still stuff falling out of the air."

Within minutes medical personnel began arriving at the scene in great numbers. Paramedic Mark Robinson stated, "I and my partner and five other paramedics in plainclothes all piled in the back of one of the ambulances at headquarters and we headed down to the scene immediately."

Many medics came rushing from area hospitals, some drove downtown from their homes, and some drove miles from out of town to assist in any way possible. One hospital later reported receiving telephone calls from as far away as Illinois, asking if any additional help was needed. Within the first hour, volunteers had arrived at all Oklahoma City hospitals in such great numbers that there was a doctor available for every injured person needing treatment and at least one nurse, sometimes two or more, to assist every doctor.

Upon arriving at the bomb site, emergency medical technician Scott Moore stated, "We were immediately swarmed by about twenty or thirty people, all with lacerations to the face. Some had chest injuries, some were pale, apparently in shock, all saying, 'Can you do something?' and 'Can you help us?'"

Within those early moments the scope of the disaster became apparent from the scanner reports: "We're reporting multiple incidents inside the county courthouse and the YMCA building. Mass-casualty incident at that location over a six-block area. We're not sure what the center of the explosion was at this time."

At 9:08 a.m. witnesses monitoring the scanners knew exactly where this disaster had occurred, and from that source the news media went into action informing the world. The words of the firefighter reporting what he saw sent waves of shock through everyone listening: "The whole front of the Federal Building is gone, all floors to the roof!"

The blasts had not only devastated the Murrah Federal Building, but had also destroyed cars, tossed a tractor-trailer rig through a fence, crushed brick walls, collapsed smaller concrete buildings in the area, caused foundations to shift in the larger buildings nearby, and shattered windows for miles around. Eventually, many other buildings in the area would be searched for possible victims and assessed for structural damage. The final toll of damaged buildings would exceed 200.

Responding to the urgent requests for assistance, the Norman Police Department sent two medical crews of six people along with Captain Phil

Cotten and the Emergency Medical Service Disaster Bus, which could be used as a triage center capable of treating a large number of injured. The Disaster Bus was then stationed at the corner of NW 6<sup>th</sup> and Robinson Street to handle triage from that location.

The purpose of a triage station in a mass-casualty incident is to sort the merely injured from the dying and the dead, to prioritize the needs for medical treatment. Scott Moore explained the triage function in more detail: "The unresponsive patients, the patients with mortal injuries like the tracheal lacerations, the woman with the portion of the filing cabinet impaled into her chest, still stuck there—those people went out first. Ones that had severe injuries were set in another section. They were also laying down. Then we had a section for the walking wounded. Those were the people there that had glass cuts that looked severe but really weren't severe."

Said paramedic Don Carter, "We couldn't tie up our complete attention for those that were still able to walk. There were more critical patients that needed our attention that were either unconscious or couldn't walk due to their injuries."

Calls for medical help dominated the scanner traffic: "We've got a lot of victims here at ... what the hell is that? ... Sixth and Robinson ... "

"I'm at 5<sup>th</sup> and Harvey. We've got quite a few injured right here. We need some help."

"I need at least three ambulances at the corner of 5<sup>th</sup> and Hudson. I've got three patients that are in critical condition ... "

"We've got about four or five criticals right now and about a hundred walking wounded."

"We've got two critical at 10<sup>th</sup> and Hudson. We need a unit."

"I'm at 4<sup>th</sup> and Harvey. I need a hospital. I've got one critical head and eye."

"We're getting ready to depart. We've got two critical and one walking wounded. Can you advise which hospital?"

"We're starting to run into equipment shortages. The squad that is stationed at Station One, have them gather up the medical supplies and run down to NW 5<sup>th</sup> and Robinson."

Norman Regional Hospital sent fifteen medical staff members and many supplies to aid in the rescue operation. Paramedic instructors from the Moore-Norman Vocational Technical Center coordinated the staffing of the EMS Disaster Bus. Said one medical technician, "We had approximately fifteen to twenty people laying on the ground with various types of injuries. There was enough blood covering each person that I didn't know who was injured and who wasn't injured. You literally just had to go up and ask them, 'Are you hurt?'"

Additional triage units were quickly established on the east and south sides of the Murrah Building, often moving from place to place wherever triage was needed at the time. The Old Post Office Building located south of the Federal Courthouse on Dean A. McGee Street was transformed into a temporary hospital.

Television cameras captured the scene of a double line of fourteen ambulances removing the injured. In the early moments after the explosions, ambulance service provider EMSA had requested that the Norman ambulances provide coverage to the Moore and South Oklahoma City areas. But within a half-hour of making that request, EMSA summoned all available ambulances in the surrounding metropolitan areas to the scene of the disaster.

When all of the statistics were compiled several months later, we learned that there had been 66 emergency medical units involved in the rescue operation: 34 from Oklahoma City, 29 from Mutual Aid (surrounding communities), and 3 from Tulsa. The number of people transported by these medical units was 215: 95 by EMSA, 44 by Mutual Aid, and 76 by other means (bus or police vehicle). An unknown number of patients were transported by private civilian vehicles.

Two command units were on the scene within two minutes of the explosions, and three life-support units were placed on twenty-four-hour standby. The response to the bombing utilized 165 EMSA employees, and the helicopters involved in the rescue operation came from Mediflight Oklahoma and Fort Sill MAST Flights.

Other emergency medical service agencies involved in the rescue operations came from Anadarko, Ardmore, Carnegie, McClain County, Purcell, Sinor, Stephens County, Stillwater, Watonga, Wellston, Empact EMS, EMSA Eastern Division, Life EMS, and Lifesat EMs.

Emergency personnel associated with EMS agencies were supplemented by more than twice as many medically trained volunteers who assisted in the rescue operation. In spite of the fact that their numbers can be estimated but not accurately calculated, their service was needed, appreciated, and invaluable.

We will also never know how many of the injured were taken to area hospitals in the vehicles of private civilians. A large number of emergency vehicles was available at the scene, but the number of injured far exceeded the capacity of those vehicles. Without the willingness of private citizens to transport the wounded to area hospitals in their own cars, trucks, or vans, the death toll might have been much greater. That willingness of heart to serve in whatever capacity needed made the difference between life and death for many of the injured.

Within the first hour after the bombing, St. Anthony Hospital sent out an emergency call for blood and requested that all off-duty medical employees

report to the hospital. Similar calls for medical personnel went out from all metro-area hospitals. It was called Condition Black—a state of total emergency that required every available medic to be on hand in a state of readiness.

The Cleveland County (Norman) Red Cross announced that the disaster had placed a tremendous drain on the blood supply, and asked everyone who was at least seventeen years old, in good health, and who weighed at least 110 pounds to come to the Red Cross Blood Center at Max Westheimer Air Field, located in north-central Norman. Within thirty minutes of the announcement, the Blood Donation Center was overwhelmed with donors. The parking lot was filled to capacity and cars were parked for hundreds of yards along the roadway and in the grassy fields surrounding the Center.

Within two hours the Norman Red Cross announced that they could take no further donors at the Westheimer location because the response to the call had been so generous. A secondary blood donation center was hastily set up on Haley Drive near the University of Oklahoma campus in the Delta Gamma House. It also rapidly filled to capacity with volunteer donors.

The Oklahoma Blood Institute's Sylvia N. Goldman Center, located within five miles of the Murrah Building, put out a call for donors. Within minutes its parking lot was filled and cars were parked on the street, on the sidewalks, in the center medians of the roadway, and on the grass for blocks surrounding the Blood Institute, creating an incredible tangle of traffic in the downtown area. The line of donors quickly filled the lobby and spilled onto the lawn.

In order to accommodate the number of blood donors, secondary donor centers were set up at the nearby Clarion Hotel and at Tinker Air Force Base. Soon word came that the University Hospital Mobile Blood Donation Unit was filled to capacity. The Edmond Blood Institute north of Oklahoma City was also full and secondary sites were established in that community to accommodate donors.

For the volunteer donors waiting in line, some of whom waited for many hours, it was all they could do to help. Everyone wanted to assist in some way, and the public response to the calls for blood was instant and overwhelming.

The Red Cross set up a large supply depot and triage unit in the Oklahoma Publishing Company warehouse located at NW 5<sup>th</sup> and Oklahoma Street. As the rescue operation progressed, this warehouse would also serve first as a triage unit and later as a temporary morgue. There were 250 Red Cross volunteers dispatched and another 200 who signed up for relief duty.

Also arriving at the Red Cross supply depot were many uniformed men and women from Tinker Air Force Base's 38<sup>th</sup> Engineering Installation Wing Headquarters, which specializes in communications. They had come to assist in coordinating the communications between the different medical



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units on the scene, law-enforcement personnel, firefighters, and the other specialized rescue teams that were arriving.

Dozens of counselors, psychologists, mental-health workers, ministers, and priests arrived to aid the wounded and to comfort and counsel the family members who had loved ones trapped inside the Murrah Building. Later in the day, specialized counseling (called Critical-Incident Stress Debriefing) was made immediately available for every worker who came out of the Murrah Building because of the extremely disturbing and emotionally wrenching situation with which these rescuers were confronted.

Food and supplies donated by the public began pouring into the Red Cross depot in such quantities that storage space was at a premium. The Red Cross issued an announcement that they would ask for specific items when it was known exactly what was needed, and graciously asked the generous public to wait before driving into the downtown area. Traffic for miles around the blast site was at a complete standstill at that moment, and it was too early to know what more was going to be required. Everyone was urgently searching for some way to help, and the only way to know what was needed was to stay tuned to the television and the local news radio stations.

The scenes on television were extremely graphic, raw, and, for the most part, unedited. Time and again viewers were warned about the explicit, violent nature of the broadcasts for the sake of any children who might become upset by what they saw. That warning could have been issued for viewers of any age or experience. We were seeing a bloodbath. As one news anchorman defined it: "This is a disaster of international proportions."

The people who came stumbling out of the ruins of the buildings had had their clothing torn off or ripped to shreds by flying glass. One man removed his own clothing to cover a bleeding victim lying in shock on a stretcher in the street. A rescue volunteer who ran to the scene from the Kerr-McGee Corporation complex wrapped a small boy in his own dress shirt and stayed with the child, warming him and speaking tenderly to him, until the child could be transported to a local hospital for treatment. U.S. District Judge Gary Purcell, who had come running from his courtroom in the Federal Courthouse behind the Murrah Building, wrapped one of the injured in his judge's robe.

The walking wounded carried the more seriously injured out of area buildings, often assisted by unknown civilian volunteers. Two men carried a woman with a profusely bleeding leg wound to volunteer medics by using an office chair as a litter. Other civilians loaded the injured into their own cars or laid them in the beds of pickup trucks to transport them to area hospitals.

So many volunteers helped so many victims. Some of the injured would never know the names of the persons who helped save their lives; some



would later be reunited with their rescuers and, with grateful tears, embrace one another as if they were family members meeting after many years' absence. A volunteer carrying a small boy to the medics for treatment was asked by a television reporter, "Do you know who that is you are carrying?" He replied, "No."

That was so often the story. Those who could walk helped those who could not, and this selfless gift of assistance to strangers was given over and over again by hundreds of people throughout the morning. It was simply the right thing to do, and no one ever gave it a second thought.

Reporters from every local media source had converged on the area, collecting curb-side interviews with victims, civilian volunteers, local business owners, rescue workers, hospital personnel, and later, from federal officials. It would be midafternoon before members of the national news media descended on Oklahoma City in droves. During the earliest hours of coverage, the local media struggled to convey to the rest of the world the scope of the disaster that had occurred in our capital city, in what would be forever after called "the Heartland."

To the television audience, the sight of the Murrah Building defied description, but the details of the experience and the aftermath were unimaginable. Gradually, the accounts of the survivors and eyewitnesses began to emerge and the emotional horror of the event was given voice. The interviews were disturbing and shocking. The people interviewed were themselves in shock. Many had barely escaped with their lives, and some were bleeding and trembling, answering reporters' questions as medics cleaned and bandaged their wounds. We were about to get our first taste of what would eventually become over a thousand personal accounts of the bombing of the Alfred P. Murrah Federal Building.

David Sykes, a mail carrier, was in the mail room in the basement of the Federal Building when the explosions occurred. He stated that at first he thought it was a boiler explosion. He and several other mail carriers ran into the hallway and found it destroyed and in flames. Sykes said, "There was glass and fire everywhere. We just got out of there." But upon reaching the street level, the sight of what had happened stunned Sykes completely. He instantly realized it had not been a boiler explosion.

"Man, it must have been a bomb. I know it was a bomb," he said. "And I'll tell you what was really weird: when we got out, there were cop cars and ambulances everywhere, and it took us only about forty seconds to get out of the basement."

Of even greater interest was the fact that Sykes reported fire in the basement level of the building, supposedly caused by an explosion that occurred outside the building up at the street level.

Third-year nursing student and member of the Oklahoma Air National Guard, Donna Trimble was hurrying to class at the University Health

Sciences Center. She was going to be late to class because of a flat tire, which had delayed her arrival. Trimble was about six blocks away from the Murrah Building when the force of the explosions slammed into her car.

"At first I thought I'd had a wreck," Trimble said, explaining that the jolt had caused her head to hit the windshield. "And then, when I realized I didn't have a wreck, I thought it was maybe some sort of building demolition downtown." Seeing an Oklahoma City Fire Department truck rushing past her into the downtown area, Trimble followed it.

Then she saw the building. "It was the worst thing I've ever seen. There was a lot of confusion." Abandoning her car and rushing into the scene on foot, Trimble ran through the thick black smoke rising from the parking lot full of burning vehicles and helped remove an injured woman from a crushed car. When the woman had been safely placed in the hands of other medics, Trimble hurried toward the building.

"Water was gushing into the lower levels of the building and people were yelling for someone to shut off the power and the water. I saw one man sitting in his office. I could tell from where I was standing that he was dead. The whole wall of his office was gone." Trimble continued working throughout the morning in the triage units around the Murrah Building, helping in whatever way she could.

Sam Patterson was employed in the office of the U.S. Department of Health and Human Services located on the south side of the third floor of the Murrah Building. He described his experience: "It wasn't really loud. It was more of a muffled noise. But immediately after the explosion, I could see clear through the building and out the other side. I could see the parking lot across the street and all the cars looked like they were on fire." The ceiling of Patterson's office had collapsed, but fortunately the floor beneath him held firm. Everyone from Patterson's office made it safely out of the building with only a few minor injuries.

Witnesses saw two employees from the ninth-floor office of the Bureau of Alcohol, Tobacco and Firearms staggering around without shirts, the torn rags of their trousers bloody. Jim Staggs, bleeding profusely from the head and chest, told the media that he had been talking on the phone in the BATF office when he heard the explosions.

"We were just trying to get out of there," he said as a medic cleaned and bandaged his wounds. "The doors were locked. We couldn't get out. We were just trying to find a way out. Debris was everywhere."

The second BATF employee, Vernon Buster, was covered with glass cuts. He described the scene within the building as "frantic." He said, "I felt the explosion come from my left, and then there was this force of pressure, and debris started falling and glass flying." Immediately after making this statement to the press, Buster laid down on the street, weak and white with shock.

Captain Henderson Baker was not sitting at his desk at the time of the explosions. Baker worked in the Department of the Army's Oklahoma City Recruiting Company Headquarters. He stated that he was standing talking to a co-worker when suddenly he began falling. The portion of the fourth-floor office in which his desk was located had disappeared into the dust, smoke, and crashing concrete. "I just didn't know what was going on. I was surrounded by black smoke. It was dark, black, and I was falling. I landed on the first floor and saw a light ahead. I just walked toward it."

Dazed and shaken, Baker miraculously managed to walk directly out onto NW 5<sup>th</sup> Street. With blood flowing down his face, internal injuries, abrasions, an injured arm, and multiple bruises, Baker then went back inside the building to search for his co-workers, but after the first hour six were still missing. Henderson was eventually taken to Mercy Health Center for medical treatment.

One man, who did not identify himself, told reporters, "I had a meeting with the building manager, and he and I had just left the meeting. We walked out to the elevator shaft. We were out by the elevator when all of a sudden I heard a big boom, and everything went black and things were falling in on us. There was thick dust everywhere. You could hardly breathe. So I yelled for the building manager and I finally heard him answer me. Although he had been standing right next to me when the blast took place, I couldn't find him afterward. Finally we connected and he and I tried going out together. We found a couple of ladies caught in the debris. We helped get them out. All of us went out together. We finally found an exit. I thought I was going out the front door but somehow ended up going out a side door. Everything was just debris and rubble. The building had collapsed around us. It was so dark and dusty you could hardly breathe. You just had to survive to get out."

Deputy County Assessor Tim Gilbert had run from his office a block away when he felt the force of the explosions. Upon reaching the Murrah Building, he was stunned by what he saw. "It was like a big concrete tomb. It was incredible. Everything was collapsing down on everything." He heard a call for help under a pile of concrete, but when he reached the pile of rubble, the call for help had stopped. Then he found a woman's hand. "We dug down to her and I saw the wedding ring on her finger. I felt her pulse and she was dead. She was pregnant. I couldn't get her out by myself. I thought maybe if we got her out, we could save the baby, but we couldn't do it alone."

The vertical collapse of the support columns and the subsequent pancaking of the floors of the Murrah Building resulted in a pile of rubble some twenty-five-feet high. The angle of the collapsed floors had created a chute down which workers, office furniture, fixtures, and building debris had fallen. Tim Gilbert climbed on the two-story pile of debris and, with five

other men, formed a human chain. Together they worked feverishly to pull people out of a sinkhole in the middle of the building.

"They were lifting people out and we would grab them. There were people yelling, 'Over here! Help me!' I don't know what happened to those voices. The last five minutes we were in there, we couldn't hear them anymore. We got seven people out, two adults and five kids." When asked if he felt like a hero, Gilbert said, "No, I'm not a hero. They needed help. Everyone was trying to do what they could."

An employee from the fifth floor of the Murrah Building described how he survived the explosions. "I went under the table when the ceiling started to cave in. That saved me, I guess." Others had a similar story. One man claimed, "When I crawled out from under the desk, there wasn't any building left around us. Our whole office area was gone. My floor was okay and the ceiling had come down, but there was still concrete above, so it was just the corner of the office that was left that we were in. Everybody else that we work with is gone."

Dr. Brian Espe, a veterinarian for the U.S. Department of Agriculture, survived the bombing and said he never dreamed the building in which he had worked for six years would be the target of a terrorist attack. In a statement released to the press in the late morning, Dr. Espe said his entire staff of seven people was gone, lost somewhere in the rubble of the building. All but a few of the offices in his area of the building's fifth floor disappeared in the rumbling collapse.

Fellow Agricultural Department employee Jack Gobin said that at first he thought it was an earthquake. He felt the force first and then the windows blew into his office. Gobin said he got under his desk and was not hurt. Both Gobin and Espe said they feel very lucky to be alive. Many of their co-workers did not escape the disaster.

Registered nurse Toni Garrett worked all day and into the night up until the time the FBI took over the medical operations. Toni stated, "When we went over to the south side of the building, I had noticed several citizens, police officers, and firemen who were trying to dig at the rubble, trying to get the people out. And on the upper floors there were people that were sitting at their desks that, when you first looked at them, you really didn't know that they were dead. But when you got a closer look, you saw that there was no way they could be sitting there alive with metal fragments through their bodies. It seemed like there were people just sitting at their desks waiting for someone to come and get them."

Television reporters conducted an interview with an unidentified male who had escaped from the building but then tried to go back inside to rescue his co-workers. The man was shaken and stunned. "We couldn't get back there. Stuff was falling down, and we started throwing stuff out, looking for people. We couldn't find anybody. We were hollering. We went

around on the north side of the building and then that's when I saw it. I cannot believe it. You could see the crater. It looked like a car or something had been parked directly in front of the glass doors at the street. The crater ... it did make a hole in the ground, but you could see everything. There was rebar as big around as my arm bent over like a pretzel. You could see where the blast was."

There was definitely a crater in the street in front of the Murrah Building, but neither witnesses nor officials could ever seem to agree upon its size. Some said it was thirty feet wide; others said twenty. The general consensus was that the crater's depth was eight feet, although one member of the National Guard stated it was twelve feet. It was difficult to estimate depth because of the amount of debris piled everywhere, and at no time was the public informed that anyone had measured the depth or diameter of the crater.

Published aerial AP laserphotos clearly show the crater from different angles. The diameter of the crater can be estimated relative to the size of vehicles located on a plane parallel to the crater. Such estimates indicate that the diameter was probably not in excess of twenty-five feet.

There is a more accurate estimate available. Published in this volume is a photograph of the crater taken by Oscar Johnson (page 62). Near the crater are several five-gallon buckets that were used for debris removal. The buckets are fourteen inches tall. Using that measurement as a reference, it appears that the crater is approximately twenty to twenty-three feet in diameter. The depth appears to be approximately four feet.

Early in the rescue operation we were told that the crater was covered with plywood to protect the rescue workers while going into and out of the building. However, closeup photographic evidence indicates that the crater—which was actually very small—was filled during the search-and-recovery period. The plywood appears to cover uneven debris, but is located to the right of the crater. The crater was always visible after it was filled, yet we were told there was a huge crater beneath the plywood. The plywood ramps remained in place until the independent investigation conducted by defense attorney Stephen Jones (See Appendix A) and his team of experts. The investigators who accompanied the defense team into the ground-zero area were shocked to discover that the alleged "huge crater" had been filled prior to their inspection, and Jones was later quoted as saying, "I don't know when they filled it. If they filled it after I filed my motion, I frankly would find that disturbing." Jones also said that his explosives expert from the State of Washington, Sid Woodcock, would have learned more from the inspection "if they hadn't filled in the pit area." No one seemed to notice that the actual bomb crater was very small and had been filled for quite some time.

No one is willing to specify who authorized the filling of the crater, nor has any explanation been forthcoming as to why the crater—itsself a vital piece



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of evidence in the bombing—was irreparably altered before it could be studied and assessed by nongovernment experts. Whether or not this tampering with the crater evidence constitutes obstruction of justice remains to be determined.

*New American* reporter William F. Jasper brought one particular incident to light in his overview of the evidence of internal explosions provided by Brig. Gen. Benton K. Partin (See Appendices A and C). Wrote Jasper: “One of the more interesting examples of the general’s vindication can be found in the ‘official commemorative volume’ of the Oklahoma City tragedy, *In Their Name...*

“In the middle of the book is a large illustration of the Murrah Building spanning two pages (pages 86–87) and detailing the damage caused by the April 19<sup>th</sup> blast. What is quite striking about the illustration is that the artist has obviously *moved the bomb crater to the left, so that it is aligned with the deep blast cavity that extends into the building ...*

“What this episode demonstrates is that—whether consciously or unconsciously—the illustrator (and/or the book’s producers) have attempted to reconcile the conspicuously conflicting data by altering the evidence to fit the official story.”



PHOTO BY OSCAR JOHNSON

Crater allegedly caused by the bomb vehicle. The five-gallon bucket seen at the center of the bottom edge of the photo is fourteen inches high. Using that measurement as a reference, the diameter of the crater can be calculated.



Mr. Jasper's assertions, while intriguing, do *not* fit the photographic evidence. General Partin's best estimates placed the crater approximately four feet to the right of column A4 (See Appendix C). However, it appears from the aerial photos that the crater is actually about four feet to the *left* of A4. While this placement concurs with the drawings on pages 86-87 of *In Their Name*, a closer examination of pages 82-83 *does* place the crater to the left of A4. There does not appear to have been any deliberate attempt to alter the evidence in this matter.

Far from hurting Partin's conclusions, this placement actually renders his report more devastating by moving the alleged source of the explosion farther from the collapsed column A8. Mr. Jasper's concerns were based on General Partin's placement of the crater, but Partin erred in his assessment by eight feet. Given the tiny size of the crater, even if the bomb vehicle had been placed directly in front of the deep blast cavity, it would not have caused the damage done to the building, and most assuredly would *not* have brought down column A8.

Behind the Murrah Building on the south side sits the Federal Courthouse. At nine o'clock in the morning, U.S. District Judge Gary Purcell was almost ready to call his court to order. Suddenly the building began to sway and rock, and Judge Purcell said he felt like his eardrums might burst. "There was a terribly loud noise, and it kind of knocked me forward into the bench. I caught myself, and someone said, 'It's an earthquake.' I said, 'No, it's a bomb! Everybody get out!'"

Forcing open the courtroom door, Purcell and about twenty others escaped from the building. Said Purcell, "It was utter chaos. There was smoke and heat and screaming. At first we thought it was our building, but once we were outside, we could see the smoke coming from the Murrah Building." Glass had shattered throughout the courthouse, but not on the floor of Judge Purcell's courtroom and office. Bulletproof glass had been installed on Judge Purcell's floor the previous week.

Oklahoma City attorney Jack Pointer had also been in the Federal Courthouse that Wednesday morning. "All the windows blew out," he said. "We ran outside. When I saw the smoke, I thought it was the courthouse and I started running toward it." But Pointer soon realized the smoke was coming from the Murrah Building. As he approached it from the south, he couldn't see the devastation that had occurred on the opposite side of the building.

A woman, screaming hysterically, ran up to Pointer, saying, "My baby! My baby is in there!" Other women joined her, all crying about their children. It was then that Pointer learned that there had been a day-care center located on the second floor of the Murrah Building. Pointer tried to calm the women and said that he would go and check on the children.

Just then a policewoman arrived and told them to "get out of here!" Pointer told her, "We're going to check on these women's babies on the second

floor." The policewoman replied somberly, "There is no second floor." Pointer could then see where the building dropped away to nothing but rubble. The staircase leading to the day-care center and the door of the center were standing, but beyond that point the center no longer existed.

With the realization that there had been a day-care center in the building, firefighters began making other urgent demands heard on the scanners: "Is there a possibility we can get the police department dogs to help us with locations? We're supposed to have at least twenty-five to thirty children in this area and we've only found about four or five. Can we get heat sensors or police dogs, please?"

Firefighter Monte Baxter, working with his partner in the area that had once been the day-care center, started calling out to the children. Said Baxter, "Danny went left and I went straight and kind of to the right, hollering out, 'Please say something! Holler at us! We're firefighters! Is there anybody here? You've got to make noise. We can't see you!' Probably within thirty minutes, we had three children out, freed up, and we handed them over to somebody else." Of the many children present in the day-care center that morning, only six would survive.

As the day progressed, the removal of the dead would begin. Some of the bodies were taken first to the children's playground area on south side of the Federal Building, and later to the temporary morgue set up in a warehouse at the corner of NW 5<sup>th</sup> and Oklahoma Street. Tearful medical personnel remarked how tragically ironic it was that the dead children should be laid in their own playground, a place in which they would never again play.

In 1989 when the day-care center had first been built, it was called Uncle Sam's Kids Corner. Under the leadership of then-Governor Henry Bellmon, the General Services Administration had spent \$48,000 on sod, fences, and other improvements to provide a scenic, safe outdoor place for the children to play while their parents worked nearby. At that time, only six years previously, the provision of on-site child-care services was considered an excellent employee benefit. After the Oklahoma City bombing, many who had fought hard to win on-site child care were reconsidering the wisdom of keeping children near any federal office. It is an issue still being hotly debated and remains unresolved.

On this day—April 19—the fencing materials, which had previously provided safe boundaries for the children at play, were being used as ladders with which to reach and extract the injured from the Federal Building. Surrounded by the tiny, often unidentifiable bodies of the children wrapped in small blankets and laid side by side in the south playground area, the Rev. George Miley of the Anglican Church of the Holy Cross walked among the dead, praying as he carried his open Bible. "I am asking God to receive them," Miley said. It was the last intercessory act he felt he could perform—an act of peace in the midst of the confusion and turmoil all around him.

According to rescue workers inside the Federal Building, bodies and severed body parts were scattered everywhere. Those still living were trapped and crying out for help. Medical workers who had set up triage centers in the area and makeshift hospitals were hanging IVs on portable metal racks. Victims were resting on blankets spread out on the concrete. It was a gruesome scene. Mike Taylor, Director of Cardiopulmonary Services at Norman Regional Hospital, was quoted as saying, "They're having to cut off body parts to get them out of there. One worker came out with a medical backpack and just collapsed from the intensity of the scene."

In spite of the fact that the rescue workers were being sent into the building for only thirty- to forty-five-minute shifts, many were completely overcome by what they saw inside and by what they had to do while there. In one unforgettable moment of many that day, television viewers watched in grief as a police officer, stumbling trancelike from the building, stopped by the street curb near a parked patrol car. Overcome with the emotional stress and tragedy of the event, the officer folded his arms around his face as if to blot out all he had seen, bowed himself over the hood of the vehicle, and wept openly. We all wept with him.

Moments later a fellow officer approached, placed a comforting hand on the man's shoulder, and together they helped each other leave the horror of their first shift of duty in the Murrah Building bomb site. It was going to be like that for days and weeks to come—people helping each other cope. The wounds of that day were not all visible, and many would take far longer to heal than injuries to the physical body. These were wounds of the heart. Shock and disbelief were the order of the day. Medical workers treated a man wandering from the building in a daze, with cuts and broken bones. He had lost both arms in the explosion but seemed strangely unaware of his condition. A man's body was discovered about a block away to the northwest of the Federal Building in an alley behind the Post Office Resource Center. Witnesses thought he was a passerby, but no one seemed to know who he was, what he was doing, or the exact cause of his death. One man, covered in blood, was found walking alone along the sidewalk several blocks away from the Murrah Building. He said he was going home, but he couldn't remember his name and he didn't know where his home was. Behind him was a trail of blood in the shattered glass that carpeted the downtown streets and sidewalks.

Other medical workers handled the "bio-bags," collecting tissue and body parts from the debris. "They may not ever find some of those people," said Craig Bishop, a member of the American Red Cross Disaster Action Team. "It's that torn up. I heard moaning, but couldn't tell if it was coming from survivors buried in debris or from people under stress trying to clear away the rubble. It's bad. It's real bad."

The dead were so numerous that rescue workers had no choice but to cover most of them and mark the location of the bodies with spray paint on



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the building debris. At that time of the crisis, the emphasis was still on rescuing the living and no ambulance could be spared to remove the dead. Specially trained removal teams would later be brought in to handle the dead.

Across the street to the north of the Murrah Building, David Harper had been sitting at his desk in the Journal Record Building when the explosions occurred. "It felt like somebody slammed me in the back of the head with a bat. We pushed debris to the side so we could get out. My office was chest-deep in debris."

Another worker in the Journal Record Building, Ernie Ross, reported that the force of the blast threw him twenty feet across the room into a table. "The windows were all gone and the inside walls collapsed. You did not know where to run to get out. It was just frantic. The flying glass sliced me up. I was standing with a co-worker. I hope he's all right. I'm sure glad to be alive. I never went through anything like that when I was in Vietnam." Ross was taken to University Hospital for treatment of large cuts on his leg, facial lacerations, and a crushed nose.

Norman resident Mary Mowdy had just started her third day on the job in the Journal Record Building with the Oklahoma Guaranteed Student Loan Program. Seated at her desk by a window when the explosions occurred, Mowdy was pierced by thousands of pieces of flying glass. She was somehow rescued from the scene by co-workers. After being rushed to Presbyterian Hospital, Mowdy endured more than seven hours of surgery and received over a thousand stitches. She would again face surgery the next day. Mowdy suffered a broken arm, cut tendons in her arms, and severe cuts to her lower face and neck. Of the seven injured and three critically injured in the Journal Record Building, she was the most seriously hurt.

Berbe Lovelace had been in the Oklahoma City Downtown Lions Club office on the second floor of the YMCA Building, which was located a half-block to the northeast of the Murrah Building. "It took us only one-and-a-half to two minutes to get outside, and there were police cars already there—men in their heavy helmets."

Lovelace had just stepped away from her desk when suddenly it was covered with shards of glass, ceiling tiles, and insulation. "The windows blew in and the ceiling fell," she said. "Everything that was not concrete just went. The force blew me toward the door. I have glass cuts all the way across my face. I did what every normal human being does—I panicked. I jerked open the door, which was blocked by ceiling tiles, and limped down the hall. Everybody was screaming and crying, but we made our way down the stairs."

Lovelace, with several of her co-workers, went back inside the YMCA to remove children from the day-care facility in that building. She didn't



realize how badly she was bleeding until someone handed her a towel. "Strangers walked up and began picking up the children and taking them out into the street. Parents were running and calling out the names of their children. One father was so panicky that he didn't see his own daughter in the arms of a man who was holding her right in front of the dad." Strangers held children who were not their own and waited for parents they did not know.



PHOTO BY JOHN JENKINS

All that remains of the entrance to the YMCA. Every window in the building was destroyed.

State Representative Kevin Cox, who was in front of the YMCA and less than a block from the Murrah Building at the time of the explosions, said, "All of a sudden I felt like I was in a hammock between two trees in my car. The windshield shattered and blew me and the car into a building at NW 5<sup>th</sup> and Broadway. I was very shocked. I know I bailed out of my car and fell down several times. I wanted to run for cover. The whole side of the building was blown out, and every car in the parking lot directly across from the Federal Building was ablaze. Cars within that block are buried in rubble. I could see two people standing in the rubble, trying to find a way out. People who lived in the YMCA came out in their bare underwear."

Todd Pendleton was driving away from the YMCA Building where he had just taken his son Evan to day care. He heard and felt the initial blast from several blocks away. He said he thought another car had rear-ended him,

but when he looked back, all he could see was black smoke. He whipped his car around, drove back and parked as close as he could to the YMCA. Pendleton got out of his car and began running. He could see people already removing the fifty-two children who were in the YMCA day-care center that morning. "Boy, I was running, looking everywhere for Evan. I found him in the arms of a YMCA worker. That staff was so committed. They were all hurt and bloody and all they could think about were those kids." Within seven to ten minutes all of the children were accounted for and out of the day-care center.

Pendleton began helping the workers remove the children, some of whom were seriously hurt. He took one injured child to the nearest ambulance for transport to the hospital, but the ambulance medics were treating people at the scene who could not yet be moved. Realizing he was going to have to take the child himself, Pendleton told YMCA staff members that he was driving the child to St. Anthony Hospital. Pendleton and his son Evan took the injured child to the emergency room and stayed with the child until the parents arrived.

The Regency Tower, a multistoried apartment building located one block west of the Murrah Building, was home to more than 250 residents, some of whom had lived there since the building's opening about thirty years earlier. Deanna Jordon had been in her apartment with her sister-in-law and young daughter. Deanna said, "I thought the people outside doing scaffolding work were coming through the windows until we heard the building alarm telling us to evacuate. The walls are buckled and cracked. There's mortar coming off the outside of the building." Deanna's five-year-old daughter Melinda was still shaking and clinging to her mother when she told reporters her own version of what had happened: "I heard screams ... screams, and everything fell down."

A gentleman known only as Mr. Ramsey was interviewed by a television reporter. His son works for the Oklahoma City Police Department. Mr. Ramsey reported to the television media that his son had heard the explosions a few blocks away. Ramsey said, "My son was at the Oklahoma City Police Station. He said at the time of the explosion about 300 policemen pulled their guns because they thought that someone was in the police department and had set off a bomb there. He is a bicycle patrolman, and he immediately hurried to the Federal Building ... He was sharing with us that he had pulled out four two- to three-year-olds that were dead and I think six adults that were dead. He's got a daughter that is three years old, and when he got to the part about the kids, he just couldn't stand it too much. And I can't see how anybody could do this. It's unreal! He saw many people who were in great pain—maimed, tops of their heads blown off, eyes blown out—horrible, horrible things! And to the people that did this, there is no reason for anything like this. None, ever."

Local media representatives interviewed Carole Lawton, an elderly woman who was wrapped in a blanket to protect against the onset of shock while she was being assisted by medical personnel. She had great difficulty speaking, as if her mouth could not form the words her mind was thinking. From time to time during the interview, she hid her face in her hands as if to blot out the images that would be forever impressed in her memory.

"It got dark," she said, "and then the floors from above went down, and glass ... It just kept falling and there was this horrible noise. A horrible noise ... It was just after whatever happened, happened. It was just a roar of the whole building ... crumbling. And where I was sitting, it was the only place the floors didn't cave in. I mean, right over here the floor was gone ... my little area where I was sitting ... I was on the seventh floor, and the eighth floor came down and went through, and then it just kept on going down. There was a window to a hall by my desk and I crawled over it and got out. The stairwell was still lit. The light was on in the stairwell. I know that some people are still in the building that they haven't gotten to yet. I saw a lot of people very badly hurt. People were getting out covered with blood and just stunned ... I mean it was just a shock."

As the news reporter conducting the interview was about to ask another question, Ms. Lawton turned suddenly pale and weak as new cries from the Murrah Building came rushing from behind her, frantic and emphatic: "Move back! Let's go! All companies come out of the building! Right now! Possibly explosives planted in the building! Everybody evacuate the Federal Building! Get out—NOW!"

*Suffering is one very long moment.*

*We cannot divide it by seasons.*

*We can record only its moods and chronicle their return.*

— Oscar Wilde  
*De Profundis*, (1905)



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## TURN OVER THE FALSEHOOD

### *The Bomb Scare, Weapons Disposal, and a Red Herring*

It was almost half-past ten o'clock in the morning. The warning came that another bomb had been discovered in the ruins of the Murrah Building. This was the first of three times during the day that rescuers would be evacuated from the building because of the discovery of other explosive materials.

Witnesses monitoring the police-scanner radios reported hearing the urgent announcement: "All companies come out of the building! Right now! Everybody evacuate the Federal Building! Remove all your personnel from the building immediately! Possibly explosives planted in the building! Repeat: Evacuate the building immediately!"

All personnel were ordered from the building and the surrounding area, some leaving victims trapped in the rubble who desperately cried after them to stay. Oklahoma City Assistant Fire Chief Jon Hansen, in writing about the evacuation, stated, "The decision to pull our people was made quickly. In truth, there was no choice to make. The first rule for those responding to an emergency is not to become victims themselves ...

"When the call came to evacuate, some of our people were working to extricate victims from the debris that trapped them. We learned later that some of those rescuers opted to stay with the injured and ride out the threat. We didn't reprimand any of them for their decision. We felt it was one of those few times in life where there wasn't a right or wrong choice. Whatever each rescuer personally chose to do, given each specific situation, was the right thing to do ...



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"Rescue workers were forced to leave some people who were conscious but trapped. Leaving was extremely tough on everyone who was sent out of the building, but it was obviously far worse for the victims left inside ... The rescuers who saw their faces caught glimpses of pure terror, and those expressions are something they will carry with them for the rest of their lives."

Firefighter Monte Baxter echoed Chief Hansen's words as he tried to explain how difficult it was for the rescuers to leave the victims. "I don't think anybody knows how tough that is, especially for a firefighter, to know that you're sitting here with somebody who is trapped and hurting and very frightened, and then you're ordered to leave."

"Some of the trained individuals who had patients sitting right next to them refused to leave the area until those patients were removed," said medical technician Scott Moore. "It's real hard to sit there with someone who is bleeding and dying, who is looking at you and asking you not to leave, and then just go ahead and leave them. It's real hard to do that."

An unidentified firefighter, obviously deeply affected by what had occurred, stated, "When we got back [after the first evacuation], some of the people who were alive when we left them had died by the time we returned."

Deputy County Assessor Tim Gilbert had to abruptly end his search near the nursery when reports of a second bomb led to the evacuation of the area. "God, I hope they get those little kids out," he cried. "I had to leave little kids on the second floor. I'd rather be horse-whipped than leave these little kids."

An ashen-faced volunteer, Robert Buckner, stated, "I would have gladly given my life for one of those kids' lives ... just one child."

In describing the sudden panic that struck those at the bomb site, paramedic Mark Robertson said, "All of a sudden I looked up and I saw this large group of firemen running just as fast as they could. A lot of them were older firemen with whom I'd made many calls during the six years I'd been out in the field, and I saw fear on their faces. Some of those guys were running faster than I'd ever seen them move in my life. I thought, If these folks are scared about something, then it's time to run."

As word of the ordered evacuation spread, civilians in the area panicked and began to run away from the Federal Building fast as they could in every direction. Everyone was moved back from the bomb site while law-enforcement officers made more secure the makeshift perimeter that had been hastily erected around the devastation. More yellow crime-scene tape went up, wooden barricades were brought in, and more guards were posted. Demolition experts arrived to handle this newest emergency.

People all over the world, watching on television and listening on radio, were riveted to the spot as the Oklahoma Highway Patrol bomb squad

entered the building. All listened with bated breath for any information from the officers. Moments after arriving, a bomb squad officer reported, "All companies on the general alarm be advised: There has been another device found in the Federal Building. Clear a four-block area."

On the police band a horrifying conversation between two workers in the Federal Building was overheard by scanner buffs who were following the downtown developments. This conversation was reported by three separate and unrelated witnesses:

"Boy, you're not going to believe this!"

"Believe what?"

"I can't believe it! This is a military bomb!"

What was going on here? No word had yet been released to the public concerning the make-up of the bomb or bombs that had devastated the building. But suddenly we were confronted by the voices of experts on the scene describing as "a military bomb" the device that was being handled at that moment by the bomb squad.

This was a very serious development; it turned out to be something that would later be denied by all federal law-enforcement representatives and by the primary local players when the media was finally allowed to ask the hard questions. In fact, once the denials began, the subject of other explosives in the building became the issue that would simply be ignored by all officials for several months to come.

Nevertheless, witnesses at the scene had plenty to say about it at the time. Mail Carrier David Sykes, who had earlier escaped from the basement area of the Federal Building, reported that a firefighter ran toward the crowd gathered nearby and told him and his co-workers, "You folks might want to move on west. They found another bomb!"

Cathy Garrett, the Red Cross Public Information Coordinator, told reporters, "Everyone just started running. They were shouting, 'Get out of the way; there's a bomb!' I ran!"

Andy Cullison, a cameraman who had been at the Good Printing Company seven blocks north of the Murrah Building at the time of the explosions, had moved closer to the scene to observe the rescue operation. As he was watching, a firefighter approached and warned him and others to evacuate the area. Cullison said the firefighter told him, "They believe there's a second device, and it's more powerful than the first."

Two firefighters and one other gentleman, each speaking independently of the others and on condition of anonymity, testified to what was found in the building. They all stated that the second bomb was actually several bombs—five-gallon-sized olive-drab-colored canisters bearing Milspec numbers and clearly labeled "fulminate of mercury," with a hole in the top of each canister through which a detonator was attached.

This could account for the comments about “a military bomb,” because fulminate of mercury is a powerful explosive used primarily by the military. It is practically impossible to purchase this substance in any quantity at all. It is intensely controlled by federal regulations, and a person desiring to acquire fulminate of mercury must first obtain approval and a federal permit, and then jump through many hoops of bureaucratic red tape. Fulminate of mercury is an extremely dangerous substance, is extremely difficult to obtain, and is not available to just anybody.

In an interview conducted in May 1995 by *Relevance* magazine, Oklahoma City Police Department Public Information Officer Bill Martin confirmed sketchy reports that several containers of fulminate of mercury were discovered inside the building. He guessed that they might have been used routinely by the BATF in their explosives work. By late summer 1995, Martin had changed his story, knew nothing about the fulminate of mercury, couldn't imagine how the rumor got started, and suddenly could not recall the name of the magazine that had interviewed him the previous May.

The fact that this chemical was found in clearly labeled military canisters obviates the possibility that some local thug manufactured the chemical in his kitchen (if such a thing were even possible) or bought it “on the street.” The fact that there were multiple canisters of military origin found in the building casts an entirely different light on everything that happened thereafter.

Several witnesses at the scene watched as the rescue operation was stopped, and they stated that they saw at least three additional bombs taken out in barrels from the third floor by bomb-squad personnel. Others reported that explosive devices from the building were removed under blankets on medical stretchers. It was later reported that these devices were taken to a county property and detonated.

Additionally, the *Dallas Morning News* later wrote, “Early reports speculated that the terrorists may be traceable through the unexploded device agents recovered from the building.”

When questioned about who might have been responsible for the bombing, Dr. Randall Heather, a terrorism expert, said, “We should find out an awful lot when the bombs are taken apart. I think it was a great stroke of luck—and it's hard to talk about luck on a day like today in Oklahoma City—but it was a great stroke of luck that we actually have got defused bombs. It's through the bomb material that we'll be able to track down who committed this atrocity.”

As far as the bomb squad, the police, the experts, and the eyewitnesses were concerned, there were secondary devices discovered and removed, possibly of military origin. As far as the media was concerned, these discoveries were going to supply the big break needed to track down the perpetrators. Amazingly enough, the devices were not used to track down

anyone. Their existence was denied, concealed, and lied about by federal officials, and eyewitnesses were threatened and told to keep quiet. No questions were asked.

Later, in what would possibly be the most inane statement made by any federal official on April 19, Jack Killorin (then spokesman in Washington, D.C. for the Bureau of Alcohol, Tobacco and Firearms) said, "Public safety personnel on the scene think they have found an unexploded device in the building. We believe this was a bombing and we are responding as if it was, but we do not have any forensic evidence yet to confirm that. The damage, however, appears consistent with a bombing."

Killorin's nonexplanation was made in the afternoon when all the world—except him—knew for certain that a bombing had indeed occurred. It is interesting to note, however, that his unfortunate remarks were made prior to the unexplained transformation of the facts into what later became the official story. Killorin would never again refer publicly to secondary or unexploded devices, nor would he again appear in his role as BATF spokesman during the bombing investigation.

In spite of the testimony of numerous witnesses and reports from personnel on the scene, national news representatives would for months to come continue to say, "The suspicious devices turned out not to be bombs." This statement and all others like it were bold-faced lies.

No one in the mainstream press with the possibility of public exposure and the power to inform was asking any questions about these obvious contradictions. For reasons unknown, all immediately adopted the revised version of the event—in whatever twisted configuration it had at the time—and have continued to do so through the story's many subsequent alterations.

But the fact remains that television viewers heard the screams warning everyone to run from the scene. We heard the voices crying, "A bomb! Another bomb!" We saw the press scrambling to safety. We saw medical personnel grasping the walking wounded under the arms and dragging them away from the area. We listened to the reports from eyewitnesses who saw the secondary devices. Something was definitely going on, and everyone who saw the bomb squad truck arriving at the scene and later observed the bomb squad removing devices from the building had no doubt that something had been discovered.

Nurse volunteer Toni Garrett spoke about the discovery of the secondary explosive devices: "There was a period when we were bringing the bodies to the playground, and that's when we were told that we needed to evacuate the building because they had found another bomb. There were at least four other people who told me that there was a bomb inside the building, and they were all part of the rescue effort. Two of them actually saw the removal of the bombs when the bomb squad came down to the Murrah Building, and described to me a timing device on one of the bombs. It had

been set to go off ten minutes after the earlier explosions. We assumed that the mechanism of the bomb with the timer malfunctioned because of the first blasts. So that's why the second bomb did not explode."

For what seemed like the longest hour in human history, we all waited in uncertainty, weeping for the victims and praying for the injured and the rescuers, while the bomb squad brought its equipment and personnel into the area to defuse and remove the secondary explosive devices.

For those outside the building, everything was at a complete standstill. As we waited with great anxiety, C.A. Davis, who had been involved downtown with the rescue efforts, telephoned KFOR Channel 4 Television to offer a report for the public. When asked if he could describe the scene inside the building, Mr. Davis said, "You just can't imagine it. There are bodies laying everywhere. There are people just laying there screaming, trying to get out. I've helped rescue several bodies. There were a bunch of babies that we've had to drag out. It's just a real gruesome sight. What they're trying to do right now is to search in there for another bomb. We're just trying to pull everybody who is a civilian back to a four-block radius. It's just a terrible sight.

"I'm a construction company owner, and I was coming down here to a trim company when the explosion happened. It rocked me pretty hard, and I didn't know what was going on. I went down there and they asked me if I could take somebody to the hospital. I took four or five victims in my truck over to the Baptist Hospital, left there, and came back.

"I knew the maintenance man of the Federal Building. He was trying to help get blueprints to go down there and shut off the auxiliary power. We went down there and the generators didn't kick off. The folks were afraid to get in the building because of all the live electrical. I just was trying to be a concerned person and help. I got deeper into it, and then things started falling on us. What we're trying to do now is to get some heavy cranes in here and try to get the bigger I-beams and concrete off of these people and try to secure the area."

As we waited, word came that a two-and-a-half-year-old, fair-skinned female child with red hair and blue eyes was being taken to Southwest Medical Center. Her condition was stable, but she needed surgery. She could not tell anyone her name and no one could find her parents. Video footage of the child's wide-eyed, frightened face and tiny clinging hands was broadcast as she was gently cradled and carried to an ambulance by a female volunteer. It was hoped that someone would recognize the child and contact the hospital or the parents.

As the bomb squad continued to work in the Murrah Building, Dr. Thomas Coniglione, the medical director of St. Anthony Hospital, made an impromptu speech in front of the emergency entrance. He was very concerned about the delay in the rescue operation caused by the discovery

of the secondary devices, and he offered his report to a public hungry for any information about the status of the injured who had been brought to his hospital. He looked tired and stressed as he spoke:

“The situation at the present time is that we have treated more than fifty-six injuries. There have been several more since the last count. At the present time the medical teams downtown are unable to get into the wreckage to retrieve more of the injured because of the presence of other bombs in the area. I’ve been told by the police department that just as soon as those bombs are defused, they will permit the medical teams to enter. Then once the medical teams enter, we expect quite a large number of rather badly injured individuals being brought here.

“We have an incredible capacity. I will tell you that of the fifty-six we’ve treated, each of the fifty-six injured individuals had a single doctor and at least one or two nurses with them. So we’ve had an amazing outpouring of support from the medical community. To have fifty-six doctors here at one time treating fifty-six patients is rather unheard of.

“We also right now have at least three or four other doctors who are just sitting here waiting for more of the injured to come. We have three patients in the operating room at the present time. We have more operating rooms ready to be used if needed. We don’t have a problem with capacity. We do have a problem with a few too many volunteers. We’ve had volunteers coming from far out of town, and I can’t tell you how much I appreciate them being here. Right now I think we have all the doctors, nurses, and EMTs that we need.

“Concerning the number of injuries, the most that we’ve heard from the police department is that there are quite a number who are dead at the scene. There is another large number who are injured, but we have no absolute numbers. We’ve had fifty-six. I think some of the other hospitals have had comparable numbers, so if you add that up, that’s easily a couple of hundred injured.

“The initial group of injuries we saw were of people who were on the street and outside, and they were injured by exploding glass. They had many superficial lacerations of the face, the scalp, and the back. There was one lady who had her hand on a doorknob when the explosion took place. The door flew open, and the power of the exploding door fractured the bones in her arm. She is currently in the operating room. Those are being fixed.

“So the initial injuries were people who were standers-by or visitors or walkers in the street. And then we started getting some children from the day-care center, and then we got some people from within the building. Those within the building were injured considerably worse than those who were out in the street.

"There are three people in the operating room right now. One has an injury to the carotid artery, which is the large artery in the neck. The other one has multiple injuries of the face and neck. The third one has injuries to his leg and the arteries supplying his leg. So these are rather substantial injuries.

"I had asked that some of the more critically injured people be brought here because of the physician supply we have here. We have many neurosurgeons, many orthopedic surgeons. They deal with the most severe injuries, so I've asked that those injuries be brought here. We're well-equipped and well-supplied with staff to take care of them. I do not know how they are being triaged from downtown, but I would think that we could handle any of the injuries because of our proximity and because of the enormous number of specialists we have.

"We have also set up a special area for all families. It is in the gymnasium of our Mental Health Center. If any of the families go into the gymnasium, on the wall we have a huge board with names of everyone who has been injured and the hospital location of that individual. So it doesn't matter if that individual is here or elsewhere. Come here and you can find out where the individual is. And we also have conditions on a large number of these patients also. So we'd be delighted to be helpful if we can to anyone who wants to come to our Mental Health Center."

This was the first official report the public had received from any medical authority, and the news was not encouraging. By the end of the day twelve hospitals would report treating bomb-related injuries: St. Anthony, Presbyterian Hospital, Baptist Medical Center, South Community Hospital, University Children's Hospital, Mercy Hospital, the Veterans Hospital, Deaconess, Hillcrest, and the hospitals in Bethany, Edmond, and Midwest City.

At the time of Dr. Coniglione's report approximately 200 individuals had been treated at area hospitals. By the end of the day, that number would exceed 500. Two days later, when all of the numbers were finally tallied, it would be reported by the media that over 700 persons had been treated for bomb-related injuries at area hospitals and private clinics.

During the lengthy statement by Dr. Coniglione, our attention had been focused on the people receiving medical treatment, the victims we all hoped and prayed would survive and recover. But then suddenly an official report was released to the media from the Governor's office. It was publicly confirmed that there were eight dead, and six of them were children. We had just heard the first death count of many more to come over the next sixteen days.

Licensed practical nurse Lydia Winfrey reported that several of the children who had been removed from the building had had severe head injuries; one had been decapitated, and another had a hole in its head filled with plaster pieces. According to a local dentist working at the triage center on the

south side of the Murrah Building, it appeared that the children had been hit in the face by the blast and had been blown backward toward the north side of the day-care center. The shocking description given was that “their faces were blown off.” Another witness described the bodies as “sand blasted, as if they had been peeled.” This was but one more indication that a bomb or bombs inside the building had exploded in addition to the bomb out on the street. Dolls and toys found near the young victims were brought out as possible aids to identification.

Renewed waves of grief and shock swept through the community as this report became known. No one could have anticipated the number of fatalities that would ultimately be confirmed as a result of this horrible incident. We knew there had been a large number of people in the building at the time of the explosions, but we were also hearing of large numbers of injured who were being treated and released. That appeared to be a hopeful sign at the time—and people needed a hopeful sign—but things became progressively worse, and it soon seemed that there would be no end to this tragedy.

The situation was grim. It was almost eleven o'clock in the morning, and of the possible 1000 people believed to have been in the building, we knew the confirmed status of only eight. All we could do at that moment was wait and pray.

The television news media then offered this report: “The first bomb that was in the Federal Building did go off. It did the damage that you see right there. The second explosive was found and defused. The third explosive was found—and they are working on it right now as we speak. I understand that both the second and the third explosives were larger than the first. It is just incredible to think that there was that much heavy artillery somehow moved into the downtown Oklahoma City Federal Building.

“From what we were told in the last couple of live reports from downtown, they are starting to allow rescue and evacuation workers to move back closer to the building. So we would assume that they are doing so with some degree of certainty that there is some integrity and security around the building now. But both of the other devices that they found—of the three in all—the first one went off; the other two, we understand, were even larger than the first, and that is really almost too much for us to comprehend when you look at what that one bomb did to the front of the building.”

This was the first official media announcement that the bomb squad had indeed discovered additional explosive devices in the building. This report was repeated numerous times between eleven o'clock and noon. At the time these secondary-device announcements were being made, they were simultaneously being confirmed by police and firefighters on the scene by way of local radio and scanner reports. But by midafternoon the story had



begun a transformation. By then certain officials began saying that no other explosive devices had been found. The media followed suit and repeated what they were told.

Something was very wrong with the way the story was taking shape, and it was particularly disturbing to observe that eyewitnesses were telling one story while officials—especially officials from Washington, D.C., who were not at the scene—were telling something completely different. It would be but a few more hours until all parties got coordinated, and then every local and federal source would tell every media representative that there was only one bomb, only one explosion, and that no secondary devices were found in the Murrah Building. They would stand uniformly by that story for twenty weeks.

At the first official press conference, which was held in Oklahoma City at approximately 5:00 p.m. Wednesday afternoon, questions concerning secondary explosive devices were at first emphatically denied. Later such questions were simply ignored. Public inquiries about secondary explosives were denigrated in the press, and anyone asking pertinent questions was automatically labeled a conspiracy nut.

### *The Sumter Video Tape*

Several months later, however, an event occurred that changed the official story into something new and different. That event was the release of a ninety-minute videotape made inside the perimeter by Technical Sergeant Melvin Sumter of the Oklahoma County Sheriff's Department. The ninety-minute video released to independent investigators was a shortened version of many hours of video footage taken by Sumter for the Sheriff's Department and that he himself had edited. Even after editing, the visual information was damning indeed.

When considering the contents of Sumter's videotape, it is important to recall that things that are similar are not necessarily identical, and a single point of dissimilarity disproves that they are identical. A brief seven-minute section of Sumter's videotape reveals firefighters removing weapons, ammunition, and explosives from the rubble of the building, under the direction of federal law-enforcement agents, with crowds of other workers observing nearby, including Sumter.

An hour earlier in the videotape, Sumter's footage shows the 10:30 a.m. call for the evacuation of workers immediately following the discovery of other bombs in the building, the arrival of the bomb-squad personnel, and the removal of rescuers from the area, including the evacuation of Sumter himself.

What happened as a result of Sumter's videotape, and why is this a problem?

The discovery of the canisters of fulminate of mercury was made by local rescue workers. The removal of the undetonated explosive devices from



the building was executed by local bomb-squad personnel after the majority of workers had been evacuated from the building and all people in the area had been moved back at least four blocks. The removal of these devices took place between approximately 10:30 a.m. and 11:15 a.m.—a time of day in which, in daylight saving time, shadows are still west of any sunlit object.

The later seven-minute segment of weapons being removed shows no bomb-squad personnel active on the scene. The weapons, ammunition, and explosives are being removed by firefighters under the direction of federal law-enforcement agents. Many other workers are standing around waiting to be sent into action. And the shadows cast by the workers on the scene are indicative of a midafternoon time frame.

One point of dissimilarity is enough to show that two events are not identical. These two *similar* events are not the same incident by any measurement.

But there was a problem: When federal investigative agencies became aware of this videotaped evidence, they decided to tell the world that the two events *were* identical, then began to make public statements to the effect that the weapons, ammunition, and explosives removed from the Murrah Building during the afternoon by firefighters were the *same* explosive devices that had been removed by the bomb squad several hours earlier, during the late morning. This was another bold-faced lie, but not many people were paying attention to the details. Many well-intentioned people fell for the government's specious explanation.

The federal government had a particularly thorny problem on its hands. Too many witnesses knew for a certainty that multiple canisters of fulminate of mercury had been removed from the building by the bomb squad. Too many people were talking about how the government had been lying when it said that no other explosive devices had been found on the scene. Even the news media had a hard time swallowing the idea that after they had dutifully released all the official reports of discovered explosive devices based on solid eyewitness reports from the bomb site, those reports had been false because police and bomb-squad personnel had "made a mistake in their reports to the media." This one wasn't going to fly.

Suddenly, after the feds had stood by their false official version for five months, they changed their minds. Now they were going to admit that explosives had been found in the building after all. But *which* explosives? When Sumter's videotaped evidence came to light, it became necessary to explain away that evidence somehow. The feds' explanation—preposterous though it was—confused the issue completely for most people. The government had no choice but to admit that the videotape did indeed show weapons, ammunition, and explosives being removed from the building. In addition, photographs had been released of arsenal rooms that had belonged to the BATE. There was just no getting around these facts. The



easiest way to handle this sticky situation was to make the public believe that the weapons, ammunition, and explosives that had belonged to the BATF were the same devices the bomb squad had removed during the morning.

But they were not the same thing at all.

### ***The BATF Arsenal***

When this video and photographic evidence forced its hand, the Bureau of Alcohol, Tobacco and Firearms finally had to admit that they indeed had arsenal rooms and that there had been weapons, ammunition, and explosives illegally stored in the Murrah Building. But the organization then stated that they weren't *real* explosives. They were all inert "training devices." Amazingly enough, BATF spokesmen, both locally and in Washington, D.C., were able to repeat this story to the media while maintaining a straight face.

No explanation was given about why the existence of these so-called training devices had been so vigorously denied for so long and acknowledged only when it could no longer be hidden from the public.

No explanation was given about why, if the devices were totally inert and harmless, the BATF felt their presence in the building had to be concealed.

No explanation was given to questions concerning the legality of storing weapons, ammunition, and explosives—inert or otherwise—in a federal building a mere seven stories above the location of a day-care facility.

No explanation was given for why federal law-enforcement agents consistently lied to the media and the public about the weapons, ammunition, and explosives for five months following the bombing.

And of course nothing was ever said that would distinguish the removal of the BATF's materials during the afternoon by firefighters from the removal of the military's explosive materials during the morning by the bomb squad.

With few exceptions, federal and local officials are still lying to this day about the secondary explosive devices found in the building during the first bomb scare at 10:30 a.m. on April 19, 1995. The somewhat sheepish admissions by the BATF merely serve as a smoke screen, and should be seen for exactly what they are.

The weapons, ammunition, and explosives stored by the BATF and removed by firefighters during the afternoon are *not* the canisters of fulminate of mercury or any other device removed by the bomb squad during the morning. There are clearly two different events under discussion here, and the media and federal agencies are doing their best to muddy the waters and confuse the public. There is a reason for this.

Expert analysis (detailed in Appendix C) confirmed that small, carefully placed demolition charges had indeed been present in the building, and the disaster on the morning of April 19, 1995, was the result of a multiphase

plan: the bomb in the street served as the cover for the true cause of the massive destruction to the building; and the perpetrators of the street bomb had cooperated, possibly unknowingly, with other parties to bring about the most devastating terrorist act in American history.

Even without the testimony of the experts, other evidence began to cast a sinister shadow over the entire federal investigation. Frightened eyewitnesses had privately come forward who had seen "construction workers" drilling and cutting cavities into the concrete support pillars at the second underground parking level days before the bombing. They had also overheard conversations between the alleged construction workers in which explosives and bombs were discussed and the relation of bombs to the size of the holes in the columns. No effort had been made by the workers to hide their activities, and it was not unusual to see construction workers in and around the Murrah Building. The workers did not appear suspicious to the witnesses, and it was believed at the time that the workers' comments were made in jest. It was only after the bombing that the significance of what had been observed struck home.

In light of this information, it is clear that the bombing of the Murrah Building involved much more than a street bomb and some BATF weapons stored on the ninth floor. There were obviously many players in this tragic drama, but federal investigators decided to let the BATF take some of the heat rather than discuss fulminate of mercury or cavities cut into support pillars. It seemed to be a move of simple self-preservation.

If agents or agencies of the federal government or the U.S. military or the National Security Council knew about the bombing plan, planned it themselves, or participated in the action, it would be absolutely necessary to conceal and/or disguise that participation by any means possible. A perfectly utilitarian—and extremely convenient—explanation and excuse would be the presence of the huge arsenal of weapons and miscellaneous ordnance stored in the Murrah Building by the Bureau of Alcohol, Tobacco and Firearms.

Because the BATF was still smarting from such bad press following the Waco Massacre and the "good ol' boys round-up" scandal, and because it had become federal agency *non grata* in the eyes of the public, it was completely logical, plausible, and believable that this agency could have illegally stored weapons, ammunition, and explosives in the Federal Building that "just happened" to explode as a consequence of the detonation of the street bomb, thus causing the massive and asymmetrical damage to the building. This excuse, if believed, could successfully be used to disguise the involvement of any other person or agency in the bombing of the Murrah Building. The only problem with this scenario was that the BATF was not ready to serve as the sacrificial lamb and continued to assert that its "explosives" were only inert training devices. This arsenal-room-explosion hypothesis is one of the more popular conclusions touted by the underground press and

by some independent investigators. But this is not what happened that April 19.

Investigative officials have yet to discover (or admit) that any of the stored ordnance detonated at any time (which could not have happened anyway, had it been inert). But even if these munitions had detonated as a result of the force of the street bomb, this would not account for the second explosion, which occurred a full five to eight seconds after the first; nor would it account for the presence of military canisters of fulminate of mercury in the Murrah Building; nor would an explosion in the BATF arsenal room located on the ninth floor sever the concrete support columns at their bases, or at the third-floor level as much evidence also suggests.

Suffice it to say that the hypothetical accidental detonation of BATF explosives cannot explain even a small portion of what happened that day. Yes, there were weapons, ammunition, and explosives illegally stored in the Federal Building. Yes, there was a BATF arsenal room on the ninth floor that had been ruptured by the initial blast. Of that there is no doubt. But these matters were not the primary or even secondary cause of the devastation to the Murrah Federal Building. Nevertheless, it must have seemed needful to federal officials that the public be swept away by this new BATF scandal, and in very subtle ways information was regularly and intentionally leaked to lead independent investigators away from the truth.

Of particular interest is the fact that even while officials have reluctantly admitted that BATF explosives were stored in the building—which would allow the hypothesis of a supplemental detonation to stand even though its timing would be completely wrong (and even though the BATF claims the devices were inert)—the feds have continued to deny that there was more than one explosion.

It is also interesting to observe that when it became useful to cast blame in the direction of the BATF to disguise the real facts about the bombing and its perpetrators, more local officials became willing to offer information. This information must be very carefully weighed, because it is only partly true. These leaks serve as a deliberate distraction designed to satisfy the public's suspicions while completely side-stepping the issue of the second explosion, the fulminate of mercury, and the evidence of demolition charges inside the building's support columns.

### ***Investigator John Cash***

An example of this sudden willingness to tell all was provided by the self-proclaimed "independent" investigator and possible damage-control operative, John D. Cash, who inserted himself into the investigation in the role of a free-lance writer conducting research for a book about the bombing. The timing of his entrance on the scene coincided with public complaints from several family members of deceased victims about the unsatisfactory explanations offered by federal officials.

Understanding that no parasitic lie can exist without a modicum of truth on which to feed, one has to separate Cash's genuine discoveries of truth from his deliberate manufacture of misleading falsehoods. Cash skillfully used small bits of truth as bait, but reeled in his unsuspecting victims on a line of false conclusions.

If you wish to gain the trust and respect of a group you intend to infiltrate, you must offer something substantive on which to build the relationship. This Cash did with great expertise, bamboozling most people who came in contact with him. Those persons never again questioned his sources, conclusions, contacts, background, means of support, or real purpose in the investigation. In this regard, the persons Cash was allegedly serving as an independent investigator were completely deceived. But it would be almost six months after the implosion of the Murrah Building before Cash would show his true colors.

In the early stages of his independent investigation, Cash interviewed hundreds of witnesses, victims, and officials, including Dick Miller, the Assistant Fire Marshal for the Oklahoma City Fire Marshal's Office. Cash revealed the gist of his conversation with Miller in an interview with Chuck Allen. Mr. Cash said:

"Dick Miller, in very clear terms, readily admitted that there were explosives removed from the Murrah Building immediately after the disaster on the very same morning. And it was those devices that were removed from the Murrah Building which caused the evacuation of the rescue workers on at least three different occasions. It's important for people to understand that while they were in the process of removing these explosives, people were left bleeding to death and dying. This was a very real situation."

What is wrong with Cash's account of Miller's testimony? The admission by Dick Miller is genuine. That he made the statement has been confirmed in independent interviews. However, the sentences following Miller's statement are Cash's misleading conclusions. The devices "removed from the Murrah Building ... the very same morning" were *not* the materials stored by the BATF; and the BATF materials were *not* removed during the morning, as he implied in his next statement.

Cash continued, mixing fact with fantasy:

"We have all heard the news story that came out from the BATF and the FBI that these explosives were nothing but training devices. This is the most absolutely ludicrous excuse. If anyone believes that, they are overlooking the very simple and obvious fact that experts went into that building, experts removed police, fire, and civilian rescuers, and moved them blocks away while they endeavored to remove all of these explosive devices.

"Dick Miller told me that the 10:30 a.m. bomb scare was related to a two-foot by two-foot by two-foot box marked 'High Explosives.' In a subsequent interview with another reporter, Miller explained that he watched

the bomb squad load that box up and haul it off. The box contained percussion caps that are used for C4.”

It is certainly possible that such a box existed and might have been removed from the building. However, Miller's statement in this regard has not been confirmed from any source other than himself. No other testimony about the box marked “high explosives” has been forthcoming from any other worker at the bomb site. While no corroborating testimony supports the existence of Miller's box, three independent witnesses have confirmed the existence and removal of the military canisters of fulminate of mercury. Again we are faced with the manufactured confusion concerning which explosives were removed when and by whom.

Additionally, in the quotation above Cash failed to identify the other reporter to whom Miller allegedly told this story. The most likely candidates for the other reporter are two gentlemen with whom Cash had many close dealings over many months and with whom he continues to associate: Arnold Hamilton of the *Dallas Morning News*, and Lawrence W. Myers of *Media Bypass* magazine. Neither of these gentlemen have come forward with this same story to confirm or deny Dick Miller's statements, and it is inconceivable that they would not do so if the statements were true and corroborated. If Miller intended that his statements be kept confidential, Cash violated that confidence by this disclosure.

Remembering to always consider carefully the conclusions reached by Cash, one must look at the last statement in the earlier paragraph: “The box contained percussion caps that are used for C4.” Cash does not say that Dick Miller made this comment, nor does he state that Miller revealed this information to the other reporter. We cannot confirm that the box existed, or if it did, that it contained anything.

It is also extremely important to note that C4 is not activated by percussion caps, but rather by blasting caps. Percussion caps are used in the reloading of ammunition. When a percussive blow is struck against the percussion-cap end of a bullet by the hammer of a firearm, the powder in the bullet explodes and the resulting gases force the bullet from the barrel of the gun. Blasting caps, on the other hand, are usually (but not always) activated electronically. Under no circumstances would a box of percussion caps—which are not in and of themselves considered ammunition—be labeled as high explosives; nor would a box of percussion caps be any threat at all—certainly not one requiring the presence of the bomb squad. The alleged presence of percussion caps in a box labeled “high explosives” makes absolutely no sense whatsoever.

It is inconceivable that a man as knowledgeable as Dick Miller would confuse percussion caps with blasting caps; nor would he associate percussion caps with C4; nor would he state that the bomb squad was required to remove a box of percussion caps from the Murrah Building. In this regard

it seems more likely that Cash has again reached a false conclusion or has purposely created a red herring with his comments about the contents of the alleged box.

Continuing with Cash's interview, he launched into the BATF arsenal-room hypothesis:

"I had speculated early on that the BATF, the Secret Service, and the DEA were most likely storing explosives illegally in the building in their arsenal rooms. Sure enough, as time went by witnesses came forward, and we now have video tapes of the workers removing all kinds of ordnance from the ruins of the building on the day of April 19 [referring to the Sumter videotape]. I have discovered that indeed the DEA and the BATF had arsenal rooms on the ninth floor. I have obtained photographs of the BATF arsenal room. I have four different live witnesses on tape who have said that they watched the BATF unload their arsenal room two weeks after the blast. They helped them load different devices and firearms—every firearm known to man. There were hundreds of thousands of rounds of ammunition, explosives, boxes marked 'Explosives,' TOW missiles, hand grenades—just about everything short of a T-72 Russian tank was in that building. But the most important thing is that they were storing devices that were high explosives which definitely did not belong in a public building."

A sharp, knowledgeable reader might have caught every misleading statement in Cash's account and discerned truth from fiction. The fact remains that no matter what the BATF or any other federal agency might have been storing in the Murrah Building, those devices were *not* the canisters of fulminate of mercury removed from the building during the 10:30 a.m. evacuation, nor were they the cause of the secondary explosions, nor did they sever support columns—all of which we know did occur.

The fact that the BATF kept an arsenal answers none of the real questions in this situation, and the implications are not lost on a public that was reeling emotionally from the slaughter of innocent children. Cash's account served mainly to alter and color the perceptions of that public. Additionally, his alleged witnesses who watched the unloading of the BATF arsenal room *two weeks after the explosions* were obviously not referring to the materials removed on the afternoon of April 19, or the military materials removed that morning.

The real intent and thrust of Cash's statements are summed up in his own words: "... the most important thing is that they [the BATF] were storing devices that were high explosives which definitely did not belong in a public building."

The *most* important thing to whom? What "high explosives"? Cash has a very real problem here with the truth.

If the BATF materials were harmless and inert, then those materials did not contribute in any way to the destruction of the building or to the deaths of the victims.

If the BATF's materials were *not* inert, there is still no evidence that any of its materials detonated at any time (if they had, there would have been little material to remove two weeks later), and thus neither contributed to nor caused the devastation.

If the BATF's materials were *not* inert, and if any evidence existed that the rupture of the ninth-floor arsenal room resulted in a supplemental explosion, the location of that explosion would still not account for the column collapses in the building. And if such a thing occurred, the government would have to admit that there had been secondary explosions on April 19.

This they have not done.

It must be understood that the actions of the BATF were certainly deplorable, and the storage of the weapons, ammunition, and explosives in the Murrah Building was definitely a violation of law. These things should vigorously be exposed and condemned. But these situations and conditions do not in any way explain what occurred that morning. The focus on the BATF's arsenal is a deliberately manipulated distraction designed to turn our attention away from much more serious—and certainly more factual—evidence.

Cash has been a key player in promoting the "BATF arsenal explosion" hypothesis, and in this regard he has led many good and well-intentioned people sadly astray. Many have fallen for his stories because the stories are based in fact. But the conclusions drawn from those facts are pure fiction.

Regrettably, two of the people most intensely involved in the independent investigations into the bombing, Glen Wilburn and State Representative Charles Key, have both fallen prey to Cash's performance. Because of Cash's influence on these two respectable gentlemen, the evidence and conclusions offered by Wilburn and Key must also be carefully weighed in order to separate the truth from the deceptions perpetrated by Cash.

Glen Wilburn, the grandfather of two small children killed in the day-care center, raised many issues in his own investigation of the bombing. Wilburn said, "I've got a lot of questions about it. I also have questions about explosives in the building. I have talked to an investigator who has taped interviews with civilian employees who worked in the building—taped almost immediately after the blast—and they tell of explosives that the BATF had stored in that building and that were carried out by BATF several times in the days following the explosions."

The investigator of whom Mr. Wilburn spoke was none other than John D. Cash. If BATF explosives were stored illegally in the Murrah Building, it is unlikely that civilian employees would be knowledgeable of that fact unless they were employed by the BATF—in which case their testimony "almost

immediately after the blast” is even more unlikely. And of course, if the explosives were carried from the building by the BATF in the “days following the explosions,” they were *not* the devices removed by the bomb squad at 10:30 a.m. on April 19.

Wilburn continued: “We’ve been told that the first bomb scare was not, in fact, a bomb scare, but was designed to get the civilians and all personnel back. Then the BATF went in there to get their files and also to take explosives out which they had illegally stored, as well as munitions from the ninth floor. If that’s true, we’ve got a serious problem because we have explosives being stored illegally in a public federal building.”

Some of Wilburn’s testimony and suppositions here are inaccurate. The first bomb scare absolutely was a real bomb scare. There is nothing phony or laughable about fulminate of mercury with detonators attached. According to nurse Toni Garrett, those devices were equipped with a timer set to detonate ten minutes after the first explosion, at the very time when a large number of rescuers would have arrived on the scene to assist the injured. The canisters of fulminate of mercury were military devices, not BATF arsenal weapons; nor were they Cash’s alleged “percussion caps for C4.”

As for the remainder of Wilburn’s statement, additional investigation did confirm that the BATF did go back into the building to recover files and stored ordnance. But the BATF was not the only federal agency to do so. Although we did not realize it on the day of the explosions, it was later revealed that several distinct and separate agendas were being followed while the world thought the emphasis of all operations was to rescue the living and remove the dead.

Robin Jones, general manager of KQCV-KNTL Radio, uncovered similar information. In her well-researched book, *Where Was God at 9:02 A.M.?*, Jones wrote, “The Secret Service, ATF, FBI, DEA, and U.S. Marshals, all housed in the building, rushed their own investigators and agents to the scene, partly to help with the rescue effort, partly to recover sensitive material.”

Ms. Jones interviewed an eyewitness who stated, “Three distinctly different operations were going on. FBI and Secret Service people were searching through file cabinets and the rubble for sensitive information. Everything, every ongoing investigation, every undercover agent, was bared to the world in that rubble. They had to get it. The ATF and FBI and others were also investigating the bombing itself ... And the third was the rescue operation.”

Dick Miller’s information and the testimony of the witnesses mentioned by Cash, Wilburn, and Jones make for a very good story. Almost too good and almost too convenient. But while it all casts a very embarrassing light on possible illegal activities of the BATF and other government agencies, it offers nothing to explain other more compelling evidence that indicates



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what may really have occurred on the morning of April 19. There was much more going on than was readily apparent, and much more happened that day that has not yet been revealed. It is this “much more” that officials are still frantically attempting to conceal.

*You never need think you can turn over any old falsehood  
without a terrible squirming and scattering  
of the horrid little population that dwells under it.*

— Oliver Wendell Holmes, Sr.  
*The Autocrat of the Breakfast Table* (1858)





## THE SCAR OF IT WILL REMAIN

### *The Birth of the Official Story*

The all-clear sounded shortly before eleven o'clock in the morning. Bomb-squad officers left the scene and the waiting firefighters, medical personnel, and civilian rescuers quickly filed back into the remains of the Murrah Building. Firemen had earlier reported finding survivors to whom they had been speaking through the cracks in the concrete floors, and they were anxious and impatient to return to work.

Said one medical worker as she hurried back into the bomb site, "The debris you see laying out in the street in piles and stuff, it's exactly like that in the building. It's dark and it's dusty. There are bodies and there is chaos—everywhere."

An Oklahoma City police officer, angered by the senseless horror of the scene, spoke with great frustration to the news media: "You wonder how somebody could be so heartless. You're not talking about only adult lives, but also children. There was no compassion for anybody. This is just a cold-blooded killing."

A few moments before the all-clear was announced, Governor Frank Keating (See Appendix A) ordered all state employees to go home for the day. The state legislature had recessed at about ten o'clock, and public hearings at the Corporation Commission headquarters at the Jim Thorpe Building, just southwest of the Capitol, were interrupted by evacuation orders.

Prior to leaving the buildings in the Capitol Complex, employees were asked to check their offices for anything unusual that they might not have

seen before. They were also warned not to touch any strange object, but to immediately notify the security guards. As a precaution, Capitol police officers began systematically searching the State Capitol and the surrounding government buildings floor by floor. All buildings in the complex were evacuated and all entrances to the Capitol Building were closed except one. The entrance that remained open was heavily guarded by Capitol police.

Following the evacuation, explosives experts from the Oklahoma Highway Patrol, the Oklahoma County Sheriff's Department, Fort Sill Army Base, and Tinker Air Force Base swept the Capitol area in search of bombs. Later that afternoon, dogs trained to sniff out explosives were brought in to complete the sweep. Their first stop: the Governor's office. No explosives were reported found.

The Oklahoma County Courthouse was also evacuated with instructions that regular court business would resume the next day, but all jurors were excused from duty until the secured area became accessible.

In downtown Oklahoma City the blast had forced the closing and evacuation of the Federal Reserve Bank located at 226 Dean A. McGee. Most of the bank's windows had been blown in, and about two hundred employees were sent home for the day. Three other downtown banks—Bank of Oklahoma, Bancfirst, and City Bank—closed for the day because of damage to the buildings and their inaccessibility due to the roadblocks. Only essential personnel remained on duty at Boatmen's First National Bank of Oklahoma and Liberty Bank and Trust. Employees were instructed not to come to work the next day unless they were contacted by their supervisors. The general guideline was: if you don't get a telephone call, stay home.

As the Oklahoma State Capitol Complex and downtown businesses were being evacuated, we learned that in many other areas of the country federal buildings were being cleared of workers. Evacuations were ordered in some instances, and security was intensified at the IRS Building in Boston, Massachusetts, and at the Federal Buildings in Ft. Worth, Texas; Omaha, Nebraska; Wilmington, Delaware; Detroit, Michigan; Boise, Idaho; Portland, Oregon; Des Moines, Iowa; Indianapolis, Indiana; St. Louis, Missouri; Greeneville, Tennessee; Cincinnati, Dayton, and Steubenville, Ohio; East Palo Alto, Riverside, and Santa Ana, California; and throughout the State of New York. Security was increased generally at federal buildings in New Mexico and Washington State, and at the U.S. Capitol and the Department of Justice in Washington, D.C.

Copycat bomb threats were causing great alarm throughout the United States. Law-enforcement officials and terrorism experts tried to calm the public. Said Professor James Fox of Northeastern University (also an investigator into the World Trade Center bombing): "Despite the fact that we hear of these events and they make major headlines, it's still a rare event and we should not be paranoid into thinking that we are constantly at risk." Other similar announcements did little to settle the rising fear in the nation.

After the news of the bombing spread across the country, U.S. Deputy Marshals in Denver, Colorado, were seen guarding the Federal Building and the U.S. Courthouse in that city with shotguns and automatic rifles. Armed guards were also posted at day-care centers for federal employees in Denver, Colorado, and in Ogden, Utah. The whole country seemed to be on alert because of the Oklahoma City disaster, not knowing if it was an isolated incident or the first of a series of orchestrated attacks.

In the meantime, however, rescue workers at the Alfred P. Murrah Federal Building faced a new problem. Cellular phone frequencies were jammed by the heavy calling traffic, and police and medical personnel were finding it very difficult to manage their interagency communications.

Southwestern Bell Telephone Company evacuated 918 employees from its operations in five major downtown buildings, but maintained enough technical staff to set up emergency communication systems at the bomb site. Spokesman Tom Hunter said, "Because of the heavy telephone calling traffic, we have done some selected call blocking to keep the system from being overloaded to a crisis point. However," he assured the public, "no 911 calls have been blocked."

Bell's parking lot at 800 N. Harvey was quickly transformed into the central command location for federal investigators and the Oklahoma National Guard; and emergency land-line phone banks were set up in two locations for use by emergency personnel. The Cellular One Company then provided 225 cellular phones and free cellular service to emergency services personnel to ease communication problems. Radio and television stations made urgent pleas to the general public to stay off all telephone lines to help clear the communication jam.

Shortly after eleven o'clock Mayor Ron Norick granted a curbside interview to the press. He was the first official to make a public statement revealing the embryonic version of what would later become the official bomb story as it would be told by federal law-enforcement agencies and, consequently, the media. This story would eventually go through many alterations, adaptations, and transformations, but at this early hour the tale was just beginning.

It was during Mayor Norick's initial street interview that we learned that the official story was going to center around a single vehicle loaded with explosives. The official version of this vehicle would change style, color, make, and size, and the size of the bomb would also grow dramatically in the week that followed. But in its first telling, as the rescue workers were reentering the Federal Building after the first bomb scare, this was the Mayor's report:

"There are no theories at this point," Mayor Norick said, "only speculations. Obviously, it was a bomb—a car bomb. It was a very large device. Why, we can't imagine; but there's a lot of injury and there's a lot of death, and we've got to get the people out. There are still a lot of people in the building."

When asked where the search for the other bombs had been concentrated during the bomb scare at ten-thirty, Mayor Norick, gesturing broadly toward the Murrah Building, replied: "Well, in that whole area. It's anywhere in that area. If this is a car bomb, it could be anywhere. They've got dogs, so they're checking it out. They're probably the best way to find devices, and they're using them extensively."

The Mayor was questioned about the location of the alleged car bomb at the time of the explosion, and was asked how he knew where it had been parked. "We know where it was parked from the Police Department and from other people on site," said Norick. "It left about an eight-foot crater. You can see where the car was. At first they thought it was in the parking garage, but apparently it was a car bomb on the street. It blew a crater about eight feet deep in the street and melted a couple of cars together. They'll let you all in there eventually and you can take a look at it."

But the Mayor spoke too soon. No media personnel would ever be allowed into the perimeter to inspect the crater at any time. As previously mentioned, the crater was deliberately filled prior to the inspection made by representatives of defense attorney Stephen Jones and his independent investigators. No one other than federal officials was ever allowed investigative access to that portion of the bomb site.

As the Mayor's speech ended, KFOR Television Channel 4 news anchor Kevin Ogle began reading an AP news release directly from the news wire. He announced, "Other explosives were put into cars that were driven into the parking garage ..."

But before he could finish reading the statement he was sharply cut off by his co-anchor Devin Scillian who suddenly changed the subject, and nothing more was ever said about this at any time on any network by any newscaster. That brief and truncated announcement was the only information ever released by the media that began to address the issue of explosives cutting the support columns in the building. From this point forward, the severing of the columns would never be addressed by the media or any federal officials. It was an issue that would be completely ignored.

The Channel 4 newscast abruptly cut downtown to reporter Jayna Davis, who quoted a statement made by Oklahoma City Assistant Fire Chief Jon Hansen, whereby another element was added to the official story. Said Ms. Davis, "Jon Hansen just told me that the blast was so tremendous that a crankshaft was blown a half a block away."

A vehicle part would later become key evidence that would point an accusing finger at the three men ultimately indicted in the bombing. But exactly which automotive part was going to be responsible for the investigative breakthrough had not yet been solidly established in the official story. Over the days that followed, this vital vehicle part would be described by

different eyewitnesses as a crankshaft, an axle, a differential, a rear transaxle gear, a rear bumper, and a piece of the frame.

It seemed that every automotive part discovered in the area had to be a portion of the bomb vehicle. Few seemed to consider that there were over 600 vehicles destroyed in the immediate vicinity of the Murrah Building (and many more outside that location), and auto parts of every size and description were scattered over a quarter-mile area around the building. It took federal officials a little time to determine which automotive part of many was *the* part that held the investigative key, but once they made up their minds and juggled things a bit at the scene, the axle story became etched in stone.

The suspicious automotive part was seen in at least four different locations, ranging in distance from a half-block to two blocks from the Murrah Building, both east and west of the bomb site. The actual evidence-bearing part, the actual location of the part, and the real identity of the witness who allegedly found the part have remained the subject of much controversy among people who have continued to track the inconsistencies of the federal investigation.

The crankshaft mentioned by Jon Hansen was located a half block to the northwest of the building.

Governor Frank Keating claimed to have found a suspicious axle two blocks due east of the Murrah Building. He later claimed to have found his suspicious axle *one* block away, so his previous find might have walked a little closer into town.

A police source, who spoke on condition of anonymity, said FBI agents had found an axle of a *van* believed to have carried the bomb about two blocks northeast of the scene.

KFOR news anchor Sean McLaughlin described a different axle as video footage of mangled metal was televised: "You are looking at an axle sticking out. From what we are told, that axle belonged on the car which the explosives were in, and the force of that explosion literally lodged that axle into another car, fused it, and melted it into another car."

ABC national media representatives spoke of the discovery of an axle that "might have come from a brown one-ton *pickup truck*," and described "very molten" truck parts located two blocks from the scene.

Finally in a televised interview, a local police officer laid claim to Keating's mysterious axle and stated that he was the person who had actually found it one block northeast of the building. It was never clear which of the four axles seen and described was the real bomb-vehicle axle.

Architectural design team coordinator James Loftis reported that he saw the differential of the bomb vehicle approximately 500 feet to the west of the Murrah Building in front of the Regency Tower Apartments, and stated that he was told by law-enforcement officials that it was from the bomb *car*.

James L. Pate, a writer for *Soldier of Fortune* magazine, claimed to have seen the rear transaxle gear from the bomb vehicle smashed into a fence located one block northeast of the building.

Richard Sherrow, reporter for *Soldier of Fortune* magazine, found a rear bumper of a *Ryder truck* two and a half blocks from the blast site. The initial examination of the bumper seemed to indicate that the truck may have been a Ford Model EC-350.

It was with a great sensation of *déjà vu* that we learned—once the axle was named as the official bomb-vehicle identifying part—that the mysterious axle just “happened” to have the vehicle identification number on it, just like the mysterious axle discovered in the World Trade Center Bombing. In spite of the fact that the many suspicious automotive parts came from a car, a van, a pickup truck, a half-ton truck, a one-ton truck, and a *large* truck, they were all supposed to be from the bomb vehicle. This situation was going to take some serious sorting and juggling.

At approximately 11:15 a.m. Governor Frank Keating telephoned President Bill Clinton to seek further help and ask for an emergency declaration. The Governor also requested that federal investigative and rescue workers be sent to Oklahoma City. President Clinton stated that he would send the exact same team that had investigated the World Trade Center bombing in 1993 to assist in the Oklahoma City situation. Members of the Federal Emergency Management Agency (FEMA) were activated on a regional level and dispatched by the FBI because of the perceived potential for more problems in the area.

Immediately following these announcements, the Associated Press newswire carried this statement from Washington, D.C.: “The head of the BATF now says that it appears it was a car bomb with as much as 1200 pounds of explosives packed inside.”

Here was another piece of the official story—the 1200 pounds of explosives. This figure would increase greatly over the days to come as federal officials found it necessary to make certain that the proposed bomb was large enough to have caused such damage. Initially it was reported that the bomb contained 1200 pounds of explosives. Later this figure increased to become an indefinite “couple of thousand pounds,” followed by “several thousand pounds,” and finally expanded into 4800 pounds of ammonium nitrate fertilizer and fuel oil. No one ever explained this remarkable growth spurt.

As the size of the bomb increased, the suspected transporting vehicle also had to increase in size, which it did. The growth of the street bomb was halted only when the by-then officially designated bomb vehicle had reached the limits of its cargo capacity.

Initially it was reported that the bomb-bearing vehicle was simply an automobile. Later, Police Sgt. Kim Hughes reported that the bomb had been

carried in a blue National Car Rental minivan with Texas license plates. By Thursday the news media was reporting that the bomb had been brought into Oklahoma City in a mid-sized half-ton yellow Ryder Rental truck. The Ryder Rental truck eventually became a twenty-foot cargo carrier. This final version of the truck was large enough to accommodate the alleged 4800 pounds of ammonium nitrate fertilizer and fuel oil—which just happened to be the largest Ryder truck available to the suspects on the day that the truck was supposed to have been rented. At this point the bomb and vehicle statistics were finally settled by the feds.

Remarkably, the Ryder Rental Company seemed to have become the agency of choice among terrorists. Both the World Trade Center bomb and the Oklahoma City bomb had supposedly been transported in Ryder vehicles. It was later revealed that both the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco and Firearms had long-standing user arrangements with Ryder Systems, Inc. Ironically, in the weeks that followed, the bomb-site area



PHOTO BY JOHN JENKINS

Photograph was taken during the search-and-removal period. In the lower right-hand side of the photo can be seen three Ryder rental trucks (arrows) parked on the east side of the Journal Record Building. These trucks were used by the FBI and BATF for evidence collection and debris removal. There were numerous Ryder trucks on the scene at all times, from the day of the bombing until the building was imploded on May 23, 1995.



was inundated with yellow Ryder Rental trucks used by federal agencies in the removal of equipment and materials from the former Murrah Building. Also of note was the fact that Mitchel Anthony Burns (See Appendix A)—Chairman, President, and CEO of Ryder Systems, Inc.—was listed on the membership roster of the Club of 300 of the Trilateral Commission. That particular roster was publicly released April 15, 1995, and was published in its entirety in *Veritas* newspaper on June 5, 1995. (Copies of the roster can be obtained by written request addressed to The Trilateral Commission, N.A., 345 East 46<sup>th</sup> Street, Suite 711, New York, NY 10017.)

At 11:30 on the morning of the blasts, the official story was still in its infancy. We were told that a car bomb containing 1200 pounds of explosives had blown up in the street in front of the Murrah Building and that the important automotive evidence at that time was a crankshaft found one-half block to the west of the site of the explosion, located in front of the Regency Tower Apartments.

### ***Teamwork and Cooperation***

Again we went into a holding pattern. There was nothing to do but wait while rescue workers dug tirelessly through the rubble to free the few survivors they could find. At this time the bomb scene was flooded with personnel from every conceivable agency and department, and more were arriving every moment. Among the crowds on the scene were:

- firefighters
- sheriff's deputies
- tactical police teams
- small-town police officers
- BATF agents
- FBI agents
- arson and explosive experts
- state and federal investigators
- disaster team members
- FEMA representatives
- Air Force rescue-squad members
- National Guardsmen
- medical and disaster volunteers
- restaurateurs providing food
- store owners bringing in supplies
- relief workers serving the rescuers,
- media representatives, and
- busloads of additional authorities and politicians from all over the United States.

Throughout the morning mediflight helicopters had been landing in nearby parking lots to unload supplies and remove survivors, but the number of survivors being found was dwindling rapidly. Reporter Tara Blume was stationed at the triage center at NE 5<sup>th</sup> and Oklahoma Street and found there were no victims to treat. She witnessed many army stretchers, bags of ice, boxes of water, and other supplies being collected by the Red Cross in that location, but the medical personnel were standing around waiting in uncertainty. Next to the triage center over fourteen ambulances were waiting by the side of the road to go into service the instant they were needed.

Ms. Blume's first hint of what was ahead came when she realized that the area was also being set up to serve as a temporary morgue storage facility. The body bags began arriving, and a refrigerated tractor-trailer rig was brought in and parked beside the Red Cross supply depot.

Medical personnel who were stationed at this triage center, at the EMSA triage center located at Couch and Harvey, and the triage center and temporary morgue at the children's playground area south of the Murrah Building waited for the next wave of the injured. Also waiting was nurse Elizabeth Collier, a fifteen-year-veteran at St. Anthony Hospital. Earlier that morning she had faced the greatest challenge of her career—finding space in the hospital to care for the hundreds of injured patients who had arrived during the first hour after the explosion.

In a later interview Ms. Collier described the controlled chaos at St. Anthony Hospital. "The first of the injured began arriving at about 9:15 a.m. After that, at any one point in time we had between 300 and 500 people in our emergency room drive[way]. So being able to triage the patients, family members, and volunteers to the correct areas became very important so we could free up the driveway to take care of the patients. We also had multiple staff members, physicians, and nurses. And the hall was filled with supplies so that we could triage again all those who came into the hospital. Wherever I went, whether it was to the outpatient clinic, here in the emergency room, or in our intensive care unit, I remember the crunch of the glass under my feet. I don't think there were one or two heroes. I think there were thousands."

Shortly after 11:30 a.m. the following announcement came across the Associated Press newswire: "A 52-member rescue-and-search squad is flying in from Phoenix to help search for victims of the explosion. The Arizona Fire Department says that the group includes physicians, technicians, heavy-equipment operators, and a radio specialist. The group is one of only five or six such rescue units in the nation, and it is equipped to help detect sounds from people trapped inside the building."

That news encouraged everyone who heard it. If any situation required the specialized equipment and expertise of the Phoenix team, this was it. Again, optimistic expectations rose of finding survivors in the Murrah Building,

and for a few more hours hopes were high. None of the waiting medical personnel realized that there would be no second wave of injured arriving to receive their expert care and attention. There would be other living victims pulled from the rubble of the Murrah Building during the course of the afternoon, but they would be few in number.

After that night there would be no more.

Every rescuer on the scene hoped to find a living survivor. When one was found, the news spread rapidly through all of the teams at the site and raised the energy level of everyone working in the building. One unidentified firefighter, reluctant to be called a hero, told his story.

"I was down in the basement, and I had asked everyone to be quiet in the hope that when I yelled I would get a response from somebody, and I did. There happened to be a lady that was trapped under there. I'm not sure how long it took us to get her out, but we were down there for quite some time. Once we started getting the debris moved, there was about eighteen inches of water in which she was laying. I had to remove my helmet and crawl under some of the debris to get underneath there with her. I asked her what her name was. I told her who I was and I held her hand. I told her we were going to get her out.

"Once we got her out of the debris, I suddenly realized we had to somehow get her out of the building itself. I wasn't sure how that was going to happen. But I turned around and the rest of the rescue workers on my team had cleared a path from where we had been working all the way to the door on the east side of the building. It was just like walking in an aisle in the supermarket. That's how good of a job they did for us. It was an amazing example of teamwork and cooperation, and it really raised our spirits high."

There would be other demonstrations of such teamwork at the community level. As the noon hour approached, the Oklahoma City Fire Marshal realized it was going to be necessary to feed the rescue workers. Miraculously, the Oklahoma Restaurant Association had scheduled the opening of its annual trade show for noon that day. About a quarter of the 450 exhibitors were at that very moment in the Myriad Convention Center, located five blocks south of the Murrah Building, preparing food samples to distribute when the show opened. The Fire Marshal contacted Bill Clift, the host of the trade show, and convention chairman Ned Shadid.

Immediately, the convention exhibitors unanimously agreed to cancel the convention, and then changed the focus of their work. With unified effort, pooling their equipment and supplies, the restaurateurs began preparing lunches for the rescue workers.

Over the next nine days the exhibitors of the trade show prepared over 20,000 meals per day. The meals were served not just to rescue and relief workers, but also to people at three rescue-relief shelters near the bomb

site and to families awaiting news of their loved ones. In addition, tons of hot meals, snacks, and beverages were transported to the bomb site four times a day. The restaurateurs sent out for cases of soft drinks during the heat of the afternoon, and as the weather turned sharply colder after sunset, they provided 1500 cups of hot coffee during the first night alone.

The Myriad Convention Center became the place where many of the out-of-state response teams were fed and housed and where displaced downtown workers who were in varying states of shock and exhaustion could get off the street, have a hot meal, and find rest and comfort from chaplains and counselors assigned to that location. Relief volunteers who worked in the Myriad preparing the sleeping quarters, collecting the dirty laundry of the rescue workers, and helping to serve the meals, went out of their way to make each rescue worker feel at home, comfortable, and appreciated. As cards and letters of sympathy, gratitude, and admiration began pouring into Oklahoma City from around the world, the relief volunteers placed some of these special cards on the beds of all of the rescue workers, along with some candy or a fresh flower. It was this kind of VIP treatment offered to every person who worked in the downtown area during the emergency that made the name "Heartland" mean more than a geographic location.

Laundry service for the rescue workers was provided free of charge by Nuway Laundry, an allied member of the Oklahoma Restaurant Association. The laundry company organized its personnel into around-the-clock shifts so that the rescue workers' cleaned clothing could be returned to them within twelve hours, before the next shift of rescue workers came on duty.

One of the laundry workers, when sorting through a huge pile of rescuers' clothing, came across a pair of pants that had several hundred dollars in a pocket. She hadn't the slightest idea whose pants she was preparing to wash, but she knew that the dirty clothing came in in twelve-hour batches. She reported the discovery to her supervisor, the laundry found the owner of the pants, and the rescuer's money was returned to him. He was completely surprised and very grateful, for he had imagined that he would never see it again. He stated that never in his life had he worked with or been served by people of such integrity.

In addition to the heroic work performed by the Oklahoma Restaurant Association, the headquarters of Feed the Children, an international relief organization, was located approximately six miles from the Murrah Building. Founder and director Larry Jones quickly mobilized his trained teams of volunteers and set up temporary headquarters near the bomb site.

In a coordinated effort with local churches, Feed the Children helped provide clothing, shelter, supplies, food, and counseling to the hundreds of people who had run out of their offices without purses or wallets, whose cars had been destroyed by the explosions, and who needed someplace to go. During the rescue and recovery operation, Feed the Children served

approximately 10,000 meals and received thousands of pounds of donated supplies of every type from the community, and then distributed those supplies to the rescue workers.

The Salvation Army was the only relief organization allowed to set up a canteen inside the restricted area. They supplied food and beverages, provided approximately 3000 ministers, employees, and volunteers to assist in the rescue and relief effort, and counseled 1600 victims and family members during the crisis.

Five blocks from the bomb site, City Church immediately set up food and shelter for rescue and relief workers and displaced persons. In spite of its small kitchen facility, City Church served approximately 1500 meals every day for nearly two weeks.

The people in the community wanted to help in any way possible. Over the next two weeks they cooperated in innumerable ways to help meet the needs of the rescuers. The single, most-often-repeated story told by any rescue worker is the tale of the "genuine, unspendable Oklahoma dollar." It has been told and retold by every news source and has appeared in virtually every local newspaper. This true story was originally told by Oklahoma City Police Chaplain Jack Poe. With a view toward making its publication unanimous, it is included here.

"I was talking to one of the men who had come in from the World Trade Center rescue operation," said Poe, grinning from ear to ear. "This guy from New York said, 'Look here. I have an unspendable Oklahoma dollar,' and he pulled a dollar bill out of his pocket.

"'I came here with expense money,' he explained, 'but I can't spend it. Nobody will take it. You fed me, clothed me, and sheltered me for free. You even did my laundry and cut my hair for free. When I was working the World Trade Center bombing, I had to walk eight blocks for a meal, and then had to pay ten dollars for a cold hamburger from a vendor on the street. Nothing was provided for us there. Nothing. I cannot believe the love you have here. And this is a genuine, unspendable Oklahoma dollar.'"

### ***Washington, Waco, and the Experts***

As the communities in the Oklahoma City metropolitan area were gearing up to support the rescue workers with open hearts and open wallets, another effort was under way. Federal agencies were preparing their statements and lining up their experts to take over the investigation of the bombing. National pundits were already saying, "A political toll has been exacted in Oklahoma City." This was the first of a veritable onslaught of similar remarks that would dominate the news for weeks to come.

At noon White House Spokesman Mike McCurry held a press conference in Washington, D.C. Said McCurry, "Here at the White House, we can just now reveal how federal agencies are now responding, and we're satisfied, based

on the reports that we have from the Department of Justice, from GSA, from the FBI, from FEMA, from the Secret Service, from the Marshals Service, and from all the relevant federal agencies that might have a little hand in dealing with this incident, that we have a very good federal response in hand.

“The federal government has activated an emergency response plan that we train for and that we have in place so that we can coordinate an interagency response to incidents like this. The Department of Justice had already responded, had FBI personnel in place, and a variety of law-enforcement efforts are under way. They have established a mobile command center in Oklahoma City with FBI, FEMA, Alcohol, Tobacco and Firearms, the Marshals Service, and GSA in place to give updated information to folks here in Washington.

“The President has directed for the emergency-response effort that James Lee Witt, the Director of the Federal Emergency Management Agency, will go to Oklahoma City to coordinate the emergency response. We’ll have the Department of Justice coordinating the various law-enforcement efforts that will be under way, and FEMA is responding to the emergency situation in place.

“Mr. [Leon] Panetta has been briefing the President regularly. The President, I expect, like many Americans, has been watching the developments as he sees them on television and getting updates from the Chief of Staff as we go along.

“I’d ask that you [the press]—for inquiries about the various things going on in Oklahoma City related to law enforcement—that you stay in close contact with Carl Stern over at Justice. And for the work that FEMA will be coordinating, that Maury Goodman will be a good point of contact. He’ll be coordinating some of the interagency public affairs efforts as we go along.”

Immediately after McCurry’s speech, the BATF repeated on national television that the bombing was caused by a parked car that contained between 1000 and 1200 pounds of explosives. We were off and running at full speed on the speculation and propaganda racetrack. It was going to be a long day.

On *NBC News* Tom Brokaw hosted a live interview with Neil Livingstone, an expert on terrorism and terrorist bombings. Said Brokaw, “Neil Livingstone was recently in Oklahoma City giving a talk on—of all subjects—terrorism, to the Oklahoma City Police Department. And he joins us now from Washington. Why would Oklahoma City be a target for this kind of thing, Mr. Livingstone?”

Livingstone replied, “Well, it wouldn’t traditionally be a target. Usually, terrorists strike in the major media centers. We think of terrorist attacks being much more likely in Washington or New York or Miami or L.A.—not Oklahoma City. But what we learned from the attacks in Argentina by Islamic fundamentalists a couple of years ago is that they often also go where your security is the weakest, where people least expect it.”

“Why were you talking about terrorism in Oklahoma City?” asked Brokaw. “Actually, I’ve given several speeches out there, ironically, in the last couple of years, on terrorism to civic groups. There is a strong interest in public affairs and particularly this problem of terrorism. I think that the fact that they have so many people involved in the oil industry, and quite a few students from Middle Eastern countries who are studying various types of engineering in Oklahoma may have also contributed to it.”

It was time to bring up the Muslim fundamentalist terrorist accusation again, just in case anyone had forgotten the statements made three hours earlier by Dave McCurdy and Ileana Ros-Lehtinen. James Fox, an investigator in the World Trade Center bombing and professor at Northeastern University offered his cautious opinion: “I think we could say there are similarities to some of the Middle Eastern groups. There are similarities to some of the groups that have been active in Europe in recent years, especially given the fact that it’s an enormous bomb apparently contained in a van or a truck. But to go beyond that, I’d be reluctant to do so.”

But Professor Richard Dekmenjian from USC in Los Angeles held another view: “I would be very, very careful in not immediately ascribing this to Islamic extremists. I can think of a number of homegrown organizations—the cultic millenarians, the people up in the Idaho panhandle, the Messianic types, the neo-Nazis—that could be responsible for this.”

It must have also seemed like a good time to bring in the big guns, and the alleged Waco connection was mentioned by Neil Livingstone as a possible motivation for the bombing. Not all experts agreed. James Fox remarked, “I’d be surprised if it was part of David Koresh’s group from Waco simply because from what I know of the Waco situation, his followers did not have the sophistication needed to put a bomb of these dimensions together and make it blow.”

In spite of expert opinions to the contrary, newscasters everywhere began speculating that the Murrah Building bombing might have occurred because this day—April 19, 1995—was the second anniversary of the siege at the Branch Davidian church near Waco, Texas.

For some reason members of the news media have never referred to Mount Carmel as what it really was—a Christian church. Nor have they ever referred to the members of the Branch Davidian Church as its congregation but as “cult members.” Davidian leader David Koresh was never referred to as the pastor or minister of that church, but was always dubbed the “cult leader.” With that same disregard for truth and reliance on innuendo, the media began speculating again.

From these expert readers of the teleprompter now came many statements that the Murrah Building might have been the target of the bombing attack because Oklahoma City FBI Director Bob Ricks had also been a major player and FBI spokesman during the Waco Massacre.

Although there was a small FBI office in the Murrah Building, no one bothered to mention that the primary offices of Bob Ricks and the FBI were located five miles away from the Murrah Building. An Oklahoma City spokesman for the FBI, Dan Vogel, would not comment on the possibility of a connection between the two events.

It was further speculated that the building might have been blown up because agents of the BATF—which had stormed the church at Mount Carmel, burned it to the ground, and murdered most of that Christian congregation—had an office in the Murrah Building.

No one bothered to inform the public that there were no more than a maximum of twenty BATF employees who worked in the Murrah Building, and it was not yet known if any of those employees had served as ground troops during the Waco Massacre.

No one mentioned that the BATF offices, which were on the ninth floor in the southeast corner of the building, could have been totally destroyed had the driver of the alleged bomb vehicle parked on the east side of the building instead of on the north side—an inconceivable tactical error for a dedicated terrorist if the BATF had actually been the target.

No one was talking about the fact that the BATF office was practically empty of employees on the morning of April 19. In fact, information originating with BATF agents themselves placed only four BATF employees in the building at the time of the explosions. Everyone else was conveniently out of the office that morning ... but that is another story for Volume Two.

No one mentioned that the orders for the final fatal BATF assault in Texas had come from Attorney General Janet Reno, and she certainly did not have an office in the Murrah Building.

The media was grabbing at very elusive straws and coming to the most illogical and unsubstantiated conclusions. Again, no one was asking the right questions. When you are in a hurry to find a terrorist, any motivation will do as long as it points an accusing finger.

### ***Prior Knowledge***

(See Appendix D)

News anchor Kevin Ogle interviewed Dr. Randall Heather, another expert in terrorism. This interview offered the first piece of information that led to many other inquiries about prior knowledge of the bombing by federal law-enforcement agencies.

In keeping with the questions asked of other terrorism experts that day, Dr. Heather was asked why Oklahoma City should have been a target for a bomb attack. As we had observed in similar interviews earlier, his responses were in line with the official story. He replied:

“Anyplace you have a federal building you have a target, and these buildings could be anywhere in the United States. A car bomb is the easiest



mechanism by which to deliver a device very close to a target. And there are very few security measures short of cordoning off parts of the city—as they are thinking about doing in Washington right now with Pennsylvania Avenue—to protect against such an attack.”

The next predictable question concerned who might be responsible for the bombing, and possible claims of responsibility by terrorist groups. Dr. Heather offered his speculations, which touched every base and echoed the other guesses offered by his colleagues in the field.

“I believe the Nation of Islam who were involved in the World Trade Center Bombing—Sheik Omar Abdul Rahman’s group—claimed responsibility for that event, but this claim of responsibility was done after the explosion. This discounts the value of that claim. Obviously, had it happened two or three minutes beforehand, it would have been of tremendous value. I don’t know myself.

“I do know that there had been a threat phoned in to the FBI last week. I don’t know what the nature of that was. But yes, they do generally try to claim credit. But remember that all targets for terrorism are symbolic. We have to divine what was the symbolism of that building.”

Dr. Heather’s comment about the FBI’s prior knowledge of a possible attack on a federal building in Oklahoma City (confirmed by many other sources) would become a matter of great controversy in the months following the bombing.

During the afternoon press conference, Oklahoma City FBI Director Bob Ricks blatantly denied that the FBI had had any prior warning whatsoever about a possible bombing. His claims were echoed by Weldon Kennedy, FBI spokesman during the bombing investigation. Similar denials were issued by the Justice Department in Washington, D.C., until the evidence later showed that they were all lying. After those lies were made public, officials had no further comment on the matter.

Later evidence clearly established that the FBI not only had received advance notice of a possible terrorist attack in Oklahoma City, but had also telephoned a warning to the Oklahoma City Fire Department on Friday, April 14, 1995, five days before the explosions occurred. This information was confirmed by Oklahoma City Assistant Fire Chief Charles Gaines, Assistant Chief Dispatcher Harvey Weathers, and Dispatcher Carl Purcer.

In his investigation of the FBI warning to the Fire Department, Glen Wilburn confronted Harvey Weathers about officials’ denials of the prior warning. Said Weathers: “Well, you asked me and I told you. I’m not going to lie for anybody. A lot of people don’t want to get involved in this.”

The FBI warning to the Oklahoma City Fire Department on Friday, April 14, was recorded by the Fire Department’s radio log tapes. But there was a problem. Although the log tapes from April 19 are intact, someone “accidentally” taped over the logs from the previous Friday, removing all proof of



the FBI warning. At the time of this writing, the Fire Department is fighting a subpoena of Dispatchers Weathers and Purcer in a civil suit filed against one of the bombing defendants.

Additionally, information came to light that the BATF and the FBI were allegedly involved in a sting operation that was to have taken place during the night of Tuesday, April 18. Lester D. Martz, spokesman for the Dallas office of the BATE, stated that the sting operation had failed because "the bad guys didn't show up." He further stated that the sting operation was called off at 6:30 a.m. on Wednesday morning, April 19, just two-and-a-half hours prior to the explosions that destroyed the Murrah Building.

When it was determined that the sting operation was not going to proceed as planned, the bomb squad was called to check both the Murrah Building and the Federal Courthouse for explosive devices. Bomb-squad personnel and vehicles were seen by many people in the area and workers in both buildings.

Norma Smith, an employee at the Federal Courthouse, observed the bomb squad searching the building early on the morning of April 19. Said Smith, "The day was fine, everything was normal when I arrived at 7:45 to begin my day at 8:00 a.m., but as I walked through my building's parking lot, I remember seeing the bomb squad. I really did not think much about it—especially when we did not hear any more about it. There was some talk about the bomb squad among employees in our office. We did wonder what it was doing in our parking lot. Jokingly, I said, 'Well, I guess we'll find out soon enough.'"

It wasn't too long after Norma had spoken with her co-workers that her ominous words came to pass. Norma was but one of many witnesses who observed the bomb squad searching both the Federal Courthouse and the Murrah Building prior to the bombing on April 19.

According to *New American* reporter William Jasper, "A mother whose infant son was killed in the Murrah day-care center says she saw bomb squad personnel standing across the street from the Murrah Building an hour before the explosion. This mother said she had just dropped her child off at the center at 8:00 a.m. and was driving south on Robinson when she saw several men in dark jackets with 'Bomb Squad' in big letters across their backs standing in front of the federal courthouse."

In an interview with the *Fort Worth Star-Telegram*, Oklahoma City attorney Daniel J. Adomitis said, "As I was passing the back side of the county courthouse, I noticed a truck with a trailer and the truck said 'Bomb Disposal.' I remember thinking as I passed that, 'Gee, I wonder if they had a bomb threat at the county courthouse?'"

In response to these and other eyewitness reports, Dallas BATF spokesman Lester Martz replied, "I have not come across any information that any kind of a bomb unit was at the building prior to the bombing."

To make matters worse, government documents were later revealed that indicated that the U.S. Marshals Service in Denver, Colorado, had made an immunity deal with a paid government informant who had knowledge of the pending bombing and had forewarned government and law-enforcement officials about it. Redacted copies of this letter were made public by defense attorney Stephen Jones in his press conference of August 10, 1995. A copy of the letter of immunity can be viewed in Appendix D.

U.S. Attorney Henry Solano confirmed that his Denver office granted immunity to the informant in September 1994. U.S. Marshals Service representative in Denver, Tina Rowe, denied the entire incident. According to Solano, the informant was a drug courier making delivery runs between Kingman, Arizona, and Las Vegas, Nevada. The informant stated that he overheard conversations about plans to blow up buildings in the Midwest in mid-April 1995. The informant further said that the alleged conspirators were Latin Americans and/or Middle Eastern Americans with Arabic names. When later questioned about the men accused of the bombing, the informant denied that he had ever seen them or heard their names mentioned in connection with the bombing conspiracy.

On April 6, 1995, the informant delivered a hand-written letter to the Justice Department in Washington, D.C., which stated: "After leaving Denver for what I thought would be a long time, I returned here last night because I have specific information that within two weeks a federal building(s) is to be bombed in this area or nearby ... I would not ignore this specific request for you personally to contact me immediately regarding a plot to blow up a federal bldg ... If you and/or your office does not contact me as I so request herein, I will never again contact any law enforcement agency, federal or state, regarding those matters in the letter of immunity."

Tina Rowe of the U.S. Marshals Service and representatives from the Justice Department continue to deny that this letter was received, although the letter has the signature of the office recipient on it.

It was undeniable that the Justice Department, the U.S. Marshals, the FBI, and the BATF had prior knowledge of the potential for a bombing at a federal facility in the Oklahoma City area. It was undeniable that upper-level authorities in the federal government also had prior knowledge. What could we find out about the failed BATF sting operation scheduled for the previous night? Why was that operation being conducted in Oklahoma City but was seemingly directed out of the Dallas office? Why, in the face of so much evidence to the contrary, were federal officials vehemently denying that they had any forewarning of any kind?

This situation raised some very interesting questions, not the least of which were these: If the bomb squad found nothing in its search of the Murrah Building and the Federal Courthouse a mere sixty minutes prior to the explosions, when were the column charges placed which severed the



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support columns in the building? When were the clearly labeled canisters of fulminate of mercury set within the building? And, more importantly, by whom?

*To tell a falsehood is like the cut of a sabre;  
for though the wound may heal,  
the scar of it will remain.*

— Sa'di

*Gulistan* (1258), translated by James Ross





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## THE STRUCTURE OF THE PLAY

### *The Media*

At noon that Wednesday, a mere three hours after the explosions, we knew only that several secondary explosive devices had been found, devices that resembled military bombs; that these bombs had been defused and removed from the Murrah Building by the bomb squad; and finally, that the rescue workers were being allowed to return to the building.

No one will ever know how many people died alone and unaided in the rubble while the bombs were being removed. The rescue and medical workers filed back into the mountain of debris laced with tiny tunnels and voids where the survivors remained trapped. As the workers began moving back in, the press was kept at a distance, and the immediate area was now solidly ringed with yellow crime-scene tape.

From a street corner near the building, reporter Jayna Davis questioned Assistant Fire Chief Jon Hansen about the progress of the rescue effort. Chief Hansen, always wary of speculation, gave us a cautiously worded first-hand account of what was happening at the scene.

"It's going very, very slowly," Hansen said. "We have to move slowly because there is still a danger of a building collapse. It's been very frustrating for us because our folks want to be in there doing things. We are in there, we're talking to victims through void spaces, and people are crying out to us. We're shoring the structure as best we can with hydraulic tools. Some of the dogs are at work in the building, and some listening devices are in use. It's just very, very slow work. We are able to reach through cracks and hold people's hands and reassure them as best we can. But actually getting to them is going to take a long, long time.

"We're doing the best we can on the rubble that we can get through, but we're going to have to bring in heavy equipment and lift up some rods and flooring. This is very similar to what happened in California in the earthquake, where buildings came down and floors pancaked on other floors. There are a lot of void spaces we need to check.

"We've got a number of fatalities inside the building and we've been counting those as we go to the people who are alive. Again, you see firefighters coming out of the building with tears in their eyes. They're dealing with buried people they can't get to, but we're making those efforts, and we're going to do the very best that we can."

Ms. Davis asked, "We have unconfirmed reports from earlier this morning on the scanner that there is flooding in the basement area and the lower floors. Is that true?"

"The explosion severed lines in several of the buildings," Chief Hansen replied. "We got a report that we have had some water mains break and some gas mains break inside the building, and that's something we have to deal with to make sure we don't have any secondary explosions. So there may still be a danger of that even though the utility companies have done a marvelous job of getting those utilities cut off. It's very dangerous right now. The building is extremely unstable and we could have another collapse with our firefighters inside."

When asked to offer an estimate of how long the operation might take, Chief Hansen greatly underestimated the duration. "We're talking about the possibility of being here for several days. Right now we're gearing up for a night operation with generators and lights, and we'll work around the clock. We'll work as long as we have to until we're sure, or as sure as we can be, that all of our survivable victims in there are taken care of. It may be a couple of days."

As the work progressed, the focus of the operation would change after the first week from search and rescue to search and removal. Firefighters and military personnel would work at the bomb site for the next sixteen days before the building was officially turned over to the FBI for a final investigation prior to the building's demolition.

Early on the afternoon of April 19 the national and international press began trickling in. A few hours later they would form a veritable torrent. A media center (called "Satellite City") was being organized on NW 7<sup>th</sup> Street between Hudson and Harvey—two blocks north and one block west of the Murrah Building. From this time forward all information coming from the scene would be carefully arranged, and any video footage of the building would have to be shot from a crane or by a press-pool cameraman.

A 4000-foot mean sea level (or 2900-foot vertical) no-fly zone was established later that day covering a three-mile radius around the bomb site for all aircraft not involved in the rescue operation. This ended all aerial views

of the building and rescue operations. From the media center only the upper five stories of the Murrah Building were visible, and all ground operations were blocked from view by the remains of the Oklahoma Water Resources Board Building and the Journal Record Building.

The outer boundaries, which were hurriedly being set up with road blocks and crime-scene tape, extended two blocks east and west (with the block containing the Murrah Building in the center), two blocks north, and three blocks south of the building, creating a twenty-square-block secured area. This initial perimeter was guarded at first by police officers and members of the Oklahoma Highway Patrol. Later the Oklahoma National Guard would be assigned to perimeter security.



PHOTO BY JOHN JENKINS

Photograph taken at the National Guard Headquarters at Max Westheimer Air Field in Norman on April 20, 1995. More than a dozen Howitzers (seen inside the fence) and other artillery were brought into the armory on the afternoon of the bombing.

Within two days the first perimeter would be enclosed by a greatly-expanded, secondary exterior perimeter which was also guarded by armed law-enforcement officers and National Guardsmen. The southern boundary of the enlarged area was Robert S. Kerr Blvd.; the eastern boundary was Oklahoma Street; the northern boundary was NW 10<sup>th</sup> Street; and the western boundary was Classen Blvd.—an eighty-eight square block area. The media center was contained within the exterior perimeter and without the interior perimeter. No one could access the area without proper identification.



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At the south boundary, Robert S. Kerr Blvd., no press gathered due to the many large buildings that totally blocked all views north. All of the media personnel were jam-packed into one tiny parking area between two buildings almost three blocks north of the Murrah Building. As the world media representatives began to set up camp in this tiny spot, even the national media stars would have to make their broadcast statements standing in about four square feet of space, straddling miles of electrical and audio cables and bumping shoulders with hundreds of their competitors.

While the members of the media scrambled for territory in their newly assigned area, work in the Murrah Building continued as one crisis followed another. A water main had broken in the Federal Building and the fire department was trying to deal with flooding in the basement. Because people were still trapped in the underground parking garage, many might drown if the water could not be shut off. Gas lines had also been broken and live electrical wires were exposed. Rescue workers were warned not to smoke for fear of a possible gas explosion.

Utility company employees were rushed in to try to turn off the gas and electric service. Because of the extreme devastation, this would not be an easy task. Debris and rubble had to be cleared from the area before the utility connections could be reached and disabled.

Ed Wheeler, spokesman for Oklahoma Natural Gas, said, "The blast was so strong, you're going to have a concussion effect very similar to earthquake waves. As a result, we're not taking anything for granted. We're checking our entire downtown gas distribution and pipeline system to make sure there isn't any peripheral damage outside the perimeter of the area from which utility crews were restricted. Once we get inside the perimeter, we'll trace every single gas line and make repairs where it's necessary to do so."

### ***Earlier Threats and Bomb Scares***

With the new perimeter restricting the movements of the news media, and with their view of the Murrah Building effectively blocked, they turned their attention to other parts of Oklahoma City to determine how those farther removed from ground zero had responded to the bombing.

It was reported that 50 Penn Place, a large shopping mall located about five miles northwest of the Federal Building, had been evacuated. The top four floors of this mall at NW 50<sup>th</sup> and Pennsylvania Avenue housed the offices of Bob Ricks, former spokesman for the FBI during the Waco Massacre and director of the main Oklahoma City offices of the Federal Bureau of Investigation.

By ten o'clock that morning the parking lots at 50 Penn Place were virtually empty. The broadcast studios for KTOK Radio AM 1000, Oklahoma's premiere news talk radio station, had reduced its staff there to a skeletal crew and continued uninterrupted broadcasting. The few store employees who remained in the mall told reporters that they were afraid to stay. Shortly



after the bombing occurred, the building was officially evacuated. Only FBI officials, a minimal number of KTOK staff members, key mall employees, and building security personnel were allowed to remain. Security officers were stationed at the entrances to 50 Penn Place. They stopped everyone who tried to enter the mall and turned them away.

A reporter met with two carloads of employees who left 50 Penn Place and drove across the street to the Penn Square Mall parking lot. The reporter stated that the employees were reluctant to talk to the press. "We can't talk to you," said one woman. When asked if she had been instructed not to talk, she said, "We just know that we shouldn't."

Of particular interest was the report given by security officer John Calhoun, who worked at 50 Penn Place. Calhoun said, "According to the news reports, the FBI received a bomb threat last week, and their offices are on four floors of that building." However, Calhoun said he was not aware of any specific bomb threats being made at the FBI offices that day.

No further mention was ever made of Calhoun's report of a bomb threat, and FBI officials denied, and continue to deny, that they received any such threats shortly before or on April 19. But there is much evidence to the contrary.

Freelance writer Pat Briley from Edmond, Oklahoma, offered this information: "The U.S. Marshals on March 22, 1995, were put on full heightened alert nationwide at all federal buildings and all federal courthouses by their director, Mr. Gonzales, because they had received threats that they considered credible enough to consume the manpower of the U.S. Marshals nationwide to be on the lookout for bombings by Arab terrorists—fundamentalists—in retaliation for the World Trade Center bombing trial.

"This alert had to be approved by Janet Reno, who is over the U.S. Marshals, and the intelligence that led to that alert had to be available to her as well. I can't imagine that if the U.S. Marshals had put everybody within their forces on alert like that, that the FBI and the BATF didn't know about it. This alert that I'm referring to was reported at length. There was a memo on this as well, issued by the U.S. Marshals, and it was quoted at length in an article in the *Star-Ledger* newspaper." (See Appendix D.)

Eduardo Gonzalez' memo, which was issued in response to information provided by "an unidentified informed source," stated that the threats were aimed specifically at U.S. Marshals Service personnel.

The newspaper article to which Pat Briley referred later became part of an official press release offered by defense lawyer Stephen Jones. The article, which appeared in the March 22, 1995, edition of Newark, New Jersey's *Star-Ledger*, was written by Robert Rudolph and reads in part:

"U.S. law-enforcement authorities have obtained information that Islamic terrorists may be planning suicide attacks against federal courthouses and government installations in the United States. The attacks, it is feared, would

be designed to attract worldwide press attention through the murder of innocent victims.

"The *Star-Ledger* has learned that U.S. law-enforcement officials have received a warning that a *fatwa*, a religious ruling similar to the death sentence targeting author Salman Rushdie, has been issued against federal authorities as a result of an incident during the trial last year of four persons in the bombing of the World Trade Center in New York. The disclosure was made in a confidential memorandum issued by the U.S. Marshals Service in Washington calling for stepped-up security at federal facilities throughout the nation ... Iranian-supported extremists have made it clear that steps are being taken to strike at the 'Great Satan,' a phrase that has been used to describe the United States.

"The Marshals Service memo said the agency believes that 'there is sufficient threat potential to request that a heightened level of security awareness and caution be implemented at all Marshals Service-protected facilities nationwide.' ... The memo, issued by Eduardo Gonzalez, director of the U.S. Marshals Service, warns that attacks may be designed to 'target as many victims as possible and draw as much media coverage as possible' to the fundamentalist cause ... "

The issue of importance in the *Star-Ledger* article is not that threats were made by Islamic extremists, but simply that threats were made. Yet even during the height of the Middle-East-suspects hysteria (which was about to get under way), the FBI and the BATF continued to deny that they had received any threats of any kind prior to the bombing.

The *Star-Ledger* was not the only newspaper to carry information concerning the prior knowledge of federal officials about bomb threats to federal buildings. On April 20, 1995, the *Oregonian* published an article that not only added to the documentation of prior knowledge, but also contributed significantly to the later recusal of Judge Wayne Alley from the Oklahoma City bombing trial.

Said the *Oregonian*, "As a federal judge whose office looks across the street at the Alfred P. Murrah Federal Building in Oklahoma City, Wayne Alley felt lucky that he didn't go to his office Wednesday. Alley, who was born and raised in Portland, had taken the rare opportunity to work at home.

"Of all the days for this to happen, it's absolutely an amazing coincidence,' Alley said in a telephone interview from his home.

"The judge said the bombing came just a few weeks after security officials had warned him to take extra precautions. 'Let me just say that within the past two or three weeks, information has been disseminated ... that indicated concerns on the part of people who ought to know that we ought to be a little bit more careful,' he said.

"Alley, who started his law career in Portland, said he was cautioned to be on the lookout for 'people casing homes or wandering about in the court-

house who aren't supposed to be there, letter bombs. There has been an increased vigilance.' He said he was not given an explanation for the concern.

"Asked if this might have just been a periodic security reminder, he said, 'My subjective impression was there was a reason for the dissemination of these concerns.'"

The article then stated, "An FBI spokesman in Oklahoma told reporters during a news conference that he was not aware of any warning." Even when officials who had been forewarned made public their knowledge of those warnings, federal law-enforcement agencies were simply not going to admit anything.

Shortly after noon, television reporter Jeff Lazalier stated, "We've learned that apparently the U.S. Marshals were hearing rumblings that something might be up within the last few days—not necessarily about Oklahoma City, but just in general—because they were moving some of the people who were involved in the World Trade Center bombing a couple of years ago. The people in custody were being moved someplace in the United States. We don't know if they were going to come through the Federal Transfer Center near the airport here in Oklahoma City on their way to another location, or what. That is just the story that is circulated to us at this time."

According to nurse Toni Garrett: "I have talked to several people who said that there had been bomb threats two weeks prior to this bomb. The FBI and the ATF knew that these bomb threats were real, and they did nothing about it."

Terrorism expert Dr. Randall Heather, in an interview with an NBC news-affiliate anchor, stated, "I know that there had been a threat phoned in to the FBI last week, but I don't know what the nature of that was."

When Glen Wilburn made it known that he had begun his own investigation into the incident, he was asked what he had learned about any prior bomb threats. In describing the events of April 19, Wilburn replied, "We finally ended up at Children's Hospital, where we were waiting to hear news about our grandsons, Chase and Colton. I had two separate people come up to me and they put their arms on my shoulder and asked me, 'Did you know they had a bomb threat in the building last week?' The first time this occurred I asked my wife, who was standing close to me, if she had heard about that, which she hadn't. She asked our daughter, Edye, and she didn't know anything about it.

"At the time I didn't think anymore about it a great deal. But as a few days went by, we began hearing more talk about bomb threats that the Federal Building had had in the week before, the day before, and even the morning of the bombing. They became almost indistinguishable. We began asking, did they have bomb threats the week before, the day before, or the day of

the bombing; or did they have *all* of them—the week before, the day before, *and* the day of the bombing?

“We’ve been told by two different witnesses that the bomb squad was in front of the Federal Courthouse on April 19 at 7:30 a.m., and that at that time they had already cleared the Murrah Building. So there was something strange and unusual going on that morning because we’ve got the bomb squad down there clearing buildings before 7:30 in the morning, and we have most of the BATF agents absent from the building.”

YMCA resident Michael Hinton could observe the front of the Murrah Building from his apartment window. He offered this statement: “About a week before the bombing I was looking out my window in the afternoon. It was between 1:30 and 2:00 p.m. I noticed a large gathering of people outside the building, maybe about two to three hundred people, and when I looked I wondered what was going on at the Federal Building. I didn’t know what it could have been. Then on the morning of the bomb explosion, the TV networks locally were carrying the statement that the Federal Building had received a bomb threat one week prior to that morning of the bomb explosion. So in my mind, when I heard that, thinking of what I had observed one week earlier out my window, that could very well have been what was going on then. If that was the case, what security precautions had been taken if they knew this?”

What security precautions indeed! Six weeks prior to the explosions, federal agents reviewed the security arrangements at the Murrah Building and determined that the existing system was sufficient. Former police officer and security specialist Jim Boyd said that the level of security in the Murrah Building was not unusual. The “sufficient existing system” was comprised of one guard who patrolled four buildings on Monday through Friday from 6 a.m. until 8 p.m., the usual metal detectors inside the foyer of the Federal Building, and an array of burglar alarms.

Boyd works for Federal Protective Services, which is a branch of the General Services Administration. FPS employs 400 guards, about 150 security specialists such as Boyd, and 70 criminal investigators. It privately contracts the services of approximately 2300 guards. There are fewer than 3000 security personnel for the 8200 buildings nationwide that are under the control of the General Services Administration.

Boyd said, “Obviously, we have to assess the risk and put the resources where the needs are.” He stated that the risk in Oklahoma City was assessed as low, thus the security review had found no need for change. “We were, and still are, unaware of any threat or any issue related to Oklahoma City,” he said.

In attempting to determine what security precautions are taken in the Murrah Building when the single guard is off duty, the maintenance foreman for the building was asked what happens in the building after eight o’clock



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at night. He replied that the clean-up crews come in to clean the building, which takes about three hours. The crews leave around eleven o'clock at night.

When asked what security arrangements were in place overnight after the cleaning crews left the building, he replied: "None."

*The structure of a play is always  
the story of how the birds came home to roost.*

— Arthur Miller

"The Shadows of the Gods: A Critical View of the American Theater"  
*Harper's Magazine*, August 1958





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## PUTTING THINGS IN ORDER

### *Afternoon Repercussions*

Within hours after the explosions all state military bases were placed under heightened security. Although she would not specify what measures had been taken, Alfredia McGill, spokeswoman for Tinker Air Force Base, located in Midwest City, confirmed that security had been increased. All persons entering or leaving the base had to present identification at the gates, and in some cases individuals and vehicles were searched.

Fort Sill in Lawton had closed three gates to the public and placed military police at other gates. Security at the gates of Vance Air Force Base in Enid was also increased.

Shortly after noon President Clinton telephoned Governor Frank Keating to inform him that there were three FBI antiterrorist groups en route to Oklahoma City from Washington, D.C., to assist in the investigation.

It was further announced that experts were saying that the bombing of the Murrah Federal Building was the work of a well-organized and well-funded group. Said one federal agent, "This is a very a sophisticated device, and it had to have been done by an explosives expert."

In an interview with Paul English of the Capitol Bureau of the *Daily Oklahoman*, Governor Frank Keating (a former FBI agent), stated, "Obviously, no amateur did this, and whoever did it was an animal."

When asked who might have done the bombing, Keating replied, "Well, obviously someone who knows a lot about explosives was responsible, because this was a very substantial device or devices."



James Loftis, design team architect for the Murrah Building, stated that he believed whoever blew up the building had to have had access to the blueprints and was surely familiar with the building's layout and structure.

Professor James Fox of Northeastern University remarked, "I doubt if it's one person. A bomb that big would be awfully difficult for one person to put together and make work."

Television news anchor Kelly Ogle of KWTU Channel 9 interviewed Dr. Stephen Sloan, a terrorism expert from the University of Oklahoma. Said Dr. Sloan: "The level of sophistication, the techniques of the bombing, have the fingerprints possibly of a very sophisticated group with a very sophisticated infrastructure. I will tell you this: the amount of explosives attached to this bomb indicates a very heavy level of sophistication."

ABC news correspondent Vince Cannistraro stated, "This is something professional and it really implies that the person who constructed the explosive device had experience, was trained in the use of explosives, and knew what they were doing."

Jerry Bohnen of KTOK Radio AM 1000 interviewed an explosives expert who remarked that the bomb which might have been used was not of the sort that a small local group could assemble. He stated that it was much more likely that the bombing was the work of an organization with much funding and international ties. Without realizing it, this expert had just described the Central Intelligence Agency.

These opinions were never mentioned again after that first day.

By midafternoon, as the official story was solidly taking shape, the bomb would no longer be a sophisticated device, but one so lacking in complexity that any person could assemble it. Without explanation, the bomb was "dumbed down" from a high explosive with an extremely complicated mechanism to a bomb whose low explosive configuration had been known for many years, and whose manufacture was simplicity itself—ammonium nitrate fertilizer and fuel oil.

This new version of the bomb was well-known in military circles, and had been described in the Department of the Army Field Manual, *Explosives and Demolitions FM 5-25*, as a low explosive used chiefly as a cratering or ditching charge. This explosive recipe was also widely known by persons in the mining and agricultural industries, and had been used extensively in many rural areas to remove stumps and larger rocks from fields being prepared for planting.

The recipe for this new and simplified official bomb was never a secret; it had been published for years in government and military manuals, in mining, construction, and agricultural journals, in the underground press, and was also immediately accessible over the Internet by anyone with a computer, a modem, and a telephone.

By altering the bomb configuration from one requiring great sophistication and funding to one that could be built by an amateur over a weekend, the field of possible suspects was widened to include almost anyone, and the finger of accusation could no longer point in only one direction.

In the meantime the one-bomb hypothesis was about to receive its big media push to make sure that no one would remember the ear- and eyewitnesses who had previously testified to multiple explosions. The comments about the bomb's actual complexity were never broadcast again. For all intents and purposes, those expert opinions were simply not going to be considered further by either the media or by federal investigators.

By the end of the day most of the public, if confronted by remarks from acquaintances that there had been more than one explosion, were sympathetically certain that their friends had simply made a mistake. After all, conditions had been so chaotic downtown that it was surely understandable how folks could get confused about such a thing.

To the witnesses, however, there was no confusion at all. They heard what they heard and never changed their testimony. But for most people, the implications of multiple explosions were more than they were ready or able to consider. The unwillingness or inability of the general public to accept the possibility of a massive cover-up at the upper levels of power in our country was exploited to maximum effect.

The denials were about to get under way and it would be but a few more hours before all officials were telling the same story. The authorized version of the Oklahoma City bombing would achieve its first semblance of uniformity at the first official press conference which would be held at 5:00 p.m. But it was still early yet. The afternoon had barely begun.

Television reporter Jeff Lazalier interviewed Jon Hansen, Assistant Fire Chief, shortly after the noon hour. In that interview he questioned the Chief about the other explosive devices found in the building only an hour previously by men under Hansen's command. Said Lazalier: "Bring us up to date. What is the absolute latest information you're being told at this location?"

"Well, Jeff," replied Hansen, "we're still inside the building systematically searching it. We still have survivors inside that building we're working to remove. We still have people trapped inside the building. We're setting up for a night operation at this time because there's some areas of the building we haven't been able to get to yet. It's very slow. We've got to slow down now. We've still got a danger of collapse in the building.

"Those are our priorities: lives and safety. We're into some dangerous situations. It's pretty frustrating because we have to be so slow, but we're doing that for the safety of our rescuers and the safety of the potential survivors."

"Have you heard any talk at all about any other bombs?" asked Lazalier. "We've heard things thrown about all morning long. Tell us the latest. Obviously, one bomb blew up. What about any others?"

Hansen stated, "The bomb squad told us that if there had been a secondary device, the might of the explosion from the primary device would have detonated it. So we have bomb-squad members inside the building with our rescue teams. In case we do come across something, they can take care of it immediately."

Realizing that he had just received a nonanswer, Lazalier continued his line of questioning: "So the original word on the street of possibly as many as three bombs in total is not necessarily true at this time?"

"There is nothing that I know of to confirm that," said Hansen abruptly. He had no further comment about the other explosive devices that had been found in the building.

### *The Second Bomb Scare*

At approximately 12:40 p.m. we heard frantic calls of another bomb scare—the second of that day. Moments of great confusion ensued. The media was again moved farther back from the building, and for the next twenty minutes all reports were in conflict with each other. First an all clear was announced, then all personnel were moved away again. A few moments later urgent word was received that another explosive device had been found at the west corner of the Murrah Building.

There were significant differences between this second bomb scare and the one that had occurred at 10:30 a.m. This time the world did not stand still while all anxiously awaited news. No public eyes watched the bomb squad go to work. No raw information would be read directly from the Associated Press newswire by the media.

The information first came rapidly in confused statements from police and reporters on the scene, followed by a multiplicity of lengthy distractions and official speeches, none of which addressed the issue of the second bomb scare. Finally, the initial reports were changed and denied. This time, with the media safely in hand several blocks away from the Murrah Building, the information released to the public was more controlled and prepackaged.

It all began with a general announcement. The news media reported that according to BATF officials, there were more bombs set to explode. Television reporter Suzanne Steely called in this report to the station: "We just had a bunch of police officers come running up to us, screaming, 'Get back! Get back!' We've been moved back about half a block, and we just got confirmation from the law-enforcement officers that they believe they've found another bomb in the building.

"Now, I was here this morning when they moved us back the first time," said Ms. Steely. "They were serious then also, but there was a lot more urgency in their voices this time. It's chaos here right now. The media was

in a big area right across the way from the building, and everybody is scrambling to try and move back again. They've moved us about a half a block back away from the media center.

"And again, the word is, they've found some kind of other explosive in the building. We're trying to find out more for you at this point, but again, there is a lot of urgency with the law-enforcement officials this time. They've been very worried about this."

Following Steely's report, KFOR Channel 4 news anchor Kevin Ogle stated, "It appears it was meant for this building to come down, to be leveled, because of the amount of power that could have gone off. There were more bombs set to go off, according to ATF officials."

For quite some time reports concerning what was found—if anything had been found—were completely contradictory. The media reported that discoveries of explosives had been made and then that the discoveries announced had been in error. Whatever was going on at the bomb site, it was a mad scramble.

Then suddenly the news coverage from downtown was interrupted by a weather alert. At this time of disaster the potential for an even greater problem was looming ahead. In the southwestern part of the state severe thunderstorms had developed and were moving toward the metropolitan area.

Weather forecasters advised officials to bring portable buildings, tents, rain gear, and other forms of temporary shelter to the bomb site because heavy rains were approximately ninety miles to the southwest of Oklahoma City, coming in several waves. The storms were already hammering Fort Sill in Lawton, Oklahoma, with torrential rains, cloud-to-ground lightning, high winds, and hail. On the radar it looked like the series of severe storms would pound the metro area for fifteen to eighteen hours.

In response to this news, public appeals were made for rain gear and portable shelters. No sooner was the announcement made than the equipment began immediately arriving, donated by members of the community. The weather in Oklahoma City was still sunny, but to the southwest the anvil clouds were building and moving our way. Workers were assigned to set up shelters on the street and rain gear was readied for the rescuers.

In the meantime, the bomb squad had gone to work again. After so many contradictory reports, the second bomb scare had to be skillfully explained to the public. Now it was time for another round of denials.

Devin Scillian of KFOR Channel 4 Television announced, "As far as the two to three devices that they have been looking over, I understand that the second device that they found may not have been a device involved in this. It may have been a training device that the ATF had. Keep in mind that the ATF offices are at the Federal Building, so we'll continue to look into exactly



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what the munitions experts found as they try and decipher who might have put what in the building.”

With those somewhat rambling introductory remarks, Devin Scillian turned the report over to Suzanne Steely on the scene. Ms. Steely responded to Scillian’s comments: “Devin, what you just mentioned is very relevant, because we’ve just found out that when we were moved back from our scene up there just a few minutes ago that there was not another bomb found. It was one of those ATF training devices that you just mentioned that was found. And that’s what is making this so difficult. As they go through and search for victims, they come across this ATF training equipment. They’re not sure if it’s a bomb or not. Obviously, they’ll have to assume it is until they know for sure. So it’s still a very dangerous situation.”

In contradiction to reports from the media, firefighters and police on the scene stated that hand grenades had been recovered from the building. It was later learned that these were among the many items that had supposedly fallen out of the ruptured ninth-floor BATF arsenal room. Further speculations were made that the devices might have belonged to the Drug Enforcement Administration, which allegedly also had an arsenal room on the ninth floor.

There were many such confused and conflicting statements, all of which added to the chaos at the scene. But again, although the storage of such devices in the Federal Building was illegal, and although those illegal activities might throw some civil or criminal liability on government agencies, those activities and those devices did not cause either the initial or the secondary explosions in the Murrah Building. They were a frightening diversion.

KFOR co-anchor Kevin Ogle then read a prepared statement that had been handed to him by someone in the newsroom. Said Ogle, reading the text, “We want to make sure that everybody understands that there has been *only one* detonation today—only one bomb blast today. That was the car bomb outside. There have been a couple of devices that have been found in or near the building, but only one detonation today, only one explosion. And you saw what it did.”

The one-bomb hypothesis would be repeated endlessly for months until it was generally accepted as fact. But it was not fact then, and it is not fact now. It has always been a carefully crafted lie designed to conceal what really occurred on April 19, 1995, and to protect the identities of the persons truly responsible for the tragedy.

### ***Governor Frank Keating***

The issue of the second bomb scare was temporarily put on the back burner when the Governor stepped in to begin putting things in order. Shortly before 2:00 p.m., Governor Frank Keating issued a proclamation



declaring a state of emergency, followed by the activation of ninety members of the Oklahoma National Guard, including two forty-member military police units. The National Guard would be assigned to handle crowd control and the evacuation of the injured.

Bomb technicians and police dogs from the Tulsa Police Department had been summoned to the Murrah Building. The United States Army's 61<sup>st</sup> Ordnance Detachment from Fort Sill was being deployed to the area.

In addition, four FBI Special Agents-in-Charge were setting up a twenty-four-hour command post. They would supervise the work of four FBI evidence-response and explosive-ordnance teams, bomb technicians, and five of the Bureau's most experienced bombing investigators. Thirteen members of the FBI's Rapid Start Team would be logging evidence, and fifty more FBI agents were scheduled to arrive the next day.

The BATF was sending two response teams and a mobile command center for use by their explosives experts and laboratory technicians. Twenty to twenty-five more BATF personnel were on their way to the bomb site.

FEMA operations were established under the direction of James Witt and Regional Director Buddy Young; and the Secret Service sent an undisclosed number of agents and explosives experts to the area.

While officials were attempting to bring some degree of control to the chaos at the bomb site, Governor Keating quickly contacted KFOR Channel 4 Television by telephone. He offered an interview to news anchor Devin Scillian, who asked the Governor where things stood at that moment.

Keating responded to Scillian's question: "I've issued a disaster declaration. We have the Army and Air National Guard involved, cooperating and working with the Oklahoma City Police Department and the authorities. We have the Oklahoma Highway Patrol and the Department of Public Safety providing their emergency and crowd-control services. We have the hospitals involved. We have the call out for medical personnel and—obviously—for blood for the injured.

"The President called this afternoon, Devin, and said that he was sending three FBI antiterrorist units to Oklahoma City. The ATF and FBI will obviously be cooperating together with the local authorities to identify the culprit or culprits and take them out.

"But it's just astonishing to me. What a horrible tragedy for Oklahomans and for the country! This really has to be the worst terrorist attack in American history. I can't imagine anything more serious than this. The World Trade Center tragedy didn't have a dozen fatalities.

"This is obviously going to be a horrible day in Oklahoma and in American history. The people that did it are lousy predators. They are cowards for taking out innocent men, women, and children. This is just a tragic day for us."

When asked about the investigation, Keating replied, "I talked briefly to Bob Ricks, who as you know, is the head of the FBI here in Oklahoma City, and Bob indicated that their best thought was either one or two bombs were planted in one or two automobiles."

Keating was quick to add that the number of bombs and the transporting vehicle or vehicles were still the subject of much rumor: "As far as that is concerned, we hope that this information is good and that we can identify those responsible and never permit them or others to do this again. But obviously, much of what we're picking up is rumor. Much of what we're picking up appears to be apocryphal. I just hope a lot of it is good and people will be able to identify the perpetrators and prosecute."

Scillian asked Governor Keating, "What are people coming up and saying to you?"

"Well, everybody is in shock and disbelief," said Keating. "As I said, this has to be—and I'm thinking back over American history—this has to be the most violent, the most unprecedented terrorist act in American history, right here in the middle of America, in the heartland of America. There has never been anything like this even in the worst days of the cold war, the worst days of the agony in the Middle East. We've never had anything like this. What a terrible, terrible tragedy!"

"All of us are looking to each other blankly. Anything that we can do to help one another, to pray with one another, to help the injured, we're going to do. And I just feel devastated about it, just absolutely horrible."

When Governor Keating was asked what people could do to help, he replied, "A fellow from the BBC called me and said, 'You are a very religious section of the country, aren't you?' I said, 'You'd better believe it.' And all of us are praying together that there will be survivors, that those who are injured will be able to be completely healed."

"Right now the only thing we can do is encourage the law-enforcement and the emergency medical people to do their jobs, to keep up their energy, if we can. Hopefully, it won't rain on us tonight so we can get the survivors out and look for a better day tomorrow. But it is a horrible thing that these horrible people did to these wonderful, innocent men, women, and children—especially those little kids. It's just outrageous that something like this could happen."

### ***The Waco Anniversary***

Later in the day, Paul English of the *Daily Oklahoman* asked Keating about the possibility of a connection between the Waco Massacre and the bombing of the Murrah Federal Building. Keating dismissed the issue by saying, "Take out your map and note that Waco is a long way from Oklahoma City." Meanwhile, in Waco, Texas, media representatives had been present at a morning memorial service held to honor members of the Branch Davidian congregation who, two years previously, had first been betrayed by the

Federal Bureau of Investigation and then brutally murdered in their church by agents of the Bureau of Alcohol, Tobacco and Firearms. Said one media reporter: "A gasp went up from the crowd as word of the deadly bombing at a federal building in Oklahoma City was announced over a public address system."

Clive Doyle, one of the survivors of the Waco Massacre, made a brief statement to the press: "We offer our sympathy to the families who have lost loved ones or are injured."

There were approximately one hundred people in attendance at the memorial service. The ceremony began at 9:00 a.m. and stretched into the afternoon. David Thibodeaux, another survivor and later a witness testifying before the Senate Committee investigating the Waco Massacre, rang a replica of the Liberty Bell each time the name of a Branch Davidian was read. An honor guard sounded a twenty-one-gun salute. Before the ceremony, many crape myrtle trees had been planted in memory of those who had died.

Survivor Clive Doyle dismissed speculation that the bombing was related to the second anniversary of the Waco Massacre. However, government officials and the media were not yet ready to turn loose of that possibility, and rumors of a connection were tossed about during the afternoon.

Shortly after the 3:00 p.m. news break on KTOK Radio AM 1000, the statement was made that the only persons who might plant a bomb next to a day-care facility were people who had themselves lost children at the hands of federal agents. The report thus blatantly implicated survivors of the Waco Massacre as perpetrators in the Oklahoma City bombing. It was suggested that surviving Davidians should be investigated as possible suspects.

KTOK news anchor Jerry Bohnen did not give the speculative comments much credence, but he did give them air time. The issue was immediately dropped. For another forty-eight hours the alleged Waco connection would be a nonissue.

It would be noon on Friday, April 21, before officials were ready to use the Waco Massacre as a portion of their statements against the accused. But even after the Waco connection became a part of the official story, representatives of the government were never very clear about their stand on the matter. It would be some time before the Waco Massacre was universally proclaimed by the media to be a motive for the bombing, and even then the ties were shaky at best. There was something else afoot that federal officials were not yet ready to present to the public, and that something else would be the most preposterous fabrication of all. But this matter was still months away from disclosure.

### ***Protecting the Public: Antiterrorism Legislation***

In his afternoon interview with Jeff Lazalier on April 19, Governor Frank Keating was asked whether he thought the bombing was an act of domestic

or international terrorism. Keating offered a nonresponse to the question, but then revealed far more than he perhaps intended with regard to the political agenda driving the situation.

“To us in Oklahoma,” said Keating, “it is irrelevant whether it’s domestic or international. We have suffered a grievous loss. Our innocent fellow citizens have been maimed and killed, and we are justifiably outraged and saddened.

“That’s one thing that President Clinton and I talked about. He said it’s the challenge of a truly free society—where people can come and go at will—to protect and prevent against these kinds of incidents.

“It’s very difficult to be one-hundred percent safe because of the fact that people in America don’t have transit passes, don’t have travel documents, and don’t have mandatory IDs. And we don’t have metal detectors and armed guards everywhere you go. That is something that the American people justifiably want and demand—to be free and to be able to travel freely.

“Prudent and careful protective efforts obviously should be examined as an aftermath of this tragedy.”

Prudent and careful protective efforts? What exactly was Keating suggesting here? To understand the subtext beneath Keating’s comments, it is necessary to review actions of the United States Congress nine weeks earlier—actions strongly supported by Governor Frank Keating, the White House, the Department of Justice, and all federal law-enforcement agencies.

At first the connection between proposed Congressional legislation and the Oklahoma City bombing seemed almost too far-fetched to be believed. It was certainly a concept which no one *wanted* to believe, even if it were true.

No one wanted to believe that they had been, or were being, politically manipulated. No one wanted to believe that evil against the American people had been planned by government officials or agencies. No one wanted to believe that leaders in the inner circles of power in our government would sacrifice the innocent and unsuspecting citizenry to a political ideology that was abhorrent to most Americans.

We didn’t want to believe it, but unfortunately the evidence began to confirm some very disturbing possibilities and probabilities. The evidence soon showed that the after-effects of the bombing of the Murrah Federal Building were going to be deliberately used as a driving force to promote a particular political agenda. Evidence would also later indicate that the bombing itself might have been perpetrated specifically for the purpose of achieving this agenda. Consider carefully the background of the situation and the political actions that resulted from the bombing.

On February 10, 1995, the Omnibus Counter-Terrorism Bill was introduced as S. 390 in the United States Senate and as H.R. 896 in the U.S. House of

Representatives (See Appendix E). It was initiated by the Federal Bureau of Investigation as a charter to investigate political groups.

The bill was introduced in the Senate by Senators Joseph R. Biden, Jr. (D-Del.) and Arlen Specter (R-Penn.); and in the House by Representatives Charles E. Schumer (D-NY) and Norman D. Dicks (D-Wash.). The two bills were introduced simultaneously and were essentially identical. The bills were passed on by the Justice Department and the White House and, prior to the Oklahoma City bombing, had bipartisan support.

The original provisions of the Omnibus Counter-Terrorism Bill are summarized below:

- ❖ A general charter for the Federal Bureau of Investigation and other agencies, including the military, to investigate political groups and causes at will.
- ❖ Is a wide-ranging federalization of different kinds of actions applying to both citizens and non-citizens. The range includes acts of violence, attempts, threats, and conspiracies, as well as giving funds for a humanitarian, legal activity.
- ❖ Would allow up to a ten-year sentence for citizens and deportation for permanent resident non-citizens for the crime of supporting the lawful activities of an organization the President declares to be terrorist.
- ❖ The President's determination of who is a terrorist is unappealable and specifically can include groups regardless of any legitimate activity they might pursue.

The bill authorized:

- ❖ Secret trials for immigrants who are not charged with a crime, but rather who are accused of supporting lawful activity by organizations which have also been accused of committing illegal acts but have not been tried or found guilty, following secret proceedings with one-sided appeals, using illegally obtained evidence.
- ❖ The suspension of posse comitatus (power of the county)\*, allowing the use of the military to engage in law-enforcement activities regardless of any other laws.

**The reversal of the presumption of innocence.** The accused is presumed ineligible for bail and can be detained until trial with no appeal.

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\* "Whoever, except in cases and under circumstances expressly authorized in the Constitution or Acts of Congress, willfully uses any part of the Army or Air Force as a posse comitatus or otherwise to execute the laws shall be fined not more than \$10,000 or imprisoned for not more than two years or both." —Title 18, USC Section 1385.

- ❖ It loosens the rules for wiretaps.
- ❖ It would prohibit probation as a punishment under the Act even for minor, non-violent offenses.

There is one primary key to the intent of the Omnibus Counter-Terrorism Bill: the determination of who was a terrorist rested solely in the discretion of the President. The bill contained no guidelines to define "terrorist" with any specificity, and because there were no guidelines whatsoever, the President could even name members of an opposing political party as terrorists if he felt so inclined. To do so, even without evidence or due process, would be an unappealable legal act.

A whim, a disagreement, a perceived threat to a political ambition, a personality conflict, the failure of a charitable group to support the reelection of the President, a Sunday sermon concerning a political issue—an infinite number of things could, without warning, lead to the criminal investigation of innocent persons by federal law-enforcement agencies or by the military.

The suspension of posse comitatus would instantly and retroactively legalize the Waco Massacre and any similar murderous activities that might occur in the future. Under these conditions it would be perfectly legal for soldiers to invade homes, confiscate possessions, arrest innocent persons without cause, or even commit murder if they were acting under the President's "terrorist" directive.

Under the provisions of the Omnibus Counter-Terrorism Bill, any person who might donate money or volunteer his time in service to a worthy charitable organization could find himself unexpectedly at risk. If the President decided—for whatever reason—that the organization was terrorist in nature, the honest and law-abiding donor would then become the object of a federal criminal investigation even though no illegal nor felonious activities had been perpetrated by the organization or the donor.

The Senate and House bills both repeatedly said that "lawful" and "legal" activities could instantly become "illegal" if the President so desired.

Once arrested, without evidence or probable cause, the accused could be detained indefinitely without bail or a timely judicial hearing, would be considered guilty until proven innocent, could be subjected to secret trials, secret proceedings, and one-sided appeals, and could be convicted by the use of illegally obtained evidence.

Without evidence or guilt established by due process, the President could at will make random determinations that could affect the life of any American who might do nothing more than disagree with White House policy or who might support a legal organization that held or opposed a particular political view.

Under these conditions it might become extremely dangerous for any American to do such politically incorrect things as write to his

Congressman, attend political rallies, home-school his children, pray in his home, believe in the Bible or other holy book, own a firearm, hold a hunting license, subscribe to "underground" publications, possess "dangerous" books, befriend political activists, resist psychological profiling, refuse to respond to census takers, collect precious metals or numismatic coins, store food supplies, have military surplus or camping equipment in his home, or obtain voter registration with an independent political party.

The provisions of the Omnibus Counter-Terrorism Bill were completely totalitarian in nature, designed for use by a dictatorial government in a system where Creator-endowed rights did not exist, and where so-called human rights were arbitrarily declared, altered, denied, or discarded at will and in opposition to established legal precedent.

To disguise the real intent of the Omnibus Counter-Terrorism Bill, certain well-known organizations were named as terrorist agencies, such as the African National Congress, FMLN in El Salvador, the Palestine Liberation Organization, and the Irish Republican Army in Northern Ireland.

Yet while the government was using fear to motivate the public and pointing a finger at the above-named organizations, the Irish Republican Army was busy establishing offices in the United States with the blessing of President Clinton and the government of the United States. No one in authority was objecting to this; it was, in fact, encouraged. This bill was obviously *not* about any of the organizations or activities named by the framers of the bill.

The bill was specifically designed to give the President of the United States the ability to name whomever he wished as a political enemy for the purpose of that person's removal, and the appropriate media label would be "terrorist." One could also foresee, as a result of this bill, great strides in the effort to completely disarm the American people.

The Center for National Security Studies, noting the true purpose of the Omnibus Counter-Terrorism Bill, stated: "Since the new offense"—international terrorism—"does not cover anything that is not already a crime, the main purpose of the proposal seems to be to avoid certain Constitutional and statutory protections that would otherwise apply."

This very bold move in Congress would require either the most extreme propaganda or the most extreme secrecy if the bill was ever to become law. As we would observe over the months following the Oklahoma City bombing, both propaganda and secrecy were evident in the attempts to pass the Omnibus Counter-Terrorism Bill.

The breadth of the coverage of S. 390 and H.B. 896—and their later incarnations, S. 735 and H.R. 2703—would make it impossible for the government to prosecute all assistance from around the world to groups that have committed violent acts or threatened to do so. And it would be clearly impossible for the government to painstakingly monitor every person or

organization that might hold an opinion contrary to that of the President. Its condemnation necessarily would target organizations that the President—or whoever influenced him—found offensive at any given moment. People to be imprisoned or deported would be chosen specifically because of political associations and beliefs—or whatever else might be considered dangerous, which could eventually include religious affiliations and activities.

These two bills, S. 390 (S. 735) and H.B. 896 (H.R. 2703)—eventually lumped together by the media under the vernacular title, “the Anti-Terrorism Bill”—were referred to the Judiciary Committees of both the Senate and the House.

The introduction of the bills was almost completely ignored by the mainstream press. Only the *New York Times* made mention of it in a February 24, 1995, column written by Anthony Lewis that had been imported from another newspaper.

Because of unexpected intervening revelations from the political underground that publicly exposed many of the more dangerous provisions in the Omnibus Counter-Terrorism Bill, the bill could not be rushed through the Congress on a fast track, as its supporters had desired. Once the truth was known, opponents of the bill mobilized quickly to try to stop the insanity.

For a while it seemed that the Omnibus Counter-Terrorism Bill was going to be mercifully stalled in the Congress indefinitely. But the Oklahoma City bombing struck a chord of fear and anger in the hearts of many unsuspecting Americans. Few Oklahomans experienced a day in the aftermath of the bombing in which they did not silently wonder if sudden death waited around the corner, and if it did, who might be the perpetrator.

Without considering that it would be absolutely impossible to legislate or guarantee freedom from death by terrorism—regardless of the breadth and scope of any proposed legislation, regardless of increased powers of federal agencies, and regardless of the number of police on the streets of our cities—many Americans began to feel that their only hope of real security rested in the “protection” offered by the federal government.

Governor Frank Keating’s comments about “prudent and careful protective efforts” were just the beginning of the massive political manipulations that would be skillfully used following the Murrah Building bombing in an attempt to rush passage of the Omnibus Counter-Terrorism Bill.

On June 4, 1995, a group of survivors of the Oklahoma City bombing, organized by Glenn Seidl, traveled to Washington, D.C., to lobby for passage of the bill. They knew little about what they were doing and were totally in the dark concerning the actual language, provisions, and intent of the bill in its totality. These local “lobbyists”—most of whom were completely inexperienced and had never been politically active in any situation

previously—suffered from tunnel vision and focused on only one particular concern addressed in the bill: habeas corpus reform.

The writ of habeas corpus is a vital part of our judicial process that not only ensures that an accused party will be brought before a court or judge in a timely manner, but also gives the accused the right to obtain a writ of habeas corpus as a protection against illegal imprisonment. This writ demands an inquiry into the lawfulness of the restraint of a person who is imprisoned or detained in another's custody.

There was a reason for the victims' concern. Fueling the debate over habeas corpus reform was the recent execution of Roger Dale Stafford, the infamous "Sirloin Stockade murderer" who, for almost two decades, had avoided execution through use of the appeals process. That grisly multiple murder had occurred in Oklahoma, and Stafford had lived on death row in an Oklahoma prison at the taxpayers' expense for seventeen years. His execution, which occurred shortly after the bombing of the Murrah Building, served as a primary example of the perceived abuse of the appeals process and was used by the victims as documentation in their lobbying effort.

But of even greater concern to the victims was the fact that Roger Dale Stafford's attorney, who had so successfully kept him from execution for so long, was none other than Stephen Jones, the lawyer who had been appointed to represent one of the bombing defendants. The possibility that Stephen Jones could legally assist a convicted killer in the Murrah Building bombing case to avoid retribution was a greater nightmare to the victims than the bombing itself.

The survivors of the bombing were understandably very vulnerable emotionally, and this was manipulated and played upon to achieve a political end. The surviving victims wanted revenge, they wanted blood, and they wanted it now. Their unseasoned political ambitions were driven by deep and overwhelming emotions, not by reason or a desire for justice. No indictments against any accused person had yet been handed down by any grand jury—nor would they be for another two months. But that didn't matter. The men accused had already been tried and convicted by the media. Everybody "knew who did it"—or so they thought.

The plans, meetings, actions, and political moves of this group of survivors were directed expertly behind the scenes by the State Attorney General's office, which was working hand in hand with the federal prosecutors of the Murrah Building bombing case. If anything could mobilize the victims into a group of political activists, this was going to be it.

These "activists" may have meant well, but they were intentionally led astray by their legal counselors and handlers. They had only one point of view, and that perspective was controlled by their emotional frailty as victims.

In their minds habeas corpus reform would ensure that the murderers who killed their loved ones would be put to death in a timely manner. That

habeas corpus also protected the innocent was not considered. It never occurred to these people that at some point in the future they themselves might be unjustly accused and imprisoned without trial, having no recourse to demand that cause be shown for their incarceration.

The group of victims and survivors did not realize that the issue of habeas corpus reform was a two-edged sword, especially in the Anti-Terrorism Bill. They could have been told. They could have been shown the implications. But it was the wish of neither the State Attorney General's Office nor the federal prosecutors that these people understand anything. All that was required was that they make a moving, emotional appeal to Congressional power brokers and promote a political agenda they could not in all justice comprehend.

On June 7, 1995, after Glenn Seidl and a dozen other victims had met individually with certain senators in Washington, D.C. and then held an emotional news conference on the U.S. Capitol grounds, the Senate overwhelmingly passed an antiterrorism bill that included major changes in the appeals process.

Said then-Senate Majority Leader Robert Dole: "The families of some of the bombing victims traveled all the way to Washington ... to let us know that we must take action now to put an end to the endless delays and appeals that have done so much to weaken public confidence in our system of criminal justice. It is gratifying to see that their efforts had such a profound impact here in the Senate."

Several months before the victims' Washington meeting, President Clinton had said that he would support some type of habeas corpus reform, but he had also written a letter to Robert Dole saying that he did not believe such reform should be a part of the Anti-Terrorism Bill. However, within twelve hours after the victims' press conference, Clinton appeared on the *Larry King Show* and reversed his position, saying, "We need to cut the time delay on the appeals dramatically and ... it ought to be done in the context of this terrorism legislation so that it would apply to any prosecutions brought against anyone indicted in Oklahoma."

This was the key to the big push, the big rush for passage. The grief and tragedy of the Oklahoma City bombing was going to be the *cause celebre* that would demand immediate response from the Congress.

While it is not unusual for crime victims and their families to become advocates for political and judicial change, this situation was different. The victims had focused on areas in which some limiting reform was believed needed, but they had not been educated about the complete contents of the Omnibus Counter-Terrorism Bill. They had been led to believe erroneously that their desired habeas corpus reform could come *by no other means* than the passage of this bill. In this respect the victims were used

by government officials and federal prosecutors to promote a dangerous political agenda.

In a letter dated October 31, 1995, addressed to "All Murrah Bombing Victims, Survivors and Families," Glenn Seidl and thirteen other victims wrote and signed their names to the following: "The [State] Attorney General told us that he has no doubt this [the Anti-Terrorism bill] was passed *only* because of the message brought by the survivors and the victims' families ...

"However, we are now very concerned that our victory in the Senate, which we thought at the time to be the pivotal vote, will not necessarily mean that the reforms will become law. It has now been over five months since the passage in the Senate, and the U.S. House of Representatives has still not acted to adopt any form of the Anti-Terrorism Bill that permits the habeas reform to become law. It appears that some Congressmen are very concerned about passing any form of the Anti-Terrorism Bill because of the controversies over the Waco hearings and Ruby Ridge. Opponents of the Anti-Terrorism Bill and habeas corpus reform are very powerful, and include the American Civil Liberties Union, the National Association of Criminal Defense Attorneys, the National Rifle Association, and other powerful groups.

"Our position is simply this: Whatever the concerns—work it out. *Some form of anti-terrorism must be passed in order to reform habeas.*" [Author's emphasis.]

Unfortunately, Seidl and the other victims were mistaken in their conclusions. It was certainly not news that criminals sentenced to death had lingered for many years on death row, filing appeal after appeal to delay execution—a situation that has caused great bitterness and continued grief for the victims of capital offenses. But it was *not* necessary—or even remotely desirable—for the Anti-Terrorism Bill to be passed in order to achieve habeas corpus reform. The victims and their families had been deceived.

Toward the end of Seidl's letter, the motivators behind the scenes were revealed. The letter stated, "If you are interested in participating, please feel free to contact Assistant Attorney General Richard Wintory or his legal assistant, Susan Hanna ... or Administrative Assistant Gerald Adams ... The Attorney General's office has served as a source of information and support for our efforts and has provided other technical assistance for our group."

The well-intentioned survivors were being guided and instructed by officers of government who intended to propel the dangerous Omnibus Counter-Terrorism Bill through the U.S. Congress on the backs of the victims, using habeas corpus reform as the driving issue.

Bud Welch, whose daughter Julie had been killed in the blast, was approached by the victims' lobbying group to participate in their political

activities. He was at first eager to help, but when he learned more about the legislation and the proposed habeas corpus reform he withdrew his support. Realizing that the victims were being used to promote a political agenda that they did not understand (and to which he was opposed), Bud Welch wrote the following letter to Senator Orin Hatch when the Senate and House bills were being reconciled in committee:

"Dear Senator Hatch:

"I am sorry I missed you when I was in Washington a couple of weeks ago. As the father of someone murdered by the Oklahoma City bomb, I write to urge you to reconsider the habeas corpus package in the bills you are being called to conference on.

"MY FAMILY AND I ARE HORRIFIED THAT CONGRESS IS CONTEMPLATING PASSING A BILL SUCH AS THE ONES YOU MAY HAVE BEFORE YOU.

"I find it telling that I, like the other family members in Oklahoma City, was approached very early in my grief by people asking: 'Would you be in favor of anti-terrorism legislation.' No explanation was given as to what such legislation would look like, or what it would do to our fundamental rights. In the throes of my loss, and with such a vague picture presented about the bill, as you might imagine my response was like that of so many other family members who have since been brought to Washington to be *used as advocates for this bill* [Author's emphasis] I know they do not understand. I said, 'Of course, anything to combat such horrible acts as the one which took my Julie from me.'

"Now we have actually learned what is contained in these massive bills, and we know that the last thing our family wants (and Julie was my precious 23-year-old, only daughter and my best friend) is for legislation crippling Americans' Constitutional liberties to be passed in her name and memory. Julie certainly would not want this. We, and all Americans, have already been terrorized more than enough; we do not need this legislation to terrorize us still further by taking from us our [C]onstitutional freedoms.

"Only a few weeks ago did I learn from my niece, who just happens to be a lawyer capable of understanding this massive and technical legislative proposal, what is actually in this bill. I also now know personally what legislators must certainly know, from the mouths of federal officials themselves: They have all the legislative tools they need to fight terrorism and bring terrorists to justice.

*"It utterly galls us as a family so devoted to my daughter that we and our loss should be used as a political football for politicians eager to posture themselves as 'tough' on crime in order to reap*

*some political advantage, and to do the bidding of already powerful agencies who have demonstrated their inability to responsibly exercise the enormous powers they already possess.*

*"The habeas reform provisions in particular are not known or understood by the families who have been used to lobby on behalf of this bill. (One family member even told me recently that she understood habeas corpus to be an anti-terrorism investigation tool). [Author's emphasis.]*

"Our family knows that meaningful independent habeas court review of unconstitutional convictions is an essential fail-safe device in our all too human system of justice. And we have learned that this package of 'reforms' you are being asked to vote for would raise hurdles so unremedied. This is true in all cases, not just life and death ones. We consider this a direct threat to us and our loved ones still living who may well find themselves the victim of abusive or mistaken law enforcement and prosecutor conduct and unconstitutional lower court decisions. Two wrongs have never made a right.

"We understand that while habeas corpus may not be household words, in Oklahoma or anywhere else in America, it is something for which our founders fought to enshrine in the Constitution, the safety net provision that ensures ALL of our rights and liberties ... including the First, Second, Fourth, and all of the other precious Amendments and other parts of the Constitution.

"Please forgive such a long letter. But I feel that Julie's memory and our rights are literally in the balance, and in your hands and the hands of your colleagues.

"I continue to educate other family members here about these bills and why they really cannot want Congress to pass them as written only. IF ONLY THEY KNEW WHAT IS IN THEM! I pray you will educate your colleagues in the same way. And I hope you will share this letter with your many colleagues. We simply could not visit in our limited time in Washington.

"Sincerely, Bud Welch, (On behalf of Julie Welch and the surviving Welch Burton family of Oklahoma City)."

Bud Welch was the lone voice crying in the wilderness. The television media interviewed him just long enough to learn that he was strongly opposed to the Anti-Terrorism Bill, then cut him off, and never interviewed him again about that subject. Nothing could be allowed to interfere with the Anti-Terrorism agenda.

District Attorney Robert H. Macy made clear the political agenda in a letter he addressed to the chairman of the Senate Judiciary Committee and one of the authors of the Omnibus Counter-Terrorism Bill, Senator Orin G. Hatch.

Macy's letter was written on May 24, 1995, at a time when it was believed that the State of Oklahoma would be able to bring murder charges only on behalf of the persons who died outside of the Murrah Building property, who numbered fewer than ten.

However, the later discovery in November of the absence of any federal government documents of possession for the land on which the Murrah Building was built gave concurrent State and federal jurisdiction to the case. Macy later announced that he intended to file murder charges on behalf of all of the victims. But in May 1995 the discovery of the absence of the critical document was still five months into the future. Macy's letter is quoted here in its entirety:

"Dear Senator Hatch:

"The purpose of this letter is to express my support for the inclusion of the provisions for reform of Federal Habeas Corpus authored by Senator Specter and you in the Anti-Terrorism Bill, [now numbered] S. 735. Apparently some persons have raised questions about the appropriateness of this measure. Specifically, I have been told that there are some who do not see the importance of these reform measures in cases such as the Oklahoma City bombing, which will initially be prosecuted by Federal Court.

"There are two points I would like to make in response to those questions. First, immediately following the trial or trials in Federal Court, I shall, working in cooperation with the United States Department of Justice and the federal law-enforcement agencies investigating the bombing of the Alfred P. Murrah building, prosecute in Oklahoma State Court the cowards responsible for murdering innocent people in the area surrounding the Federal Building. And I shall seek the death penalty. We must never forget that this bombing took several lives and injured dozens of persons in the neighborhood and businesses near the building. The State of Oklahoma has an overwhelming, compelling interest to seek and obtain the maximum penalty allowable by law for the senseless and cowardly killings. Not only it is in the interest of the State, it is my sworn duty to seek those sanctions, and I intend to fully carry out my responsibilities.

"The reform measures contained in the Specter, Hatch, Dole Habeas Corpus Reform measures contained in S. 735 will in my judgment significantly curb the abuse and delays inherent in current habeas practice. Every day of delay represents a victory for these cowardly, cold-blooded killers and another day of defeat and suffering for the victims and all other Americans who cry out for justice.

“Secondly, your reform provisions will also create significant time savings during appeals from federal convictions as well. Examples of this include:

time limitations on when habeas petitions may be filed;

time deadlines on when federal courts prioritize consideration of capital appeals;

a requirement that federal courts prioritize consideration of capital appeals;

reform of the abuses inherent in the probable cause process; [and] limitations on second and successive petitions.

“As Chairman of the Board of Directors of the National District Attorney’s Association I am proud to inform you that America’s prosecutors speak with one voice and that we are calling upon you and your colleagues to set your priorities and enact reforms which will provide to every convicted murderer the rights guaranteed by the [C]onstitution, but absolutely no further consideration or delay than is constitutionally required.

“Respectfully, Robert H. Macy, District Attorney.”

Macy’s vigorous letter fooled only those already being led down the primrose path. The truth still remained that habeas corpus reform might have been needed, but not at the expense of personal liberty. The Omnibus Counter-Terrorism Bill was a poor vehicle for such reform, but it contained all of the cards that the federal government wished to play. It had already been a battle to the death, but the war was far from over.

On August 19, 1995, four months after the Murrah Building bombing, President Clinton tried again to push for passage of the Anti-Terrorism Bill, which was still stalled in the Congress. At the close of his radio address that day, Clinton stated, “It’s hard to imagine what more must happen to convince Congress to pass that bill.”

This thinly veiled threat has remained ominously present in the minds of all freedom-loving Americans ever since that date.

On October 19, 1995, six months after the bombing, Clinton complained at a press conference that Congress seemed to have forgotten about *his* terrorism bill. Said Clinton, “It’s been six months since the Oklahoma City bombing ... [and] they still haven’t passed the bill. They haven’t even scheduled it for a final vote”—as if the Oklahoma City bombing was the reason that the bill should have already been signed into law.

But the reasons for the bill’s failure to pass had nothing to do with scheduling. There was no partisan plot delaying passage. Between its introduction

into the Congress in February and Clinton's complaints in October, many of the provisions of the bill had been made public. For patriotic Americans, the scope of the bill was horrifying and many heard the death knell of personal liberty.

David Kopel of the Independence Institute commented that both the House and the Senate antiterrorism bills "define almost all violent and property crimes, no matter how trivial, as terrorist offenses. The bills thereby federalize virtually the entire criminal law."

Civil-liberties issues were causing many problems for the bill's Washington supporters, and the telephone lines to Congressional offices had been inundated with calls in opposition to the bill. Under attack were the bill's provisions that expanded the wiretapping powers of government law-enforcement agencies, the establishment of secret courts to deport aliens suspected (but not charged or convicted) of terrorism, and the arbitrary power of life and death given to the President or the Attorney General without guidelines or definitions. By October 1995 there were simply not enough votes to pass it.

Voicing his opposition to the bill, Representative Don Manzullo (R-IL) remarked in a letter to House Judiciary Committee Chairman Henry Hyde (R-IL): "I do not want to see the House fall into the political trap of reacting to a tragedy simply to be able to say it 'did something,' because what I have found in H.R. 2703 suggests we may be willing to compromise the integrity of the Constitution for the sake of responding to crimes that would be impossible to stop through the standard legislative process."

In an editorial dated October 23, 1995, the *Washington Post* offered the following opinion:

"The President's nudging complaint does not appear to take into account the real problems various members have with the terrorism package. This is not a matter of legislators getting their act together or demonstrating their abhorrence for train derailleurs and day-care center bombers by passing a bill. Opponents on both sides of the aisle are acting on their own deep moral convictions concerning individual rights and government power. This is not easy to sort out and may require a whittling down of some provisions of the bill. Calling for a quick vote when defeat is a real possibility is more of a risk for the President than a popular call to action."

Early in 1996 the United States House of Representatives finally passed H.R. 2703 and that bill was sent to committee to be reconciled with the Senate version, which had been passed in June 1995. After all was said and done, President Clinton was not particularly happy with the House version, stating that it had been watered down and all of its legislative teeth had been pulled.

In his radio address of April 13, 1996—six days before the one-year anniversary of the bombing—Clinton again pressed for a stronger antiterrorism bill: “It is essential that Congress send me the *right* antiterrorism legislation—legislation that finally will give law enforcement the upper hand. When I met with leaders of the Congressional majority shortly after the bombing, they assured me that Congress would give the American people strong antiterrorism legislation. They haven’t. While the Senate passed a solid bill, the House absolutely gutted it. Under pressure from the Washington gun lobby, House Republicans took that bill apart piece by piece. Well, now it’s time they put it back together.”

Eventually the House and Senate versions were reconciled, and on April 24, 1996, five days after the one-year anniversary of the Oklahoma City bombing, Clinton signed S. 735 and it became Public Law 104-132.

The battle over the passage of the Anti-Terrorism Bill and all that it entailed will be handled extensively in Volume Two. On April 19, 1995, that battle was almost a year into the future.

As Oklahoma Governor Frank Keating began putting things in order by calling for “prudent and careful protective efforts,” it became apparent that it was going to be necessary to paint the Murrah Building bombing with such broad and fearful strokes that terrorism would become the single most feared cause of death in America. Only in the grip of a paralyzing fear would the American people ever beg for dependable enslavement to rescue them from unpredictable liberty and its burden of personal responsibility.

***Watch out for the fellow who talks about  
putting things in order!***

***Putting things in order always means  
getting other people under your control.***

— Denis Diderot

*Supplement to Bougainville’s “Voyage” (1796)*



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## HOW SHALL WE LOOK AGAIN

### *The Community's Response*

It was almost one o'clock in the afternoon—four hours after the bombing. Rescue workers in the Murrah Building had not yet cleared a single floor. As debris was removed from the building, settling began to occur. The building itself was groaning as firefighters and rescue teams worked their way toward the victims. Without warning and within mere seconds, hair-line cracks in concrete slabs, balanced precariously above the rescuers, widened to half-inch gaps, showering the workers with dust and rock, threatening to crush the men attempting to remove those already trapped.

"We've had some minor secondary collapses inside the building," said Assistant Fire Chief Jon Hansen, "and that's going to happen to us. We've got to be very careful as we remove rubble that's unstable. There are some things that we don't want to cause for ourselves. That's always the possibility right now. And yes, we have had some secondary collapses."

Said another firefighter, "One after another they crawled back in here and worked for hours at a time. They passed out body parts. They pulled the victims past them and passed them out. I'm not going to lie to you. Yeah, I was scared. Probably my biggest fear was having a secondary collapse and being buried."

Reporter Uze Brown-Washington interviewed Officer Adrian Neal from the Edmond Police Department and asked about his experience inside the Murrah Building.

"I was inside the building," said Officer Neal. "Our agency sent out several people just [like] every other agency, and we worked from the first floor up



to the ninth, trying to see if there was anybody, any victims that needed medical assistance. It's just incredible devastation. It's like being a miner, and you have to dig through walls and ceilings. A lot of debris has collapsed on top of desks, and there was one door I saw that had literally been blown through a block wall."

Neal was asked if there was much hope for finding survivors. "I would hope there is," he replied. "I know from what I saw that it's a bad situation. We're optimistic and we're doing everything we can. I know that there were a lot of people in there digging through the debris.



Mourners left signs and expressions of sympathy throughout the area in honor of the victims.

"We saw a pair of ladies' shoes, and all we could see was the bottoms of them. So we spent twenty minutes digging through the debris trying to work ourselves to that area. It turned out it was just a pair of shoes ... but you have to check. So that's why it is taking so much time. It is an agonizing process.

"The thing is, the stability of the building is still in question. I know that there were several times when I was up on the seventh, eighth, and ninth floors that I felt like the building was moving. You have to be very slow and cautious when you're doing this."

The wreckage of the building was so tangled and jumbled that the sorting had become painstakingly slow. Said one observer, "It would be so easy to shift some bit of crumpled concrete and inadvertently crush a living person trapped underneath it. Hurry the least little bit, and you might kill someone beneath you. Things had to be lifted cautiously, not shoved aside, and the things to be lifted weighed tons."

In a later interview Firefighter Mike Shannon described the rescue work in a part of the Murrah Building that had been nicknamed the Cave. Said Shannon, "They had to work single file, coming through the crack into here. They would move a rock and pass the rock back down the line as they found the people.

"Back in here is where they were all compacted—about eight people in this one spot, literally touching each other. So the men had to work through each victim as they worked their way to the one behind, and the one behind them, and so forth. It was horrifying."

Reporter Lee Evans offered the public a medical update from the bomb site around 1:30 p.m. The streets had become comparatively quiet and the shrieks of the ambulance sirens no longer split the air as they had during the earlier hours of the rescue operation.

Said Ms. Evans: "University Hospital is now sending four doctors down to the scene with emergency amputation kits to amputate limbs from some of the victims trapped in the rubble. We've been told that the only way to get them out is to cut them away from the rubble. It's hard to stomach the reality of this rescue. Medical personnel have had to amputate one person's arm to free the victim."

Shortly after Ms. Evan's report, Southwest Medical Center announced that it was still on a disaster alert, preparing for the second wave of the injured, but almost immediately a second announcement was made: medical personnel were no longer needed. Only the dead were being found.

Kent Ogle with KFOR Channel 4 Television reported from the University Hospital Trauma Center: "About thirty minutes ago they had some ambulances come and pick up stretchers and emergency supplies and took them out to the field hospital which is set up near the Federal Building. But about five minutes ago they brought it all back.



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"I asked some of the personnel what was going on. They said, 'We're not needed.' There are not enough survivors being removed for the medical workers to treat. That certainly doesn't look good when we're getting that straight from the medical personnel.

"The triage [center] there by the Federal Building is still open and they are hoping more survivors will come out. But right now the field hospital that was set up to treat what they had hoped would be the second wave of survivors has been torn down and brought back to University Hospital. There must be around seventy-five emergency personnel here at University Hospital, stretching as far as the eye can see, just waiting."

Reporter Tara Blume interviewed Nurse Robin Gibson at the triage center located at the corner of NW 5<sup>th</sup> and Oklahoma. Said Ms. Blume, "I am at the field hospital where they had set up a triage unit in a storage building, but they're breaking it down now because there is simply not anybody left to treat. With me is Robin Gibson. Robin, give us some indication from the people that have gone in there what they have found."

Ms. Gibson replied, "They have found lots of rubble, rocks, and no survivors so far. They have heard a few voices underneath the rubble, but they have



PHOTO BY BRETT WOOLEY



found no survivors. They are tagging [bodies] right now. They were up to thirty in the last count I heard."

Blume asked, "I heard that there was one person that they pulled out alive. Do you know about that?"

"They did pull one person out a couple of hours ago, and that person was taken to the hospital," said Gibson. "That's all we know. There were two triage centers, one up closer to the building and one right over here on this corner. They are both being pretty much dispersed. We are keeping about twenty to thirty personnel around just in case. We're not sure whether a temporary morgue is going to be set up or anything of that nature. All out-of-town ambulances are going home and we've been authorized to dismiss everyone."

"Robin, this has got to be devastating to everybody here that wanted to come and help."

"Yes, Tara, yes. I got here right around 10:30, and I had to turn away at least a hundred people who volunteered. We had fifty on reserve. We had first-aid volunteers over here, and there were just so many people."

Robin Gibson suddenly sighed and looked very tired. "It really was great to see so many people come out and try to help. But there just wasn't anything to do."

Gradually we began to understand that the Murrah Building was not going to yield that expected secondary wave of living victims who could be rescued, helped, and healed. With the exception of the small handful of survivors yet to be discovered, the Alfred P. Murrah Building was now a sepulchre from which the dead would be exhumed.

In acceptance of this situation, the local medical workers were being told to stand down. A FEMA team from Tulsa — the National Disaster Medical Service Team — dispatched its personnel to Oklahoma City. This FEMA team was more highly trained at body extraction than treating the injured who were still living. Once on the scene, they began to bring the remains of the bodies out of the building and take them to the makeshift morgue locations that had been set up at the former triage sites.

It was now two o'clock. Time was again standing still and anxiety was high. No one could be seen working in the Murrah Building because of the distance from the site, but we knew the workers were still there. We could hear the sound of the portable generators on the north side of the building.

The first broken lines of clouds from the approaching thunderstorms had made an appearance. Alternately, the remains of the building were highlighted in sunlight and then cast into pallid shades of gray. All kept a watchful eye to the southwest. It was a restless time. There was nothing to do but wait and talk. People needed to talk. Somehow that seemed to relieve the tension.

Nicky Smith and Pam Burns were nurses who worked at Passion Home Health Care. They had been involved in the rescue operation from the earliest moments. Said Ms. Smith, "It's like a war zone. There is rubble everywhere — concrete, pieces of cars, twisted and mangled parking meters."

When asked what she observed while in the Murrah Building, Smith was momentarily speechless, unable to describe the situation downtown: "Well, it's not like anything I can really honestly put into words for you."

Nurse Pam Burns tried to add some perspective: "I guess it's the reality of TV validated — what you see on TV when something blows up and it's all theatrical makeup. Well, this isn't theatrical makeup. This is real blood this time. It's pretty graphic. When you've seen some of these big movies where things are blowing up, things are on fire and all of that — well, this is after the fire: the charred bodies, the devastation.

"At this point all of the nurses have gotten real disheartened because we went in with our adrenaline up, knowing our ER experience to try to intervene in the best way we could, to try to save these lives. And there is no one to save. There has been one survivor found in the past two hours. That's not a real good body count. One life.

"There are dismemberments. There's blood everywhere. People have been burned from the blast. It's really awful ... really awful. All of the nurses that have over five to ten years of ER experience and most of the physicians have been told that they can go home or go back to their own facilities because there is nothing that can happen.

"We've also been told that the disaster team from Tulsa trained in picking up the bodies and dealing with the evidence will be taking over at this point. So that pretty much tells me that there's nothing else for the nurses to do."

A pale and shaken volunteer, Gary Jenkins, made a statement to the media. He had been working just outside of the Murrah Building, helping first with the removal of the injured survivors and later in the makeshift morgue. When asked to describe his experience, Jenkins just closed his eyes and shook his head.

"Horrific," he said. "I don't understand how anybody in this world can conceive to do something like that to innocent people. I don't ever want to look at anything like that again in my life. I really don't. It's absolutely horrific up there.

"We've been up to the south end of the building, up to the area where they were doing the first triage, and where they were bringing the victims out. I've seen every injury conceivable."

Jenkins was asked if the majority of people being brought out were alive. He seemed dazed and confused by the question. "Oh, everything is moving so fast, you really can't get a count on anything. You just do what you can and move on."

Nurse Toni Garrett had volunteered to assist the victims at the Murrah Building. She was on duty from the early morning until the FBI took over the medical areas later Wednesday night. Once off duty, Nurse Garrett spoke with independent video producer Chuck Allen.

"We were setting up a triage unit a couple of blocks from the Murrah Building," said Garrett, "and it wasn't until later that they asked if there was anybody that wanted to tag the bodies. I volunteered, along with a student nurse and a physician who agreed to do it. We had gone around and started looking for bodies.

"There were people that had been blown out of the windows. The first body that we found was a young female that had been found in front of the Water Resources Board Building and she had been blown to pieces. Her body was charred. She had been pregnant. Her head was gone. The only thing that was left of her head was her chin. Her arms were missing. Her right leg was missing, and the flesh from her left leg was partially missing. The only place that we were able to tag her was the bone to her left leg, lower portion.

"One baby in particular still bothers me. It had been blown around a pole and we had to literally remove it from the pole in order to get it out of the building."

After several days of body extraction, one of the recovery team members spoke on condition of anonymity to author Robin Jones. He needed to talk about his experience.

"I'm one of the people brought in from outside," he said. "The walking wounded and the people that were dug out alive on that first day weren't messed up real bad, comparatively speaking. Neither were a few of the first corpses they bagged. Some had lost body parts, but they were relatively intact. That sort of gave everyone the idea that the whole operation was going to be like that—nasty, but not too bad. We were wrong.

"Some of the next of kin were upset because they weren't asked to identify the remains by sight. They didn't realize what the remains looked like. There weren't any features you could identify. Jewelry, wallets, a tag of fabric. That's how they did it. Eventually they brought in Clyde Snow from Norman, probably the world's best identifier of remains, to help them. Considering what they had to work with, they did a phenomenal job. Just phenomenal."

Shaking his head in disbelief at questions he had been asked by the media, he said, "You can't begin to know the tenth of what gruesome really is. We've redefined the term here."

Everywhere people were talking about the events of April 19, and everywhere people were emotionally devastated by what had occurred. One indicative conversation was overheard on the scanner radio. A nurse from



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the rescue operation was talking to one of her friends. She remarked that as she assisted a policeman with the removal of one of the victims from the rubble, he gave vent to his frustration and anger, saying, "We're going to go to war over this."

The stress level of workers at the bomb site was almost unendurable. The emotional response of the rescuers to the enormity of the tragedy and the danger associated with the work greatly influenced how efficiently and safely they could do their job. It was going to be necessary to establish emotional triage centers for the workers.

Assistant Fire Chief Jon Hansen explained, "We've got a Critical Incident Stress Debriefing area for [the rescuers] when we bring our folks out. It is emotional. I've met firefighters coming out of the building that have tears in their eyes from crawling through and looking at the devastation both to the building and the people. And it's emotional trying to rescue people. It's very taxing. But they're going to be here throughout it, and we're going to do the very best we can."

Lieutenant Lucky Wilson of the Oklahoma City Fire Department was assigned as coordinator for the Critical Incident Stress Debriefing Team. "Firefighters repress emotions to get a job done," he said. "If you haven't learned how to get the emotions out you can hurt yourself over a long period of time."

"Situations change your life. Until that happens, you never think you can be hurt. It is a wake-up call. You have to understand the profile of a firefighter. You're talking about controlled personalities. Whether they go to a house fire, a car wreck, or something else, they see this as 'This is broken and we will fix it.' They are in control, and to be in control you have to be in control of your emotions."

As the different work shifts came to an end each day, almost all of the rescue workers attended defusing sessions held at the Southwestern Bell Building. Throughout the rescue operation and continuing until the end of the removal operation, the defusing sessions continued. They were later replaced by formal debriefings.

The sessions were directed by firefighters and mental health professionals, and were conducted as a form of group peer counseling. Lieutenant Wilson described the debriefing program as consisting of seven stages: introduction, fact, thought, reaction, symptoms, teaching, and reentry.

Initially, the meetings were introduced as an educational program, not as therapy. Each participant was asked to state facts concerning who they were, where they had been assigned, and what occurred to them during their work shifts. The firefighters then individually voiced their first thoughts about the incident.

During the reaction phase of debriefing, the participants completed the phrase: "The worst part of this for me was ..." and answered the question: "What one element could you have eliminated?" In reviewing symptoms, the firefighters were asked, "What signals let you know this was unusual?" and "Is anything still bothering you?"

Many firefighters expressed feelings such as, "If I had only run faster ..." or "If I had just arrived one minute sooner ..." or "If I had only been stronger ..." Their emotional conclusions were usually those of guilt or of feelings that the rescue worker was somehow responsible for some great ill that had befallen a victim—that because they were present, working with all their might, people should not have died.

The truth was that everyone did exactly what was required in the appropriate manner, with every ounce of physical strength they had, and with total commitment of heart. No one individual fireman could have altered the course of events once the bombing had occurred. During the rescue effort no one contributed less than one-hundred percent effort, and these brave men had to accept that one-hundred percent was all they could *ever* have given, no matter what the circumstances. It was an acceptance of human limitation in the face of forces and conditions beyond their control.

As debriefing moved into the teaching aspects, it was stressed that the reactions, signs, and symptoms observed by the firefighters were normal in a disaster of this magnitude, and they were instructed about what they might expect in the future because of their exposure to the disaster.

At the close of debriefing each participant offered a summary statement, often in the form of a positive affirmation, such as "I did everything I could and there was nothing I could have changed." It was a form of voicing the acceptance of human frailty and the limits of influence over events that had already occurred.

Said Lieutenant Wilson, "We would like to think we could go back to normal. But my own personal opinion is that normal has changed. So we have to deal with normal as it is now."

Bill Carpenter, from the Out-Patient Counseling Center at Baptist Hospital, was interviewed on the street by Theresa Green. The initial numbing shock of the bombing was wearing off. Carpenter was asked what kinds of things a counselor could do to help members of the community regain a sense of stability and balance.

Said Carpenter, "It is important to understand how people respond to disasters such as this. There is a wide range of response. We sometimes think that there is a predictable one way that people respond, but there are lots of different ways.

"Folks can get hysterical, they can get teary, or some folks can respond as if nothing had happened at all. All of those are okay ways of responding.



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People will get to what they need to do in their own time and according to their own culture and other things that determine how they're going to respond.

"As far as a neighbor offering help or calling someone—try to be with somebody during that time and try to sense what that person wants from you as you're sitting with them or talking with them. If they seem to want your presence, then stay with them. If not, then offer what you can and go on. Sometimes just the offer is a wonderful gesture of concern and compassion."

Theresa Green asked, "The rescue workers are now talking about the horrible things that they've seen. We've observed this with other disasters—similar, I imagine, to post-traumatic stress syndrome. What kinds of things are they going to be going through in the days and weeks ahead just because of what they are seeing today?"

"I think right now, of course, as they are involved in rescue, they will do well and not show any kind of emotion, for the most part," said Carpenter. "But then as the days go on, after the shock begins to show itself with them, then they will begin to experience a variety of responses."

"It's important for folks like that to understand that this particular rescue is the source of strange kinds of behavior that may come weeks later. Often people don't relate that to the stress, and so they have difficulty and wonder why."

In response to Carpenter's comments, Green added, for the benefit of the television audience, "I do want to point out that counselors here and elsewhere throughout the city have mobilized and do want to make themselves available for anyone who needs help dealing with this."

Oklahoma City psychologist Vernon R. Enlow had been involved in debriefing individual disaster victims. He tried to explain some of the grieving process to the press. "Emotional wounds will affect everyone. There are going to be the funerals, the losses, and there's going to be the scar downtown. That building will be there for weeks as a reminder. After everything soaks in, there will be anger and hostility. And if the bombing is ever associated with any specific group, hostility could be directed toward innocent people. It is important to get victims of a disaster talking about what happened, what they felt, what they saw, where they were."

"But," added Enlow with a sigh of futility, "how do you debrief a whole city?"

Jorg Pahl, an assistant professor of psychology and behavioral science at the University of Oklahoma Health Sciences Center, stated, "Victims of the bombing could experience post-traumatic stress disorder."

"Symptoms of psychological disorders resulting from a traumatic experience may not appear until much later, and sufferers may not connect them immediately with the experience. Symptoms include loss of sleep,



headaches, loss of appetite, lack of concentration, depression, and flashbacks or nightmares. Recovery and mourning take time, sometimes years. It is important to discuss with children the nature of the tragedy and its implications," said Pahl.

Tammy Payne, reporter with KWTW Channel 9 Television, interviewed a psychological counselor with the Red Cross. Ms. Payne asked, "What do you have to say to people at home trying to deal with this—because so many people have been hit by it, whether they have a family member, a loved one, involved or not?"

The counselor replied, "I think for most of us it's just hard to believe that this could happen in Oklahoma City. There's just a lot of initial shock, disbelief, and denial, and it's like wanting to wake up from a bad dream. People should know that there will be some stages of shock, and then there will be a lot of feelings of fear and anxiety.

"Usually we all walk around with some sense of invulnerability in our life, and when something like this hits in our city so close to home, it shakes all of our sense of safety and security. So you can expect to feel very frightened and vulnerable. There will be a lot of anxiety and fear for a while.

"As for the children, I think we have to realize that children will also experience some stress and some trauma from things like this. I think everyone ought to talk with them about what happened and give them reassurance. For smaller children it is important to give them some nurturing and protection, maybe hold them a little more and talk to them. They will need reassurances.

"Children have a double vulnerability. First of all, they themselves are experiencing reactions to the event, and secondly, they are also reacting to what their parents are going through. So we need to let them know that they are safe and protected."

Counseling psychologist Stewart Beasley from Hillcrest Medical Center offered tips to help children cope with the psychological trauma of the bombing. Said Beasley: "Remember that fears are normal in children, even when a child has not experienced any kind of trauma. Do not criticize or shame a child for his fears. Do not call him a sissy. Encourage positive action. Let the children feel as though they are helping others. Spend time with your children and be physically near them.

"Help children express their feelings through art. The younger the child is, the less developed are his language skills. Art is an excellent medium for communicating emotions without words.

"Address their safety needs. Children want to know they are safe from disaster. Discuss with your children what happened, the nature of the tragedy, and its implications, but gory details should not be included. Explain that the tragedy is a rare and unusual event, and that it probably will never happen to the child.

"Remember that children take their cues from adults in their lives, so try to react calmly. Be sure to listen and never force a child to talk."

As the afternoon progressed, the public schools were soon going to be releasing the students from classes for the day. Even this simple, everyday occurrence required special arrangements. The children who lived in the evacuated downtown area and attended Oklahoma City public schools had to be taken after school to Wilson Elementary School at 2215 N. Walker where their parents had been instructed to pick them up. Neither the children nor their parents could go home because their homes were located within the sealed perimeter. Some of the homes were now structurally unsound. Some were no longer habitable.

All counselors in the school district were placed on alert and were dispatched wherever they were needed to help children traumatized by the event. At some schools recess period had been canceled because school officials feared the possibility of another explosion in the area and wanted to keep the children indoors.

Schools and day-care centers located near the FBI offices at 50 Penn Place had been evacuated earlier in the day. In Oklahoma City, all after-school activities were canceled. In Edmond, Oklahoma, a special crisis-intervention team assembled at Memorial High School to assist with counseling needs in that community.

L. D. Barney, Oklahoma City School District spokesman, sent school-district counselors first to the Emerson Alternative Center at 715 N. Walker. Emerson was the only school building that had sustained damage from the explosions. Some students and teachers had received minor cuts and abrasions, and windows had been broken in the blast. By noon Emerson had been closed for the day and the counselors were sent to area hospitals to work with victims and family members.

At John Marshall High School televisions were set up in the cafeteria so students could keep up with the bombing news during lunchtime.

At U.S. Grant High School, Principal Bill Scoggan said, "We did have some staff and students who had relatives in the building. We had them together and individually in counseling and sharing sessions."

Jerry Rickers, principal of Putnam City West High School, said that the school had a teacher whose mother crawled out of a window in the Federal Building after the explosions. "The kids have really been great and helped each other."

At about 2:30 p.m. the University of Sciences and Arts of Oklahoma in Chickasha was evacuated because of a bomb scare, but no explosives were found.

Norman Public Schools superintendent James Gray described the procedures his staff members implemented immediately after the bombing. "We

had grave concerns about our students and employees who may have members of their families who have been injured or killed in this explosion. We immediately went through and printed lists of students with parents in the military or who are employees of federal agencies. We then contacted each principal of each Norman school to do the research on where those people are employed. Right now we are still unsure what the impact will be on Norman schools and students.”

Crisis-intervention teams had already been sent to a number of schools. Louanna Law of the Family Center was the supervising head of the crisis intervention teams. “It is important for all of us to realize,” she said, “that it will affect us in some way—even if you don’t know someone who was injured or killed. We go through our regular routine, but we need to understand that it is okay to be affected. We want so badly to help, to feel useful—and that also makes a difference.”

Throughout the afternoon television news anchors on all stations spoke to children who might be watching at home: “If you are at home alone and your parents haven’t come home yet, don’t worry. Stay where you are. Mommy or Daddy will be home soon. If you need help, write down this telephone number we are showing you now on the television. There are people you can talk to who will help you with whatever you need. Call this number if your parents have not returned yet.”

For some of those children, Mommy or Daddy would never come home. Some thirty children were orphaned by the Murrah Building bombing, and there were 219 children who lost one or both parents. Oklahoma City resident Mechelle Murray, a single mother with children, took in the two young boys who lived next door when their mother did not come home from work on April 19.

Eleven-year-old Jonathan Hill and his thirteen-year-old brother Ricky had waited all day for a phone call from their mother, Lola Renee Bolden, an Army recruiter and fifteen-year veteran who worked in the fourth floor recruiting station in the Murrah Building. It would not be until 1:00 a.m. on Thursday morning that three uniformed Army officers appeared at Ms. Murray’s door to bring the crushing news of the death of the boys’ mother. Ms. Bolden had just turned forty years old on April 1, and had transferred to Oklahoma City from Colorado the previous January. Jonathan and Ricky continued to live with Ms. Murray until their relatives arrived from Alabama. Said Murray, “What hit home to me was that she had no family here. No Oklahoma ties, no one at all for those boys. I can’t think about what their lives will be like without Lola.”

There were many similar stories, all of them tragic, all of them accounts of irretrievable loss. But people pulled together in a million ways to help each other cope. Ordinary people gave of themselves without reservation to do whatever they could to ease the grief and anguish.

Dr. Robert Bomengen, honored by the American Academy of Family Physicians as the American Family Physician of 1994, was in Oklahoma City to deliver a lecture on April 19. He never gave that lecture. As soon as he learned of the explosions at the Murrah Building, he knew that the hospitals would be well supplied with doctors, but they might be in short supply at the triage centers.

With his supplies in his black bag, Dr. Bob (as he is known to his patients) rushed to the scene. He spent many hours binding wounds, treating the injured, comforting the fearful, and praying with the dying.

Said Dr. Bob, "I never have had a patient of mine near death who has died without prayer. I always ask permission and I've never been turned down. My faith is important to me. I don't proselytize. I communicate my faith by example. To me, medicine is a ministry."

Cindy Overholt, a Red Cross volunteer, was told to find nine additional volunteers to work the late relief shift from 10:00 p.m. to 6:00 a.m. Cindy made two telephone calls and twenty-seven people showed up to work. The eighteen extra workers made themselves useful wherever they could, assisting the Red Cross, Feed the Children, and City Church where the kitchens were kept open to feed anyone at any time who needed a hot meal during the rescue effort.

Knowing that the younger children of the victims still trapped in the Murrah Building could get restless and bored while waiting for news with their family members who had gathered at the First Christian Church's Family Assistance Center, Sharlotte Campbell, a children's counselor, took her pets to the Center to relieve the stress of the children. Charlie, the spider monkey, and Shelly, the mutt dog, brought smiles and entertainment to waiting children whose whole world had cratered on April 19.

Second-graders from Edmond decided that children in the hospital might not be able to hold a book or read because of broken glass and eye injuries. In a project of enormous compassion, the students made a cassette tape they titled, "Stories, Songs and Poems Just for You."

The children made up poems, sang songs, read a book for the tape, made up their own stories, and told jokes for the victims. The students also made get-well cards, posters, and a small newsletter. Copies of the cassette were made and the various gifts were given to parents for delivery to local hospitals, where they were distributed.

Cyndy McGarr felt inspired to make a very large sign on butcher paper. She attached it to the ten-foot chain-link fence that had been hastily erected around the Murrah Building. Her sign was meant to support and encourage the rescue and recovery workers. It read:

*We're here and we're committed.  
We are steadfast and strong in our combined strengths.  
We're Oklahomans.  
And we're not leaving until this job is done.  
God be with our nation.*

From time to time during the next sixteen days, Cyndy made more signs, changing the content, always leaving a statement of hope and edification for the rescue and recovery workers. The workers inside the perimeter came to the fence every day to see what new message of encouragement had been left just for them.



PHOTO BY JOHN JENKINS

The northeast corner of the Memorial Fence after the implosion of the Murrah Building. The fence extends for approximately 250 feet along NW 5<sup>th</sup> Street and south on both Robinson and Harvey. It is at all times covered with items of tribute to the victims, survivors, and rescuers. At regular intervals, the Oklahoma Historical Society collects the mementos from the Memorial Fence for placement in a permanent collection housed at the Historical Society Museum located in the Capitol Complex.

From this time forward, for the next four weeks announcements about support groups, counseling sessions, telephone hot lines, or special prayer services were never absent from the news. For many days thereafter, local call-in talk shows were made available following the 10:00 p.m. televised newscast, during which members of the community could discuss the bombing, speak with a counselor or minister, or offer condolences to the families of the victims. Many people sought comfort and solace in the anonymity of those calls. Many had nowhere else to turn for help. Others

turned to their churches, synagogues, and mosques for support and counsel.

During the afternoon of April 19, announcements were made by all the media: "Churches are calling in saying they will have prayer services tonight for the victims of the blast. Call your local churches. There have been a number of people calling saying there will be citywide services tonight to pray for these people who need it so desperately."

Evangelist Pamela Frazier, associate minister at House of Prayer Baptist Church, said, "Prayer is the only thing we need to do, and we need to intervene for everybody, even people we don't know."

One wall of the Islamic Center of Greater Oklahoma City was rapidly disappearing behind boxes of blankets, supplies, and food sent by Muslims throughout the country for the rescue workers and victims' families. Imam Shams-U-Diin Abdus-Sabur stated that prayer and worship services were scheduled for members of the Islamic community seeking comfort and guidance in this time of great distress.

Rev. Anthony Jordan, pastor of the Northwest Baptist Church, gathered his staff to pray immediately after hearing of the bombing. "I prayed first of all that God would bring peace to the hearts of those who are in crisis and their families, and that God would protect the workers in the rescue effort. And we prayed for the people who did this."

Ecumenical prayer services, sponsored by the Oklahoma Conference of Churches, were held at the First Christian Church, Westminster Presbyterian Church, and St. Luke's United Methodist Church in Oklahoma City; and at St. John's Episcopal Church and McFarlin United Methodist Church in Norman.

During the prayer service at First Christian Church, clergy from Presbyterian, Jewish, Baptist, Disciples of Christ, Roman Catholic, Episcopal, and Methodist congregations urged those gathered to share their grief with each other and with God.

Rabbi Daniel Shevits of Emanuel Synagogue recited a prayer for "those whose hearts are broken, who are suffering the death of loved ones."

Rev. Thomas Jewell, executive regional minister of the Disciples of Christ Church, said, "We pray for the media. They have an important job to do. May they each one have balance and compassion, honoring the dignity and the privacy of those who grieve."

Worship and prayer services were held for the bombing victims and the community's loss at the Anglican Church of the Holy Cross, Council Road Baptist Church, the Cathedral of Our Lady of Perpetual Help, First Presbyterian Church, the Del City Church of Christ, First United Methodist Church, Spring Creek Baptist Church, Edmond Church of Christ, All Souls Episcopal Church, St. Joseph Old Cathedral, First Baptist Church, and City Church.

Dave Wasserman, the president of the Oklahoma Conference of Churches, encouraged the community, saying, "Where there are ecumenical organizations and ministerial associations, please use these avenues to help us witness to our trust in God, the Maker of Heaven and Earth, and the One on Whom we can rely in such difficult times as these."

Said one editorialist for the *Daily Oklahoman*, "Some will blame God. But God did not place a bomb at 5<sup>th</sup> and Robinson. Evil men did, the kind of evil men that have been around since the beginning of history, since Cain slew Abel and unleashed the forces of chaos.

"Watching our own hometown on CNN, watching scenes that resemble Beirut instead of middle America, we are stunned by the proximity of this madness. This is what has been shattered: our sense of immunity from cataclysmic evil.

"Rather than blaming God, this is a time for the city and nation to draw closer to Him. This is a time to pray for the peace of Oklahoma City ... "

It was three o'clock on the afternoon of April 19, 1995. At that moment a total of 333 persons had been treated for injuries, and the official death toll had risen to 19 dead—17 children and 2 adults.

*We who are left how shall we look again  
Happily on the sun or feel the rain  
Without remembering how they who went  
Ungrudgingly and spent  
Their lives for us loved, too, the sun and rain?*

— Wilfred Wilson Gibson  
"Lament" (1917)



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## LIKE AN OAK TREE

### *The Plight of the Rescuers and Survivors*

By midafternoon the heavily guarded perimeter surrounding the bomb site was surrounded by a secondary perimeter—this one comprised of vehicles. The sight-seers had come out in full force, many from out of town, some from out of state. Traffic in the downtown area had now formed a dense, slowly shifting ring moving in a continual counterclockwise orbit around the Murrah Federal Building.

Reporter Ron Stahl interviewed some of those who had come downtown to view the devastation. Said one sight-seer, "You can see it on TV and that's one thing. But when you get down here, it just brings the whole thing home to you. It's ... it's just overwhelming. You feel for all of the people that were involved in it. It's just sad. I don't know what to say. Out here in the middle of nowhere, in Oklahoma City, it's all safe and then something like this happens. It's terrible!"

When asked why he had come to watch, another man answered, "Curiosity. You hear it all over the news. I was kind of wondering what's going on. It's real unbelievable. It makes me feel bad, really sad and terrible for the families that have lost loved ones, especially the kids."

One woman responded, "I've been listening to this all day long and wondering about friends. I stayed away as long as I could. I have a friend who works in federal court. I have many friends who work in Leadership Square and different buildings around here. I've been on the phone all day long calling to make sure everybody is intact, wishing there was something I could do, and I just don't know ... "





PHOTO BY JOHN JENKINS

Sight-seers at the east fence after the exterior perimeter was removed. This fence was as close as anyone could get to the building prior to the implosion. At all hours large crowds gathered at the fence to both watch and weep. The fence on the west side enclosed the Regency Tower Apartments (tall building on the right) and was a block and a half farther away than the east fence. All gates to the fence were guarded by armed law-enforcement personnel. The guard for this east gate is standing just outside the frame on the south side of his patrol car, seen at the far left edge of the photograph.

In a television interview a nursing student from the University of Central Oklahoma, Chrys Moore, made a plea to pedestrian sight-seers and motorists: "We do have a lot of people that are coming down—curiosity seekers. We ask them, please go away. We've got all the emergency workers that we can handle right now, and we can't handle any more sightseers or anything like that."

Ms. Moore came to the television station directly from the rescue effort. She was still in her dust- and grime-covered work uniform, wearing a fluorescent orange hardhat spattered with blood. She seemed dazed and on edge.

Said Moore, "I don't know if I can put it in words or not, but I went down from University Hospital. There were several student nurses that were



called and I got pulled into the building. It was pretty distressing. There were two amputees that we were actually working on, one on the basement, one on the first level. We didn't even get up to the second floor yet. There are approximately 100 to 150 people that are still in there trapped, and unfortunately we think that most of them are dead. There are seventeen confirmed casualties, children fatalities, and two confirmed adults who are dead."

Moore was asked, "Chrys, with many of the triage centers being disassembled now and people moving back because there are not many survivors to treat, do you sense a real gloom of hopelessness setting in which could be devastating to the work effort? Is there really a feeling of dire straits there?"

"Unfortunately, yes," said Moore. "Every time we would get set up, we got moved back. There were several gas leaks, for one thing. There were also at least two confirmed bombs that they know of that they haven't detonated yet, and we don't know where they are.

"As far as hopelessness, there are a lot of the medical staff that are grateful they were able to get some people out. We're grateful that we got to some that are still alive. I left about twenty minutes ago, and when I was inside the building we heard at least ten different voices of people who are alive. They're trapped. We don't know how seriously they are injured. At the last count we were out of oxygen and were needing things like that on the scene, but all of the area hospitals are sending more supplies and everyone is coming in to help."

At the conclusion of her interview, Chrys Moore collapsed into a chair at the television station and began to weep. Cameras gave the world an extended, close-up view of her blood-stained hardhat while station employees tried to comfort the young woman with hugs and cups of coffee.

### ***The Third Bomb Scare***

At the bomb site workers had again been moved back from the building. This was the third time that the rescue effort had been halted, and it was at this time that Technical Sergeant Melvin Sumter from the Oklahoma County Sheriff's Department videotaped firefighters removing weapons and other stored ordnance from the mountain of debris on the north side of the Murrah Building. In this instance, however, spokesmen for federal agencies were ready for the press, and the public was immediately told the official version of what was occurring. It would be months before we saw the videotape of what really happened.

Reporter and news anchor Uze Brown-Washington made a statement from the scene. "It's like a war zone here," said Ms. Brown-Washington. "It may sound like a cliché, but it is very, very real down here. They're working as fast as they can, of course. They've got some old military items in the



basement there, which is why they keep pushing us back. It's not that they think they've found another device, but because of what's happened to that building. They don't know if some of these old military shells that are stored in the basement could be detonated and set off, so that's why they're pushing us back again."

There were no media representatives witnessing this operation. The media had been moved so far away from the Murrah Building that no one could see the workers removing any old military items from the basement. Reporters repeated what officials had told them to say to the public.

The removal of stored military shells from the lower levels of the building would not actually occur until days later. Something else was happening at this time that had nothing to do with the underground levels of the Murrah Building.

The Sheriff's Department videotape made at this time showed firefighters high up near the top of the mountain of debris, having to scale the side of the mound to reach the items being removed. Some of the items were thrown down to workers below, while others carried rifles and boxes of ammunition to a medical stretcher where these things were being collected for removal.

The statements made by officials about this particular operation were a complete fabrication as well as an impossibility. The weapons and stored ordnance on the mound could not have been blown upward from a basement storage area to the top of the mound following the collapse of the building. Nor could they have been launched from the basement area through the building, remained airborne long enough for all of the floors to collapse, and then descended together on top of the heap of debris. These were the weapons and munitions that had fallen from the ruptured arsenal room of the ninth-floor offices of the Bureau of Alcohol, Tobacco and Firearms—the existence of which would be universally denied for the next four months.

It was at this time that KTOK Radio AM 1000 reported the discovery and removal of a rocket launcher from the debris. This announcement originated with a rescue worker on the scene and was relayed to a KTOK reporter near the perimeter. The news reporter was having a very hard time explaining why a rocket launcher would be inside the Federal Building. After a rambling, confused conversation between the reporter and the news anchor, it was finally speculated that the rocket launcher must have been confiscated during a drug raid and that would account for its presence in the Murrah Building.

There would be no further mention of the rocket launcher from any media source until the afternoon press conference at 5:00 p.m., at which time Bob Ricks, head of the Oklahoma City FBI, would deny knowing anything about it.





Uze Brown-Washington continued her report to KFOR Channel 4 Television: "This situation ... when you think you've seen it all, there is something worse. Weather forecaster Dan Threldkeld just arrived down here and he said the rain is definitely coming, so they're taking that into consideration. They've got triage set up outside, and they are trying to get rain gear out now. We can see them handing out raincoats to do what they can to deal with that situation."

The afternoon had been muggy and still. The spring sunshine was only occasionally diffused by clouds. But the clouds were becoming more numerous and the wind was beginning to pick up and shift direction. Within the hour the first wave of rain would reach the downtown area, beginning with periods of drizzle interspersed with brief heavy downpours. Local meteorologists refer to these small, self-contained thundershowers as "storms of the popcorn variety." Rain would start and stop throughout the rest of the day, often accompanied by much lightning, only to rapidly drift to the northeast, pushed by the approaching storm front. By sunset the big storms would arrive.

### ***Counseling***

At this time a new public bulletin was released. Representatives from the Medical Examiner's Office asked the community to stop calling. The telephone lines were again jammed and cellular phone traffic was being slowed, blocked, and disrupted between the emergency crews and rescue agencies.

An announcement was also made concerning a central location being organized for the families of the victims who were frantically searching or waiting for news of their loved ones: "If you have family members that are missing or possibly dead, you are asked to physically go to the First Christian Church at NW 36<sup>th</sup> and Walker. There is a Family Assistance Center set up there for those of you concerned about immediate family members who may be critically injured or possibly dead.

"In addition to emergency and rescue workers, there are also mental-health officials standing by waiting to help people. Do not call the Church and do not call the Medical Examiner's Office; they cannot take phone calls. Physically go to the Family Assistance Center at the First Christian Church located at NW 36<sup>th</sup> and Walker."

As the Family Assistance Center was becoming operational, phone banks at the different television stations were being manned by mental-health officials who were fielding calls from members of the community. The number of fatalities had shocked everyone—even though the official death toll at this time was barely eleven percent of the final figure. No one was fully prepared emotionally for what was yet to come.





To help meet the mental-health needs of the community following the bombing, Project Heartland was established as a free crisis-intervention and counseling service. The program was operated by the State Department of Mental Health and Substance Abuse Services, and was provided funding for two years by the Federal Emergency Management Agency (FEMA). The program was proclaimed by Tipper Gore, wife of Vice President Al Gore, as a national model for dealing with tragedy. However, Project Heartland was intended only for short-term crisis intervention. People needing long-term help would have to be integrated into a mental health program in the community.

In assessing the need for counselors and recovery programs, experts determined that on average each person has four to six other persons who could be considered close family, and another five or six close friends. This meant that for every person who was injured or killed there would be approximately twelve secondary victims.

When considering the number of persons treated at area hospitals and those killed in the explosions, these experts decided that the tip of the mental-health iceberg involved approximately ten thousand primary and secondary victims who would require some kind of counseling. The remainder of those assessed to be in need of mental-health assistance were the thousands of emergency, rescue, recovery, and relief personnel who were traumatized by the scene, and their family members. The projected numbers were staggering.

Additionally, these same experts concluded that even persons who had lost no friend or relative in the bombing and had not worked at the bomb site were equally victimized. It was thought that being unable to take part directly in the rescue or relief efforts was nearly as traumatic as participating! The experts believed that uninvolved persons must feel extremely guilty for not doing more, for not being there, or perhaps for not being victims themselves.

While many of these assertions represent incredible leaps of speculation and assumption, the fact remains that many persons—directly and indirectly involved, as well as those uninvolved—did indeed suffer great emotional trauma and required assistance to regain their sense of balance and security. But many more persons did not.

It is certainly not the intent here to denigrate the need for counseling or to speak disrespectfully of those persons who did endure great anxiety and stress. For those who sought help and received great comfort and relief from the ministrations of psychologists, it is a great victory in their lives to regain emotional balance. This fact should never be minimized.

Nevertheless, it is undeniable that not everyone who endured great emotional trauma required the intrusive treatment provided by psychologists



and counselors. Many persons resented such intrusions into their private lives and feelings.

Although there was much talk about the need for individualized counseling, group coping sessions did not always provide it. Some victims complained that the FEMA-funded programs failed to recognize that people respond to tragedy and trauma differently and failed to acknowledge that human coping mechanisms alone can actually resolve even major emotional stress.

Even among trained counselors there was division of opinion about the severity of anticipated future mental-health problems. Dr. Ronald S. Krug, chairman of the Department of Psychiatry and Behavioral Sciences at the University of Oklahoma Health Sciences Center, remarked, "Research data from other disasters around the world has indicated that if we don't get to people in the first three to six months, we can expect some rather prolonged effects from the bombing."

Krug also stated that his main concern was for people who did not feel that they needed any help and therefore did not receive treatment from psychological counselors. He seemed determined to convince those who were not suffering that they should be or would be.

Shauna Struby of Contact Telephone Helpline assessed the state of the community: "I think we have a community that is grieving. It will be a long process, and we need to allow ourselves to do that. It's okay to cry. It's okay to cry months afterward."

Coordinator of the Red Cross Mental Health Response Effort, Dusty Bowencamp, commented on the future: "Things that were important before aren't important now. It's going to be a very difficult time for a lot of people. Many will have a delayed reaction to the tragedy. They will move into the anger and depression phase. Family problems will arise in which rescue workers will be exhausted and will lash out at their families, feeling that if you weren't on the scene, you simply cannot understand."

Bowencamp spoke movingly of counseling rescue workers who had been holding the hand of injured and trapped victims at the time the Murrah Building was evacuated for the 10:30 a.m. bomb scare. When the workers returned, many of the victims were dead. Those rescuers were enduring the greatest possible degree of guilt, but it was stressed that these workers needed to accept that if they *could* have removed the trapped victims, they *would* have done so. The people buried in the rubble of the Murrah Building were usually inextricably trapped. Even if the rescuers had stayed during the evacuation and worked feverishly at removal efforts, the victims might still have died. There was no way to assess the extent of the injuries of those victims.

All rescue workers suffering from this kind of agony imagined that had they stayed, the victims would have lived. There was no way to know for a

certainty if such a thing was true. But for the rescue workers it was a matter of great personal importance that could never be fully resolved factually. They were going to simply have to believe.

Allyn S. Friedman, the Executive Director for Red Rock Mental Health Center, stated that many persons were and would be experiencing post-traumatic stress syndrome. "The Murrah bombing is something that is totally out of line with a stable, predictable society, and it raises all kinds of doubts, fears, and some of our scariest feelings.

"Their life and their world have been disrupted and they are wondering when, how, and if things are ever going to be normal. But when another tragedy happens someplace else, it's also likely to trigger a negative reaction in many of those people who thought they had finally recovered from the Oklahoma City bombing."

After months of comments similar to these, people began to wonder if we would observe a self-fulfilling prophecy. Surely those who were convinced that they needed to be suffering anxiety would then manifest those symptoms. If post-traumatic stress syndrome was now going to be the normal reaction to the bombing, were you abnormal if you were not experiencing those symptoms? After several months it was reported that some uninvolved persons had begun calling the counseling centers because they were *not* feeling ill at ease. They felt there was something wrong with that because all of the "experts" had told them they should be suffering more. It was a sad state of affairs.

Ministers and trained counselors from the local churches took a less intrusive approach to treatment. The Rev. C. Dene Brown, director of Skyline Urban Ministry, stated, "Our church has decided to take the approach that if we run into a real need, we're going to try to do something about it. We will be here if we are needed, but we will not intrude into the private lives of people."

Ministry counseling involved discussing, analyzing, talking, and prayer. Other comfort rituals were invoked, including vigils, worship services, prayer meetings, memorial services, and candlelight services. In addition, ministers usually counseled one on one with victims and secondary victims rather than in group settings, recognizing that each person's relationship with God is vitally important to the healing of the heart and must be respected.

Rev. Joe Williams, head of the chaplaincy for the Baptist General Convention, worked for nineteen straight days at the Oklahoma City bomb site. He also serves as the chaplain for the FBI in Oklahoma. "I had been through some debriefing," said Williams, "and I got through a lot of that. But after the family memorial service I went back to the office still carrying that stuff with me.



“When I looked at my own granddaughter, I couldn’t see her as a whole person. I could see her possibly being blown apart. But I’m one hundred percent better now. Sometimes even the counselors need counseling. But for everyone it has to be by choice, not by intrusion.”

Because so many public and private mental-health agencies were involved in counseling, it has never been accurately determined how many persons in the community have sought help. The number of workers from out of state seeking mental-health assistance as a result of the bombing has never been calculated.

Mental-health workers would continue to deal with the fears and grief of the community for months following the bombing. For adults who felt in need of help, the counseling was voluntary. Assistance and support were sought when needed, and once emotional balance was regained, the counseling program ceased for that individual.

But eventually government-funded programs were developed for school-age children and were implemented on a long-term basis. Although participation was supposed to be optional, it did not always work out that way.

In events of such magnitude as the bombing of the Murrah Building, there will always be a variety of reactions, and the adjustment to life following the incident will be different for every individual. In the case of the children, the majority suffered no after-effects at all.

While it is certainly true that some children were fearful and upset by the graphic television coverage to which they were subjected for the month following the bombing, when that constant barrage ceased, the children regained their stability and their lives continued without that constant stress. Only a few children were so deeply affected that they still suffered from anxiety a year after the event. The children most affected were the ones who had been injured in the bombing, had been near the bomb site at the time of the explosions, or lost loved ones as a result of the bombing. Each child was different, and each child handled the tragedy in a different way.

Yet for some reason known only to the “experts,” all children were to be lumped together, often in group sessions during school hours, with little allowance made for individuality, specific need, or lack of need. The government-paid professionals were about to take over the scene, and they did so without considering the desires of the parents.

Many parents felt that they were themselves best equipped to console, comfort, and teach their own children how to deal with fear, anxiety, and grief. Others preferred the teachings of scripture and a reliance on religious faith as their source of comfort for their families. These personal choices were not going to be seriously considered by the psychological program directors, and at times were completely ignored.



Seven weeks after the bombing, U.S. Assistant Secretary of Education and former Oklahoma City School Superintendent Thomas Payzant visited Oklahoma City district schools and came away commenting how surprisingly resilient the students were following the bombing. Even the youngest children were well-adjusted and had handled the great tragedy with an unexpected degree of maturity and acceptance.

Nevertheless, Payzant was certain that the children would need more help coping during the summer when they were away from the schools, and would surely need help during the following school year. Payzant never fully explained why he believed that a child's absence from school during the summer vacation would automatically result in an increase in bomb-related anxiety; nor did he elaborate on the assumption that well-adjusted children would become emotionally unbalanced when more closely aligned with their parents rather than with the schools—as would be the case during the summer.

Of even greater puzzlement was Payzant's belief that these same well-adjusted children would automatically revert to fear-driven, emotional imbalance when school reconvened in the autumn. It seemed as if he had, without individual assessment or examination, already diagnosed the entire student body with post-traumatic stress syndrome, and the manifestation of the symptoms was going to conveniently coincide with the resumption of classes in the public schools.

Although he could find no immediate need for a massive counseling program—as witnessed by his own statements following his professional observation of the emotional stability of the children—Payzant still met with School Superintendent Betty Mason to discuss the implementation of a two-part program: counseling for students and families and the continuation of counseling training for teachers.

Payzant's plan—which would be implemented with the cooperation of other government agencies such as the State Department of Mental Health—was not going to be altered even if no one needed his help. Said Payzant enthusiastically, "We're working on long-term plans to pull the pieces together so we get the best mileage out of our dollar." Having found little overall need for the psychological program for the children, the best Payzant could do was extol its administrative sleekness.

There was a great deal of community concern about the counseling programs for children that were to be operated under the direction of the public schools. No matter what course of action might be needed to deal with the emotional aspects of the Murrah Building bombing—whether it was psychological counseling, family conferences, prayer, or any other coping system—it was generally believed by the public that the decision for that action should rest with the individual, and in the case of children, with the parents.

The issue of psychological counseling in the public schools became a matter of great controversy, and it continues to be a source of hot division and irritation in the community even now. The post-bomb psychological programs for children continue to the present day, much to the distress of many parents. This counseling has occurred at times in direct violation of the requests of parents who did not want their children to participate in the profiling, testing, assessing, and counseling administered by the public school system and designed by government agencies.

The idea that any government-sponsored psychological program could replace or perform more successfully than the loving nurture of devoted parents was abhorrent to many. To those who relied deeply on faith, the secular humanistic approach of psychology was seen as sheer quackery. To those who had already formed deep and abiding bonds of love and trust with their children, the psychologists were viewed as very unwelcome intruders into private matters that were no one else's business. Occasionally the children themselves objected to the counseling and found the sessions more confusing and upsetting than helpful.

It was also aptly observed that there were many children who had peacefully adjusted after the bombing, who had no nightmares, who had no overwhelming deep-seated anxieties that needed to be "discovered" and "overcome" by psychological testing or counseling. Some parents felt that the constant dwelling on the fears the children were *supposed* to have—when they did not have them—was quite harmful. Some children who had been previously settled in their minds about the bombing began to feel pressured by their peers and the counselors to admit they had fears or confess that they were still upset.

But the issue that raised the hackles of more parents in the Oklahoma City area than any other was the plan to provide psychological counseling for preschool children—the toddlers in the government-licensed day-care centers—regardless of the degree of the child's exposure to the Murrah Building bombing.

This is a situation that as of this writing has not been resolved. The public school system, which is only marginally answerable to the parents, is continuing to do what it wants to do, with the complete blessing of Governor Frank Keating, and parents who complain or object publicly are taking great risks by doing so.

This controversy stems from a gut-level conflict between those who believe that parents do the best parenting and those who believe that the government can do a better job of child-rearing and has an obligation to do so. This second view has been laid before the public for consideration in the book by Hillary Clinton entitled *It Takes a Village*.

Parents concerned that government was usurping their parental rights met to discuss their views. In a small meeting held in late April 1996, they were

reminded of the statement made by Harvard psychiatrist Chester M. Pierce. During the 1973 International Education Seminar, Pierce, speaking as an expert in public education, said: "Every child in America entering school at the age of five is mentally ill because he comes to school with certain allegiances to our founding fathers, toward our elected officials, toward his parents, toward a belief in a supernatural being, and toward the sovereignty of this nation as a separate entity. It's up to you as teachers to make all these sick children well—by creating the international child of the future."

Many parents found this reasoning offensive. It was particularly disturbing to learn that Pierce was still an influential teacher at Harvard University twenty-two years after making that statement. It worried parents that a man of Pierce's prestige influenced the policy decisions of the schools. Some saw the FEMA-funded psychological programs for children as an extension of Pierce's philosophy.

There were other similar situations that drove parents to seek legal confirmation of their parenting rights. Congressman Steve Largent (R-Tulsa) acquired 125 co-sponsors for his "Parental Rights and Responsibilities Act" (S. 984 and H.R. 1946) which says—among many other things—that "no federal, state, or local government shall interfere with or usurp the right of a parent to direct the upbringing of the child of the parent." This proposed legislation remains in committee in both the United States Senate and the House of Representatives at the time of this writing.

The supporters of government-funded and -directed psychological assistance, especially for children, made tactical errors in their push for official sanction. In their haste to convince the public that there were huge numbers of suffering parents and children in Oklahoma desperately in need of their expertise, they failed to consider how this might be viewed by the courts.

At the change-of-venue hearing held on January 30, 1996, federal authorities struggled in vain to keep the trial of the bombing suspects in the State of Oklahoma. The defense, believing that Oklahomans had been too affected by the bombing to provide an impartial jury pool for the trial, entered into evidence videotapes of the media coverage of the bombing, newspaper and magazine articles, and poll results indicating that the populace had already prejudged the defendants.

In their efforts to disprove the allegations of the defense, federal prosecutors called to the stand the same experts who had for months been telling the citizens of Oklahoma how much we were in need of their help and how we could not adequately adjust to life after the bombing without their government-directed psychological programs. These experts were suddenly forced to testify under oath that since April 19, 1995—a period of just over nine months—only about 5000 persons had sought their assistance, not the staggering numbers they had set before the public in their efforts to gain

widespread support and approval. The number of persons treated was barely 1.28% of the population of Oklahoma City, and was less than one percent of the population of Oklahoma County.

Out of a state population of almost 3.2 million persons, the judge did not believe that the alleged psychological suffering of the citizens was great enough to merit a change of venue. He did, however, determine that the media saturation had been sufficiently biased and overwhelming to have already convicted the men accused prior to due process. The trial site was moved to Denver, Colorado. The federal prosecutors and FEMA-funded psychiatric authorities were left stewing in their own juices, waiting for the next propaganda opportunity.

From time to time thereafter additional attempts were made to remind the public just how much we had been emotionally scarred. A week before the one-year anniversary of the bombing, KOCO Channel 5 aired a television special entitled "Broken Smiles" which focused on the reaction of children to the bombing. During this same period newspaper articles began appearing that stated that Oklahoma schoolchildren should not be required to take the annual standardized tests because they were still so upset.

Many Oklahoma City residents simply watched and shook their heads in disbelief. It had become obvious that the federal agencies could not have it both ways. The ruling of the court had fairly well put to rest the idea of continued, eternal suffering as a result of the bombing. Life was indeed going on in spite of efforts to stop it in its tracks a year previously.

We all knew we had been scarred by the bombing. There was no denying it. And yet the remarkable thing about a scar is that when you see it, you can remember every detail of the event that caused it. But once the wound has become a scar, it doesn't hurt you any longer. The memory may linger, but the pain diminishes until it too is just a memory.

Those in need of psychological assistance will surely seek it and find their way out of whatever troubles them. Others will pray and believe God to heal their hearts as well as their physical ailments. Others will recover fully with nothing more than the blessing of the passage of time.

Those who have sought to "help" by forcing us to constantly relive the anguish and fear of April 19, 1995, in the anticipation of removing that fear are approaching the problem from a wrong perspective. Much of that concern is surely well-intentioned. But one does not have to look far to find federally-funded aid programs that are taken to extremes, fueled by a desire to perpetuate and expand one's job and one's importance to those who will become dependent. There are some who consider intrusive psychological treatment techniques in the same league as systematized emotional torment with a manipulative goal. There are others who call it mind control. And there are some who simply call it evil.



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***Evil enters like a needle  
and spreads like an oak tree.***

— Ethiopian Proverb





## DRAGON'S TEETH

### *Peripheral Damage and Local Reports*

The afternoon of April 19 was now waning. It had been announced that President Clinton and Attorney General Janet Reno would be making live televised speeches to the nation about the Oklahoma City bombing at any moment. A second nationally televised press conference was scheduled to begin immediately following, featuring all of the local players and officials from Oklahoma City. But as could be expected on such a day, nothing was running on time.

The media was marching in place, waiting for our leaders to step up to the microphone and address the tragedy of the day. While we waited, other interviews and statements were offered. Some initial assessment had been made of damage to the buildings surrounding the bomb site. It did not look good. Structures within a five-mile radius of the Murrah Federal Building had sustained varying degrees of damage, ranging from simple glass breakage to total collapse.

Jeff Lazalier spoke with Assistant Fire Chief Jon Hansen about the peripheral damage and what this might mean to the community. Asked Lazalier: "Are there any other buildings that are in serious danger right now?"

"Yes," replied Hansen, "across the street. There are some area buildings, as you can see, that have some pretty significant structural damage. These people are going to have to get structural engineers in those buildings to check the integrity prior to letting their employees back in. Again, I think Mayor Norick this afternoon will have an announcement concerning if people want to stay out of downtown tomorrow."



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Most seriously damaged were the buildings across the street from and immediately behind the Murrah Building. The Federal Courthouse, the Regency Tower Apartment Building, the Journal Record Building, the Oklahoma Water Resources Board Building, and the YMCA sustained millions of dollars worth of damage.

The Athenian Restaurant and a taxi dispatch garage located across the street north of the Murrah Building and to the west of the Journal Record Building were now nothing more than mounds of debris. No part of their architecture could be salvaged.



PHOTO BY JOHN JENKINS

Damage to the taxi garage located near NW 6<sup>th</sup> Street. Entry into this garage was extremely dangerous, but the access was restricted only by crime scene tape which eventually weathered away. Although federal officials thought it best to implode the remains of the Murrah Building for "safety reasons," collapsed buildings such as this garage and the Athenian Restaurant have not been removed or repaired—over a year after the explosions.

Residents of the YMCA and the Regency Tower would be displaced for months following the explosions while the buildings were being restored. At the expense of the owners of the Regency Tower, residents were temporarily housed in nearby hotels and motels for nearly five months before they could move back into their apartments. In all, well over 200 buildings and residences within several miles of the Murrah Building suffered damage.



St. Joseph's Old Cathedral at 519 N. Harvey, located across the street west and one-half block south of the Murrah Building, had its roof blown completely off, and historic stained-glass windows were shattered.

The stained-glass windows were destroyed at the First United Methodist Church at 131 NW 4<sup>th</sup>, located across the street east and behind the Federal Building, and the balcony inside the church had collapsed in pieces. In addition, the skylight and other windows were blown out and the roof had been lifted up from the sanctuary.

Very shortly after the explosions smoke billowed from the roof of Investor's Capital Building at 217 N. Harvey, located two blocks south of the Murrah Building. Glass had shattered throughout the building, and it appeared there might have been some foundation shifting.

Buildings throughout the area had cracks up the walls, and windows were destroyed in every building in the vicinity. Smaller brick buildings in the downtown area had been completely demolished. The roofs of two multi-storied parking garages collapsed.

A half mile from the explosions, glass and structural damage could be observed in every direction. Abuelita Rosa Mexican Cafe, located more than a half-mile north and west of the Federal Building, had glass broken in every window. The Civic Center Music Hall, located a half mile to the southwest, showed cracks in the walls.

Damage was sustained in businesses even beyond the half-mile radius of the explosions. The Law Center, located north of the Federal Building at 915 N. Robinson, was filled with flying glass as the building shook dangerously.

At Merkel X-Ray Company, 225 NW 9<sup>th</sup>, workers were blown from their chairs and windows were shattered throughout. Farther north, glass exploded at Dr. Richard Clay's office at 415 NW 11<sup>th</sup>. Beyond that, the Wesley Village Retirement Community, 300 NW 12<sup>th</sup>, was shaken severely and windows shattered.

The beautiful stained-glass windows at the First Baptist Church at 1201 N. Robinson were destroyed. A worker in the church thought the building was going to fall down because it shook so badly.

At a one-mile radius north of the Murrah Building, the force of the explosions was still intense. At the Devore Law Office, 1318 N. Robinson, insulation, ceiling tiles, and twisted metal came crashing down in the offices, and flying debris sent workers scurrying under their desks for safety. The heavy double doors of the First Lutheran Church at 1300 N. Robinson burst open by the force of the blasts.

All of downtown Oklahoma City had been affected by the bombing. Later that afternoon as I drove through the area, I saw glass damage from the concussions as far away as NW 23<sup>rd</sup> Street, which is approximately two

miles north of the Federal Building and as far west as Pennsylvania Avenue, which is about three miles west.

For miles in every direction around the Murrah Building you could hear the sound of broken glass being crushed beneath the tires of all moving vehicles. The streets of downtown Oklahoma City were literally carpeted with shards of glass.

At the heart of this disaster was the Murrah Federal Building. For those working at the bomb site on April 19, there was definite trauma. There was shock and revulsion on an unimaginable scale. Most participants in the rescue operation sought some form of immediate emotional release after leaving the bomb site, but wherever you went in the area, there were visible reminders. For anyone with a desire to tell their story, there was always a media representative ready and waiting with a microphone at the perimeter.

For persons at home following the coverage of the event on television, any news of any kind was almost a form of comfort. It was better to know than to wonder, because after the experience of the morning people were frightened and confused. As horrifying and gruesome as the news was, it was far better—and felt far safer—than to be at the mercy of one's imagination.

KWTV reporter Cynthia Gunn interviewed two Oklahoma Highway Patrol officers. One young officer was unidentified, the other was Craig Metcalf, a trooper of many years' experience. Ms. Gunn asked the questions that everyone wanted to ask: "Tell us what you saw and what you were able to do."

The younger officer responded first. "We saw just total devastation," he said. "There are people that you can't get to. The building is not safe at this time, and you don't know where to start. We're just trying to get everybody rounded up. Now we have a storm moving in, and the building is just not secure."

Ms. Gunn questioned Officer Metcalf: "You were telling me that the children that you saw were the worst sight?"

"Yes, ma'am," said Officer Metcalf. "We don't know how many children are in there. I carried two out that had expired. We don't know how many adults are in there. I carried five expired people out. As you can see, you've got to be careful. The building is not structurally sound, and people are doing their best. We got who we could. We were able to bring two people alive out of there, and that made up for the five that I had to carry out."

"And that is the real incentive, isn't it?" asked Ms. Gunn. "Finding living survivors keeps you going?"

"We can hear them but we can't get to them," said the younger officer.

Metcalf continued, "Now the dogs are in there looking for them, trying to help us out, but with this storm coming in, the building is not safe. You don't know where it's going to fall out from under you. But we're trying to



PHOTO BY BRETT WOOLEY

Damage to the Athenian Restaurant located directly across the street from the Murrah Building. This damage still stands over a year after the explosions.

get the people we can. Now we're changing shifts and letting fresh people go in."

The younger officer offered these comments. "It just gets worse the more you look at it. It looks like a bomb shattered everything. The buildings across the street are what are amazing to me. It blew desks back and people in the [Journal Record] building were pinned behind their desks.

"[Officer Metcalf] went up further than I did, up to the third floor. The problem was, we would get up to the third floor and they'd yell 'Bomb!' and we'd have to run back out. When I first got here, I ran three straight blocks as hard as I could because we thought there was another bomb."

"What was the most frightening moment for you in there?" asked Ms. Gunn.

Officer Metcalf thought gravely for a moment and answered. "When we were trying to carry people out and they yelled 'Bomb!' That was tough. We had a lady in there that was still alive and we didn't want to leave her. They were yelling at us to come on and get out of there. But when you've got a live person, it doesn't make any difference. You try to stay with them.

"The worst part was having to leave her, but we did go back and get her. She is alive and is on her way to one of the hospitals. That's all I can tell you, ma'am."

"One thing we haven't talked about," said Ms. Gunn, "is the emotion you all must feel. When you look at what someone did—deliberately killing



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people, maiming people, hurting people—how do you feel about what happened today in Oklahoma City at the Federal Building?”

The younger officer replied, “The first thing I told [Officer Metcalf] was, who would have thought that in Oklahoma City it would have happened. We’ve just never seen anything like it. We look at tornadoes all the time, and this is nothing like a tornado. It blew the whole side of the building off, and the building across the street that was two stories high has been leveled.”

A KFOR cameraman was interviewed by reporter Brad Riggins. The cameraman had managed to get inside the perimeter and offered a report to the public. He was the only member of the media who had been near the ground-zero area since the 10:30 a.m. bomb scare, when all media were removed from the scene.

“I rode in,” said the cameraman, “with an emergency medical worker without my camera to try to see what I could do down there. When I did get down there, it was unbelievable. It was the first time that I had actually seen the damage. The closest I’d ever gotten was about two blocks away. But I was at ground zero.

“There were still a lot of federal agents and there were dogs searching for survivors or for bombs. The medical worker with me told me that he drove by a little earlier today and looked into the side of one of the buildings and actually saw a man still sitting at his desk like he was working, but he was dead with the phone in his hand.

“There are still a lot of people there—a lot of activity—which was kind of surprising to me. I figured most of the people would have been on the inside of the building. But the whole downtown area is covered with emergency personnel at this moment.”

In another interview, Larry Jones, founder and director of Feed the Children, was asked, “What’s the latest you can tell us about what your people are doing?”

“I just came from the area,” replied Jones. “There just aren’t any words that can express what’s being said over there. There’s basically very little hope for those who are left in there when you see the magnitude of the bombing—what took place. They’re getting ready to start bringing people out as I speak now, and this is just a very, very sad moment, because as things have settled down, everybody is facing the reality of the moment. There is going to be a large number of body bags that are going to be brought in there. So I think Oklahoma City needs to brace itself for the number of people that have been killed in that building.”

In an unfortunate and inadvertent juxtaposition of media reports, KTOK Radio AM 1000 then announced that 300 adult-sized body bags had been requested by emergency workers on the scene, and 200 were being taken into the perimeter at that time by rescue workers from Fort Sill.



Upon hearing this news, an even more oppressive weight began to settle on everyone. Motorists throughout the state began to drive with their headlights on as an indication of great mourning and deep grief.

Those headlights became the symbol for sympathetic hugs between strangers on the streets and highways. To the Highway Patrol troopers and National Guardsmen who manned the perimeter, the headlights were seen as a sign of community support. To the families waiting for news of their loved ones, they were seen as comfort and care from everyone. And in the slow-moving traffic jams surrounding the downtown area, one could observe in every direction people weeping in their cars. When occasional eye contact was made with the driver of another vehicle, silent nods of sorrowful acknowledgment were exchanged. We all understood this language. It was, after all, a pain beyond words.

As if a reflection of the grief of the community, the first wave of the coming storms then settled over Oklahoma City. Rain began falling slowly, starting and stopping unexpectedly. From time to time heavy dark clouds gathered, lowered, and drenched the downtown area for a few moments, unsettling the rescue workers with heavy thunder and flashes of lightning. And then, as quickly as it had come, the storm moved on, followed by another and then another.

Temperatures began a slow decline and then dropped precipitously shortly before sunset. The weather was becoming very unstable, and in Oklahoma all of us read these signs with great expertise. Hot, humid afternoons in conflict with cold fronts crossing the state often set the stage for tornadic activity, especially when in combination with moisture from the Gulf of Mexico. All of the necessary variables were in play to bring very severe weather into the area, and this had everyone worried.

Reporting from the scene, Randy Renner of KWTU Channel 9 Television was asked if he could see any work progressing or if the rescue had been halted because of the rain.

Said Mr. Renner, "We don't have a very good view of the bottom three or four floors of the building, so we're not sure what might be happening down in there. But we don't see the fire truck ladders that we saw a little bit earlier. I'm not sure if that means that they believe there are no more survivors in that part of the building, or if perhaps it just became too dangerous to continue those efforts. With the thunderstorm in the area and all the lightning that was flashing around a while ago, those metal ladders are certainly not something you want to be close to in the middle of a lightning storm.

"Also, the wind kicked up here considerably, and that was causing a lot of flying debris. You see hanging off the building all manner of things—pieces of roofing, flooring, pieces of tin, various things. All of that was flapping around in the wind. Some of it was coming down, crashing on the rescuers

who were down below. It did become an even more dangerous situation as that first storm was passing through. But things have calmed down now.

"It is a very dangerous situation now because there is no structural soundness to the Murrah Building at all, especially here on the north side. Everything could come tumbling down again at any moment, and that is certainly something people are very well aware of and are very concerned about at this time."

Viewing the scene with an anguished shake of his head, news anchor Kelly Ogle stated, "Help for survivors will not be nearly as necessary as space for the dead will be." Those words turned out to be more prophetic than he knew.

Everyone was still waiting for the President and the Attorney General to speak. The scheduled address was now an hour overdue. In the meantime, terrorism expert Dr. Stephen Sloan, from the University of Oklahoma, offered his opinions and assessments of the day's events.

Said Sloan: "We've had a long feeling of parochialism that somehow it could not happen here. In addition, of course, our level of security has not been as heightened as it has been on the east and west coasts. So we've lost some of our innocence, and we're now starting to accept the reality that terrorism has happened here. And unfortunately, we may be crossing a threshold in terms of future acts within the interior of the U.S."

When asked if he was surprised that this terrorist act had occurred in Oklahoma City, Sloan replied, "I must say, I'm not. We've been involved in terms of terrorism vulnerability studies, among other things, here in the state since 1977, and no areas have ever been zoned against terrorism. If you harden targets on the east and west coasts, you displace people and you displace targets. So there are softer targets here. It also sends a message of vulnerability that did not exist before.

"I think of that as target displacement. No matter how good your physical security is, people look to softer targets of opportunity. Terrorists do that. I would like to emphasize, however, that on the state and local level, a lot of security work has been done here. But how do you prepare for something of this magnitude?"

Kelly Ogle asked, "It looks like much of the devastation that we have here was near the child-care center. Do you think that could have been an intended target, or was that just happenstance?"

"I suspect that was happenstance," said Dr. Sloan. "I suspect so, but there is concern over here as to whether the perpetrators knew that there would be a lot of people killed. It makes you wonder whether they were really worried about public opinion. It leads me to believe that they may be quite an extremist group who didn't care about public opinion."

"You have to question just how much security-zone perimeters you can maintain, particularly if you want to conduct business as usual in a large city. So, very significant also in this case is that this is a highly symbolic target, given the offices that were located there [in the Murrah Building]. There must have been some pretty heavy surveillance with regard to the selection of targets. There is always a situation of reconciling freedom of movement versus security."

"Freedom of movement versus security"? Here we were again at Governor Keating's "prudent and careful protective efforts." It looked like this sort of reasoning was going to become a trend, and in the days that followed, similar comments were made by terrorism experts throughout the country. Illogical though it was, there would be a consensus that personal liberty would have to be sacrificed if we were to be secure from terrorist acts.

### *The Anti-Islamic Reaction*

Our attention was suddenly diverted by an announcement read from the Associated Press newswire: "The FBI office in Oklahoma City has sent a teletype out asking agents around the country to contact any informants and sources that they might have with ties or knowledge of terrorist groups or advocates of violence to try to get more word on who may be responsible."

As the news of possible suspects began to trickle out from law-enforcement officials, KFOR Channel 4 Television news anchor Devin Scillian reviewed the information we had heard almost six hours earlier.

"Again," he said, "the Nation of Islam has released a statement saying that they had absolutely no involvement in this. And we do need to reiterate—because it would be a disservice to the Islamic community to allow the suspicion to linger—that that was an unconfirmed phone call. Clearly, we weren't able to confirm who it was who called us. It was a very quick phone call. Other than that, though, no one has taken responsibility. We don't want to commit some kind of disservice to the Islamic community, because the two don't have anything to do with each other. Keep in mind, the Nation of Islam is a different group, not Islam."

It was admirable of Scillian to try to make that distinction for the public, but the situation was never fully clarified and no further explanations were attempted. Gradually, remarks about the Nation of Islam faded from reports and all conversation would focus on alleged Muslim fundamentalists.

"As for those responsible," continued Scillian, "all I can tell you is that Oklahoma City police do have apparently two or three suspects in mind. They are looking for two or three Middle Eastern men in connection with the bombing."



Said ABC reporter John McWethy: "As a further sign of where the investigation is headed, the FBI has asked the U.S. military to send at least ten Arabic speakers to Oklahoma City to assist in the investigation."

The details of an all-points bulletin were sketchy at first. One suspect was twenty-five to thirty years old and of Middle Eastern descent; one was described as being thirty-five to thirty-eight; and no description was given of the third man who was believed to be the driver of the suspected vehicle.

The vehicle in question was a brown, late-model Chevy pickup with tinted windows and bug shield. The truck had been last seen southbound on North Walker in downtown Oklahoma City. Officials were examining records at the Dallas-Fort Worth International Airport, seeking information about a National Car Rental vehicle believed to have been involved.

Gail Spratt, spokeswoman for the Minnesota-based rental-car company, told the *Dallas Morning News* that the FBI suspected the car was rented from National Car's Dallas-Fort Worth office. Spratt said, "We're trying to determine the connection, if any. Something has led them to National Car Rental."

It was never entirely clear why officials believed the vehicle they were seeking had been rented from that company. The National Car Rental lead would linger for another day or so, reaching its resolution on I-35 near Dallas, Texas. But that situation was still in the future.

In the meantime a Justice Department official announced that they had received calls from six people saying they were from different Muslim sects, asserting they were responsible for the Murrah Building bombing. "But there is no way to know if the calls are genuine," the official said, who spoke on condition of anonymity. "They could be hoaxes."

Reporter Jeff Lazalier provided additional details about the suspects: "This is information that we are getting—no confirmation from official federal sources, but coming from local law officials—we understand that there was one witness who saw two people in their mid-twenties, two males, leaving the vicinity of the building about nine-ish this morning. They were driving a brown pickup truck. We don't know what model or what year it was, but they were wearing blue sweatsuits or running suits. The eyewitness described them as having a Middle Eastern look to them, but we don't know if that's just because of the hysteria that comes out of an event like this."

Hysteria did come from this event. In the days following the Murrah Building bombing, 227 instances of hate against Muslims were documented nationwide, including the burning of a mosque in North Carolina. Salam Al-Marayati, director of the Muslim Public Affairs Council in Los Angeles, made the statement that self-styled terrorism experts "exploit a gap of understanding about Muslims, who are too often lumped together with Middle East



extremists." Al-Marayati remarked that the Council's offices were inundated by hate calls after the bombing.

Local Muslims did their best to calm the public. During the evening newscast KOCO Channel 5 Television, news anchor Cherokee Ballard read a press release from the Islamic Society of Norman: "We the members of the Islamic Society of Norman and the Muslim Students Association of the University of Oklahoma, are shocked to learn about the explosion that took place in a building in the Oklahoma City area. We deeply sympathize with the innocent victims and hope that such situations do not occur in the future. We whole-heartedly condemn this and other similar bombings which disrupt the peace and harmony of the peace-loving citizens. Such incidences [sic] are totally against the spirits of any religion including Islam. We as Muslims have nothing to do or share with such inhumane activities. We are trying our best to help the victims and are available for any assistance that we can offer to the affected ones."

The press release was signed by Sohail Hasanjee, President, Islamic Society of Norman, Muslim Students' Association of the University of Oklahoma. That statement had little effect on the mood of the public.

On April 19 and 20, drive-by shootings shattered windows of a mosque at Oklahoma State University in Stillwater. The Islamic Society of Tulsa received numerous threatening phone calls. Rocks were thrown through windows at the homes of some Islamic residents in Norman. Islamic students at the University of Oklahoma were afraid to walk to classes because of the reactions of some people to the news that men of Middle Eastern appearance were believed to be suspects in the bombing.

Mas'ood Cajee, a student at the University of Oklahoma, stated that politicians and so-called terrorism experts contributed to the attitude of blame toward the Muslim and Arab communities. Said Cajee, "From Wednesday morning until Friday afternoon [April 21], all persons who appeared Middle Eastern instantly became suspects in the fatal bombing of the Alfred P. Murrah Federal Building. Muslims, Arabs and other communities of color suffered widespread fear and intimidation, physical assaults, and commonplace verbal harassment at school, in public, and in the workplace."

Most of the Muslims and Arabs in Oklahoma have come to the United States from Lebanon, Iraq, Iran, Jordan, Saudi Arabia, Pakistan, and other Middle Eastern countries. They are primarily international students, refugees, and immigrants, many of whom have become American citizens as well as successful business owners and respected members of their communities. Fear and prejudice toward these people caused great injustices to be committed against them.

Nihad Awad, executive director of the Council on American-Islamic Relations, stated that the Oklahoma City bombing prompted more harassment of Arab-Americans and Muslims in three days than the Persian Gulf War did

in an entire year. The hate crimes and harassment included physical assaults, bomb threats, and death threats by telephone. Awad called on the media to refrain from reporting unsubstantiated allegations in the future, and encouraged the press to do more to inform the public about Islamic culture.

One death resulted from the hysteria about the alleged Middle Eastern suspects. Sahar Al-Muwsawi had been watching the television coverage of the bombing when she suddenly heard the screech of a car's brakes outside her Oklahoma City home. She then heard objects hitting the windows of her home. Sahar and her husband had moved to the United States to leave the violence of their native country, and in this context of her memories, Sahar was afraid that someone was shooting at her house.

Muwsawi, who was seven months pregnant, took her two-year-old daughter and another child into the bathroom and locked the door, trembling with fear for her life. As a result of this emotional trauma, Sahar began bleeding. She telephoned her husband, who came home and rushed her to the hospital. Several hours later a stillborn baby boy was delivered. Although many compassionate non-Arabs sent flowers and contributions to the family in sympathy and sorrow, the Muwsawi family decided to leave Oklahoma and move elsewhere. These innocent persons suffered an irretrievable loss because of public prejudice. Yet when the final tally was made of the victims of the Murrah Building bombing, the little boy born dead was not among their number.

Some people seemed to have reached a point where grief and anger were indistinguishable. Said one woman on a Norman street corner, "I don't believe in the death penalty, but I hope whoever did this gets cruel and unusual punishment."

Volunteer Gary Jenkins said, "Whoever did this should die a vicious death."

In a local grocery store an elderly grandmother, eyeing the headlines of the newspaper, remarked, "The people that did this should die as slowly and painfully as possible."

One man calling a talk radio program said, "The suspects should be thrown to the families of the victims and they should exact their own retribution."

The mood of the public was ugly and edgy. Somehow people had forgotten that at that moment, no one was under arrest, no one had been tried, and certainly no one had been convicted. But one sentiment was being expressed widely: the standard form of execution in the State of Oklahoma—lethal injection—was going to be a far too peaceful departure from this life for the criminals responsible for the bombing, no matter who they were. The desire for vengeance was growing dangerously.

Into this tense and angry moment a news bulletin flashed across the Associated Press computer screen at KWTW Channel 9. It was read to the public by news anchor Jenifer Reynolds.



*Dragon's Teeth* ♣ 189

“Among those unaccounted for in the bombing, according to the Associated Press: five people who worked for the Drug Enforcement Administration, one Customs officer, and six employees of the Secret Service.”

Then, with a short gasp of surprise and a slight, barely discernible lift of one eyebrow, as if something had clicked in her mind, Ms. Reynolds completed reading the text: “All fifteen employees of the Alcohol, Tobacco and Firearms Agency—the ATF—have survived.”

***Our fathers and ourselves sowed dragon's teeth.  
Our children know and suffer the armed men.***

— Stephen Vincent Benet  
*Litany for Dictatorships* (1935)





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## Chapter 10

# OTHER HANDS

### *Heartland Values*

For about an hour there was no present tense. Everything was future now. We all waited uneasily for something: for the discovery of missing loved ones, for the rescuers to remove the victims, for the apprehension of the suspects, for the final official death toll, for the President to address the nation, for the arrival of the experts, for the next weather update monitoring the approaching severe storms. The present had become a seemingly endless, empty moment of not knowing.

This period of waiting was unlike any others that had already occurred that day. The initial numbing shock of the event was wearing thin, and the emotional blow was beginning to be fully felt and experienced. There was no expectation of happy outcome here, and the greatest anxiety is always produced while expecting the worst.

But unspoken in every heart was the troubling sensation that we were really waiting for the return of the innocent lives we had once lived. It was an odd sort of nostalgia because the change had occurred so abruptly. No matter what privations may have been suffered in life previously, no matter what great misery may have been experienced, no matter how many years those and other problems had been endured, those times were now the "good old days." No one really wanted to talk about that, but we all knew it instinctively.

A mere seven hours before, there had been a certain atmosphere of calm predictability to life. There had been a great deal of freedom in knowing that each day would be much like the one before. Anticipating that kind of

predictability, it seemed that problems were more surmountable, dreams and ambitions more achievable; plans could be made and projects could be undertaken with a real possibility of completion.

Of course, we all knew that accidents happen, that illnesses strike without warning, that criminal acts occur, that the world could be a dangerous and evil place. But Oklahoma still had a quality not always observed elsewhere. People still looked out for the well-being of their neighbors, called the police when something appeared suspicious, came to the aid of those in trouble, and banded together for righteous causes.

And it was, we thought, because we were Oklahomans. It was, we thought, because we were of frontier, pioneer stock with a drive to make things work, to overcome adversity by religious faith, strength of will, and sheer determination. Our community heritage was one of rising above one day's troubles by simply enduring into the next day, always with the conviction that good triumphs over evil and that virtue is its own reward.

It wasn't naiveté. It really was life the way we knew it. It was life the way we had made it, sustained it, and practiced it. It was simply how things were. We had trusted that those qualities of steadfast faithfulness and an honest work ethic would always be the right way to overcome any adversity. We knew that evil men did evil things—usually to somebody else, someplace else—but we also believed that crime doesn't pay.

It was the original "family values" lifestyle, and it had stood us in good stead since the first Oklahoma settlers had built sod homes in what was then Indian territory. It had carried us safely from the rough-and-tumble days following the Land Run of 1889 to statehood in 1907. It had held life together even during the wild and lawless days of the Dalton gang, the easy money of the first big oil boom, the bootleggers' bathtub gin of the Prohibition Era, and the debilitating poverty of the Dust Bowl of the 1930s.

We had survived all of those things with our values intact, and no matter what trouble might overtake us, we knew that there was always a way to endure and overcome, and it had always been merely a matter of working together, helping each other, and petitioning heaven with prayer.

But somehow this situation was different. Everyone felt it, but no one could quite put his finger on it. Many moving speeches were made by the media about the loss of our innocence. But it was really much more than that.

The bombing of the Alfred P. Murrah Federal Building had been a disaster of incredible proportion, had happened quickly and unexpectedly, and had affected simultaneously the lives of a vast number of people. This was a devastation beyond the experience or even the imagination of anyone in Oklahoma.

Instinctively—because it was what we knew to do—we turned to each other, looked for ways to help, sought comfort and solace in our churches,

prayed with our families and friends, found means of demonstrating compassion to strangers whom we knew were hurting, and we all hugged our children longer, more closely and protectively.

There was a discernible sensation of movement in the mind. Some tried to resist it, others succumbed immediately. This change was what now separated the "good old days," which had existed only seven hours ago, from this new and unknown future before us. Without conscious decision, many had begun to live in fear.

### ***Militia Concern***

Additional details were being released about the suspects being sought by law enforcement. The original all-points bulletin had been amended now to involve only two men of Middle Eastern appearance—both approximately six feet tall, both of dark complexion with dark beards, both wearing dark-blue jogging suits, one in his mid-twenties, the other in his mid- to late thirties. We never knew what became of the unidentified third man believed to have been the driver of the suspect vehicle.

It was announced that law-enforcement officers had communicated this information to officials in the neighboring state of Arkansas, but it was never quite clear why this was done. The next report we heard about the suspects was that they were being sought in Texas.

The Arkansas connection was generally believed to have little to do with the possible direction of travel of the suspects of Middle Eastern appearance. Reporters assumed that it was simply a matter of all law-enforcement agencies in the region being alerted.

But the revelation by the news media that Arkansas was entering the picture rang alarm bells in the minds of members of the so-called patriot community. There were dangerous associations linked to Arkansas that could spell real trouble for militia members who had long fought to maintain a reputation of lawful organization, personal liberty with responsibility, and respectful behavior toward all Americans, regardless of racial heritage or religious affiliation.

Although the search for the suspects of Middle Eastern appearance was only a few hours old, other matters were now in play that would reach new heights of hysteria only two days later, just as William Cooper had predicted that morning. Within two days patriots (more specifically, militias, which had been legally and lawfully organized under the laws of the individual states) would officially become "terrorists" simply because the media said so. And the media said so because federal officials said so.

For many years freedom-loving Americans—of which there were many in Oklahoma—had been fighting a growing specter of media stereotyping brought about by an implied guilt by philosophical association. From time to time, over a ten-year period, white supremacist and separatist groups,

self-proclaimed prophets of doom, and bigot reactionaries—all of whom *also* professed a strong devotion to Constitutional liberty—had been violating the constitutionally protected rights of others. They had been performing felonious acts, getting into sometimes deadly scrapes with local, state, and federal law-enforcement officers, and at times provoked those encounters themselves.

The result had been events of great sensationalism in the news. Legitimate militia organizations and patriotic political groups were being given a black eye by a few obnoxious reactionaries. And without fail, patriotism was mentioned in the same breath with such terms as “religious fundamentalist,” “right-wing extremist,” “white separatist,” “anti-Semites,” “neo-Nazi conservatives,” and “antigovernment terrorists.” Gradually, the public perception of the militias and outspoken patriots had been carefully directed to mentally link those undesirable classifications of extremism with any basic, home-grown love of freedom.

Most of the media knew well that most patriots were honest, hard-working, law-abiding citizens who had astutely observed the encroachment of big government, the decline of personal responsibility in American society, and the death of many freedoms once held dear. Some members of the media had been patriots themselves but had slowly and unconsciously been led to compromise their beliefs for the sake of a salary.

The media also knew that the oddball, off-the-edge, high-visibility groups who *professed* a love of Constitutional liberty did not themselves practice it because of their warped devotion to racism, religious bigotry, lawlessness, and provocative violence. The fact that such groups comprised a definite, documented, and infinitesimal minority in the class of people termed “patriots” was seldom if ever mentioned.

But quiet, unobtrusive, law-abiding citizens do not make big news, no matter how large their number. There is no titillating story in that. There is no sensationalism in minding your own business and tending to the needs of your own family and community. The true patriots of this country received no publicity to counteract the bad press that had always spotlighted the stupidity and ignorance of radicalism. Extremism became the synonym of patriotism, even though it wasn't true—and even though the media knew it was a misapplication of terms.

Eventually the print media would publicly admit that they could find no militia membership connection with the then-named suspects in the Oklahoma City bombing. But that would come months after the damage had been done. The retractions and corrections would, of course, be offered as quietly and invisibly as possible. Buried in a small article published by *U.S. News and World Report*, August 14, 1995, journalists admitted, “Despite lingering suspicions ... [of] ties to right-wing supremacists or heavily armed militia groups, there is no evidence suggesting that the bombing was the

work of a broad conspiracy, and prosecutors have been careful to downplay talk of conspiracy.”

Some nationally televised news sources—most notably CNN and ABC—would continue proclaiming militia ties to the bombing even after the absence of such ties had been firmly established by federal law-enforcement agents. Militia groups were facing a propaganda attack of ever-increasing intensity.

The switch in the focus of suspicion from Middle Eastern terrorists to American patriots began in Arkansas, shifted into Michigan, and thereafter quickly engulfed the entire country. Alert patriots observed this transformation of public mood and sentiment with great alarm.

### *Richard Wayne Snell*

At 9:10 p.m. on the night of April 19, convicted murderer and white separatist Richard Wayne Snell, formerly of Muse, Oklahoma, was executed at the Cummins Unit of the Arkansas Department of Corrections at Varner, Arkansas. Snell had been sentenced to die for the November 1983 slaying of William Stumpp, a Texarkana pawnshop owner. The murder had occurred during a robbery of Stumpp’s business.

The sensationalist rumor mill stated that Stumpp was murdered because he was Jewish and Snell was a white separatist. The robbery motivation was not often mentioned. But even after it was made known that Stumpp had been an Episcopalian, the rumors persisted.

Snell had been captured by law-enforcement officers in Broken Bow, Oklahoma, in June 1984 after he shot and killed Arkansas State Trooper Louis Bryant when the officer stopped Snell’s van near Ashdown.

Snell had at one time received a stay of execution on a judicial technicality, but on March 7, 1995, U.S. District Judge Susan Webber Wright reinstated Snell’s death sentence and dissolved the stay of execution. Arkansas Governor Jim Guy Tucker had been responsible for selecting the date of Snell’s execution, and he chose that date within two weeks after he received the paperwork on the case from the Arkansas State Attorney General’s office.

Snell was executed by lethal injection on the night of the Murrah Building bombing. A media witness, Associated Press writer James Jefferson, reported Snell’s last threatening words. Said Snell, “Well, I had a lot to say, but you have me at an inconvenience. My mind is blurred, but I’m going to say a couple of words. Governor Tucker, look over your shoulder. Justice is on the way. I wouldn’t trade places with you or any of your political cronies. Hell has victory. I am at peace.”

When Snell’s final words were made public, there was much media speculation that the object over Governor Tucker’s shoulder might have been the Murrah Building, and the justice of which Snell had spoken might have

been the bombing itself. This would have made the bombing an act of vengeance for an event other than the Waco Massacre.

But there were some insurmountable problems with that hypothesis, not the least of which was the fact that Snell had seen the television coverage of the bombing during that day. His execution had occurred twelve hours *after* the bombing. The "justice" to which Snell referred was "on the way." It had not yet arrived.

If the bombing of the Murrah Building had been the act of justice referenced by Snell, his final comments would surely have reflected his understanding that the bombing had already happened. However, Snell did not say, "Justice is done," or "Justice has been achieved." He said, "Justice is on the way." It is highly improbable that a man, given a final opportunity to speak his peace to the world would confuse his verb tenses in such a vital matter.

The attempts by the media to equate Snell's threatening words with the Murrah Building bombing simply did not work. There was no way to manufacture a threat of future retribution out of an event which had already occurred, and of which Snell was fully aware. The true meaning of Snell's final message remains a mystery. Given the degree of rampant corruption that exists in Arkansas state politics, there is a wide variety of possibilities. Nevertheless, no one can with any certainty determine the true meaning of Snell's last words.

In accordance with Arkansas state law, Richard Wayne Snell's execution was followed by an autopsy performed at the State Crime Laboratory in Little Rock. Snell's wife Mary then claimed the body, and he was buried on the grounds of the white separatist community of Elohim City, located in the southeastern portion of Oklahoma just west of the Arkansas border.

The Elohim City connection would later be milked for all it was worth—not because of the white-separatist beliefs of its inhabitants, but primarily because that private, self-contained community was very well armed. In addition, they considered themselves freedom-loving patriots. They viewed their white separatism as a matter of freedom of religious expression, not one of political policy. They did not actively discriminate against the other races; they simply withdrew from the world and disappeared inside their closed community.

That ready-made combination of racism, religious fervor, patriotism, and the legal ownership of firearms was incredibly convenient to anyone looking for yet another means of smearing the legitimate militias. The connection with Richard Wayne Snell added fuel to the fire, especially when it became known that Robert Millar, the spiritual leader of Elohim City, had been Snell's pastor. For a while that line of media reporting was exploited to maximum effect. Media representatives, particularly at the national level, did their best to paint the Elohim City community as a militia. But Elohim

City had never been a militia, and the group had never existed as a political entity.

According to people in the local area, the inhabitants of Elohim City are inwardly focused isolationists who practice organic gardening, home schooling, self-sufficiency, self-governance, and self-defense if warranted. But it has never been warranted.

Police officers from the nearby town of Muldrow spoke highly of the small community, reporting that the inhabitants of Elohim City never bothered anyone, never broke the law, allowed the citizens of Muldrow to enjoy hunting privileges on Elohim City property, and had kept quietly to themselves for many, many years. The inhabitants were peaceful, honest, and minded their own business. There were no records of any criminal complaints against the community in its long history.

The association of Pastor Robert Millar with criminals such as Richard Wayne Snell and Jim Ellison (former leader of The Covenant, the Sword, and the Arm of the Lord, now living in Elohim City under the federal witness-protection program) may have seemed a great opportunity to connect Elohim City with criminal acts. But Millar was no more responsible for Snell's actions than any other minister who might counsel wayward members of his religious flock.

A review of past incidents revealed that on all occasions Millar had had a remarkably calming effect on his people. During the Arkansas event that had involved Jim Ellison ten years earlier, Millar had encouraged Ellison to give himself up to federal authorities rather than respond with violence. But the Ellison incident would not become a factor in this whole media blitz for several months. That is a matter for the next volume.

In spite of Elohim City's undesirable and unconstitutional practice of white separatism, it was going to be difficult for federal officials or the media to turn this community into an antigovernment, militaristic hate group with radical, violent leanings. The inhabitants may well have been irritated with the corruption in government, but they had never taken an offensive stance in response to it. Irritation with government in combination with the legal ownership of firearms was not going to be enough to blindly demonize this particular group. Such irritation was too widespread—even among non-patriots—and millions of harmless Americans own legal firearms.

There was simply no basis in fact for categorizing Elohim City as a militia, nor as any other kind of military organization. The only truthful statements that could be made were that the community practiced white separatism, they owned firearms and, because Mary Snell lived in the community, Richard Wayne Snell's body was buried there.

Arkansas police had been in a state of heightened alert for several days before Snell's execution because of his ties to white separatist and supremacist groups. It was reported that members of those groups had called Snell

an American patriot. A year later when the Snell connection again made the news, it was speculated that the Murrah Building bombing might have been a "gift" to Snell on the date of his death. Much was made of reports that Snell had chuckled when he learned of the event. There were many other things to consider, but by that time media propaganda had made every patriot with a gun a militia member, and every militia member a terrorist.

Media representatives, terrorism experts, and federal officials tried to make connections between the Murrah Building bombing, Snell's April 19 execution, the murderous government siege on the Branch Davidian church at Waco, Texas in 1993, and the beginning of the raid on The Covenant, the Sword, and the Arm of the Lord in Arkansas in 1985—as well as the start of the Revolutionary War in 1775.

The only real connection with any of those events was the date. Snell was definitely guilty of two violent murders. He had been rightfully and properly arrested, tried, convicted, and sentenced to death. On the other hand, the sacrificed victims at Mount Carmel had been innocent pawns who were murdered by government agents. No one could ever say that Snell was even remotely innocent. He was not a martyred victim, but a criminal. He had been executed as the just retribution for the lives he had wantonly destroyed.

And what kind of connection other than the date could be made with the start of the Revolutionary War? There really was no connection whatsoever. But the Revolutionary War had been the supreme patriotic movement of all times. What better historical event to use against the militias than the original rebellion that had established American independence?

It certainly appeared that federal officials, terrorism experts, and the members of the news media were hanging by a fraying theoretical thread that they hoped might sound somewhat convincing. To any student of history, their ignorant and seemingly desperate wranglings were a complete embarrassment to the entire country.

It was those kinds of speculative leaps that caused patriots and legitimate militia members everywhere to cringe inwardly. Too many times the patriot label had been dragged through the mud and compared and equated with unlawful acts of extremism, racism, bigotry, and violence. Too many in-depth investigations into those unlawful acts had revealed the presence of government-paid informants acting in the role of agent provocateurs. But that kind of documentation rarely if ever made the evening news broadcast.

Propaganda is an interesting phenomenon. What you hear most often you are most likely to believe. Another artfully crafted media blitz was about to be organized, and this time its target was American patriots in general, and more specifically, the militias. Before it was all over, the Snell execution, the 1985 raid on The Covenant, the Sword, and the Arm of the Lord (another Arkansas event), the Amtrak train derailment in Arizona, and almost all

occurrences of violent extremism would be attributed to the militias of this country.

In addition, if you took the media seriously, it began to seem that every conceivable unlawful act throughout all of American history had also taken place on April 19. There would be some interesting juxtapositions, but no proof. There would be much speculation and grabbing for the elusive positive connection, but it never solidly materialized.

In these vain attempts to implicate the militias, there would be the blatant manipulation of times, dates, and places to try to make some of the more sensationalistic events fit the April 19 pattern. These were so easily disproved that it was amazing that anyone would even attempt such a thing. It could not fly then, and it will not fly now.

The almost desperate search for significantly related dates and events—especially if they would implicate patriots or militias—would not reach its pinnacle of absurdity for another nine months, at which time the State of Arkansas and Elohim City would again be players. But that situation was still in the future. On April 19, 1995, life remained at a standstill.

### *Coping*

Oklahomans were still stuck in that endless moment of not knowing on that endless Wednesday afternoon. It was an uncomfortable, often frightening place to be. Because the bombing and its consequences were miles distant from that quiet place where we knew what to do and how to handle things, many people were becoming more fearful and anxious. When that anxiety reached a certain fever pitch, it was time to get help from any available source. KWTN Channel 9 Television opened its phone banks to those in need of advice and counsel.

Dr. Mary Ann Bauman, from Baptist Medical Center, coordinated the counseling effort. "We are just opening our lines, and as you can hear, the phones are ringing. We've put together a panel of psychiatrists who will answer questions, both child and adult psychiatrists. Keep in mind that they tell us it is most important to get help for people in the first twenty-four hours. So if there are questions about your kids and what they should watch, questions about victims, whatever, please call us with those questions now.

"The Oklahoma Psychiatric Association has activated its Disaster Response Team. They will be responding to ERs, cancer centers, hospitals, and surgical areas, so we will take care of patients' problems and families' problems as they come about."

Already the telephones were in constant use, and when any of the doctors was between calls, Dr. Bauman asked the panelist to offer an indication to the public of the kinds of questions that were being handled.

Said one child psychiatrist who was associated with St. Anthony Hospital, "This [question] was about a daughter who was coming home from school who has not seen or had any visual impressions about this disaster. The mother was asking how should she introduce this topic of disaster hitting the city to her daughter, and how she should be protected from getting the early visual impressions of what happened to children and adults.

"I told her that [the child] should know about the reality. As she is an eight-year-old girl, she may be terribly frightened about the concept of death, and she may come up with nightmares and things like that if she has received visual impressions. Maybe it would be better to protect her from visual impressions. But let her have the details. She may hear about it from others, but [should know that] it is at a distant place, and should understand that none of her family members are involved in it at this time. That will be reassuring to the child.

"There may be temporary aggravation of separation anxiety, as the child might think that it could happen to her when she goes to school, and she will need some support and reassurance that that is not going to happen."

Dr. Twyla Smith, an adult psychiatrist in association with St. Anthony Hospital, stated that she had taken a call from a woman whose husband was a firefighter working in the rescue operation. Said Dr. Smith, "The caller was wondering how to be supportive of her husband this evening when he comes home. I encouraged her to listen to him as he could talk about it. He may have numbed from the day, just pushing himself back from everything he had to do. Maybe run him a tub of water, let him get his sensory input down. Listen to him, be supportive of him.

"When he's able to connect the events that he has experienced today with the thoughts that he had during those events and with the feelings connected with those events, [it is important to] weave those back together as quickly as possible—either to write it down or to tell it to someone. Keeping those components together is one of the most helpful things to do in coming through a trauma."

Dr. Bauman asked, "How do you work with someone with post-traumatic stress? What can you do to help them?"

"What you do," replied Dr. Smith, "is to help that person put himself in a safe place, to reestablish a sense of control in his life, to renormalize his life as much as possible, and then to once again weave together the events that have happened with the thoughts that he experienced, with the feelings that he was experiencing, so that those memories get stored as a complete whole, rather than in fragments in different components of the brain."

One woman telephoned the psychiatric panel because she had been in the Journal Record Building at the time of the explosions. She had had much debris fall upon her and she was still very shaken. But she was most horrified by the fact that she had been planning that morning to put her baby in

America's Kids Day-care Center, but had most fortunately not done so. The circumstances were very frightening to her. The doctor handling her questions remarked that many people who survived would wonder why they survived when others died. Some would feel guilty because they made it and others did not. That these were known and predictable reactions to an event of this kind was comforting even though the knowledge itself did not heal the trauma. People did not know anymore what normal was.

Another woman called because she had been involved in covering up deceased infants and children with blankets in their own playground area. She was feeling great anger, and its intensity frightened her. She was told that anger was a normal and acceptable emotion to experience after such a day as this.

A man called who had been a resident in the YMCA. Because of the explosions, he was now homeless, without any possessions, and had nowhere to go. He needed to be directed to a relief agency.

An unidentified individual called to ask if it was safe to indulge in alcoholic beverages after the stress and horror of the day. Such an activity was highly discouraged by the doctors. It was more important to keep the events of the day as whole thoughts and whole memories rather than to artificially scatter and anesthetize them. It was felt that only in that way could those painful memories be confronted and resolved.

Leaving the studio phone banks, the television cameras took viewers to the Civic Center in downtown Oklahoma City, where the first official press conference was scheduled. Said KWTU Channel 9 reporter Robin Marsh, "The White House has called Bob Ricks, asking us to hold off our news conference until after the President has spoken.

"We know that the Mayor, Ron Norick, will be here; Bob Ricks from the FBI; also Governor Keating is here. Lieutenant Governor Mary Fallin and District Attorney Bob Macy are here.

"I talked with the District Attorney, and he said he will press for state murder charges to be filed against whoever is responsible for this bombing if they are apprehended. The Governor is going to be here, and then he will be going over to the site of the blast at the Federal Building after the news conference. It should start about 4:30, but of course all of this is pending the situation with the White House briefing.

"According to Bill Citty with the Police Department, from this point on the FBI will be the ones who are handling this since it did happen in a federal building. The buzzword around here is "terrorist attack." And if this *is* one, why in the heartland of America in Oklahoma City? It does bring back reminders of the World Trade Center bombing."

It was getting closer to the time for the President's address. For the next twenty minutes miscellaneous general announcements were made by the media as we waited. This was filler to pass the time, accompanied by visual



images of the activities around the bomb site and file footage from the morning.

Reporter Tammy Payne announced, "The magnitude of this terrorist attack—if that is, in fact, what it is—is being felt across the country, but certainly here at home. The call for help is going out right now from Brigadier General Neal Balkan. He is imploring all members of the Oklahoma Reserve Force—every member of the Oklahoma Reserve—to call their headquarters. You will probably be needed. Some have already called. They are at work helping out. But Brigadier General Neal Balkan is asking that all members of the entire Oklahoma Reserve Force call headquarters."

Said anchor Kelly Ogle, "If you are thinking of going downtown, all of the off-ramps on Interstates 40, 35, and the Centennial Expressway, I-235, are shut down. You are not going to have any success getting into the downtown area. They don't need you down there. They need people to stay away so they can see if they can save some of these people who may be trapped in the rubble of the Federal Building at 5<sup>th</sup> and Robinson."

Then without warning, this unexpected information was offered by KWTW Channel 9 news anchor Jenifer Reynolds: "Somebody called me just a little bit ago who has some past experience in the military in working with explosives. One of the things that he has said is that we've been saying this was a car out front that may have had a bomb in it. He said we should probably keep ourselves open to the possibility that it may have been a truck or a van because of the amount of explosives—just the poundage—that would be required to set off that big of an explosion. It may be a larger vehicle than a car, and so that's something that we'll keep in mind as we get more information."

Co-anchor Kelly Ogle then changed the subject. "The news from the corner is not good. The death toll has now reached twenty. We are told that fifty-eight people have been rescued from that building so far today. That is good news.

Added Ms. Reynolds: "By that I assume they mean they were carried out. Hundreds got out, ran out, or walked out. And the fifty-eight, I guess were either helped out or extricated from the wreckage. And we have a death toll of twenty now. The expectation is that it will go higher from there, but I think authorities are probably trying to be very cautious in terms of making sure that everyone they list as a fatality is confirmed."

Reporter Cynthia Gunn conducted an interview downtown. "We have Larry Jones here with Feed the Children who has a list," said Ms. Gunn. "He's been talking with medical officials down here and knows what they need. So we're asking for help at this moment. What do we need, Larry?"

Always a great coordinator of community support, Larry Jones offered new ways that the public could assist in the rescue effort. "We need some tents, raincoats, umbrellas, flashlights and batteries. We need some CO<sub>2</sub> tanks and



masks. We need medical gloves and masks. We need anything for a triage center, and also we need hot coffee.

"So if people would take these items to 333 North Meridian, then our trucks and our vans will get it to all the people who need it. Also, it's going to be a long night, so if you can't do it right now but could a little bit later, we're going to be here all night. If you could do that, we'd really appreciate it."

"And the critical thing about this," emphasized Ms. Gunn, "is that we don't want people coming down here and bringing it."

Larry Jones was adamant. "You can't get in. It's impossible to get in. I almost didn't get in and they knew who I was. But they've really got tight security because there's so many other buildings where the windows are blown out, and for security purposes, to protect other people's belongings. So if people would just take those items to 333 North Meridian—that's the Feed the Children Center—then we'll get it on down here.

"And also, if people are here with family and friends and they want a free meal, they can go there also because we're collecting food from restaurants. So many people are helping. But we do have these few needs, and we could use them as quickly as you get them to us."

Ms. Gunn asked, "You've been talking to and working with the medical professionals. What is going through their minds? Are they feeling the deep sense of loss here as they try to save those who can be saved?"

"I'm sure that you understand," replied Jones, "that everyone's adrenaline flows when you know that you can go help somebody. But when you get here and you see the devastation and you realize that there are so many who are dead, all of a sudden there is a silence. There are so many medical people who want to help, but they cannot help simply because of what's happened. There are going to be so many people that they carry out in body bags. I think Oklahoma City needs to brace itself for what is getting ready to happen, because it's not good. I've been over there, and it's not good.

"I haven't been in the building, but I've been in the front of the building, the back of the building, and I've been with the people who are coming out of the building. The best way to describe it is a silence and a look of despair.

"I go to a lot of these [disasters] overseas. This is the first time I've ever been to one in my hometown of Oklahoma City, and my heart is very low right now. This looks exactly like Bosnia. I went to the Armenian earthquake. I went to the one in Iran. I went to the one in Mexico City. But when you think that people actually caused this, this is devastating. And all those children in there. This is so sad.

"And there are going to be a lot of people who are going to need a lot of counseling and a lot of prayer. So I think that the pastors and the churches



are going to brace for this. But I think we're getting ready to be really impacted. The bomb has gone off, but now the emotional bomb is getting ready to go off. This is really a sad day for Oklahoma City. There is so much bad news coming out of that building."

### ***Washington Takes Over***

Then suddenly the moment was upon us. With little fanfare, the cameras cut directly to President Bill Clinton addressing the nation from the White House. Speaking very slowly and deliberately, Clinton said:

"The bombing in Oklahoma City was an attack on innocent children and defenseless citizens. It was an act of cowardice and it was evil. The United States will not tolerate it. And I will not allow the people of this country to be intimidated by evil cowards.

"I have met with our team which we assembled to deal with this bombing, and I have determined to take the following steps to assure the strongest response to this situation.

"First, I have deployed a crisis-management team under the leadership of the FBI, working with the Department of Justice, the Bureau of Alcohol, Tobacco and Firearms, military and local authorities. We are sending the world's finest investigators to solve these murders.

"Second, I have declared an emergency in Oklahoma City, and at my direction James Lee Witt, the director of the Federal Emergency Management Agency, is now on his way there to make sure we do everything we can to help the people of Oklahoma deal with the tragedy.

"Third, we are taking every precaution to reassure and to protect people who work in or live near other federal facilities.

"Let there be no room for doubt. We will find the people who did this. When we do, justice will be swift, certain, and severe. These people are killers and they must be treated like killers.

"Finally, let me say that I ask all Americans tonight to pray; to pray for the people who have lost their lives, to pray for the families and the friends of the dead and the wounded, to pray for the people of Oklahoma City. May God's grace be with them.

"Meanwhile, we will be about our work. Thank you."

Bowing his head, Clinton left the press conference without another word. Immediately, United States Attorney General Janet Reno took her place at the podium. She too spoke very slowly and deliberately.

"This has been a tragic and heartbreaking day," said Ms. Reno. "I can tell you this: the FBI and the law-enforcement community will pursue every lead and use every possible resource to bring the people responsible to justice.

"The FBI has established a command post in Oklahoma City, and it is in twenty-four-hour contact with [the] FBI headquarters command post in the



Department of Justice. Four FBI Special Agents-in-Charge have been dispatched to the scene to provide twenty-four-hour operation of the command post. The FBI has sent four evidence-response teams and explosives-ordnance teams to Oklahoma City. Five of the very best FBI agents experienced in this type of investigation are arriving in Oklahoma City, as have bomb technicians from Boston, Chicago, Miami, San Francisco, and Los Angeles. Thirteen members of the Rapid Start Team will be entering data as the evidence is collected. Fifty more agents are available for arrival tomorrow, and more will be used as needed.

"The FBI and federal law enforcement have received superb cooperation from local authorities in Oklahoma City, and the federal law-enforcement agencies are working together.

"The ATF has sent two national-response teams and a mobile command center. It has three explosives technicians and three laboratory technicians in Oklahoma City, and it is prepared to send twenty to twenty-five more personnel tomorrow.

"The Secret Service is also sending explosives experts.

"In addition, the Oklahoma National Guard has been deployed to assist in control of the area and the evacuation of the injured.

"The United States Army has deployed the 61<sup>st</sup> Ordnance Detachment with a robot from Fort Sill, Oklahoma.

"The Tulsa Police Department has deployed two bomb technicians, two dogs, and a robot and the FEMA is playing a major role in aid and assistance.

"We cannot tell how long it will be before we can say with certainty what occurred and who is responsible. But we will find the perpetrators and we will bring them to justice."

This was the end of Attorney General Reno's speech. She then took questions from the press, but offered very few conclusive, meaningful responses. What follows is the text of that press interview.

Q: There are reports that there are descriptions of a couple of people who were seen there. What can you tell us about that?

Reno: What I can say about all evidentiary issues and all leads is that it would hinder the investigation to discuss any action that we are taking pursuant to the leads, but we are pursuing absolutely every shred of evidence available.

Q: If people are to be on the lookout for someone, isn't there a way that you can describe those people?

Reno: (No response.)

Q: It sounds from everything you have said is that you've concluded that this was a terrorist attack of some kind. Can you confirm that?

Reno: I would not characterize it as such until the evidence is in, but we are pursuing every piece of evidence with whatever motivation behind it.

Q: Do you have statistics on the casualties?

Reno: We have some statistics on the casualties, but they are increasing every moment. What we are trying to do is to make sure that we pursue every lead. What we have been told is that there were 550 people assigned in the building. Only 250 have been accounted for before I came in. There may be as many as 100 to 250 more people to account for. The casualty figures are climbing. One hundred victims have been treated. Six children who were in the day-care center have been confirmed as dead, and we are just pursuing absolutely every lead that we can.

Q: Have there been any other threats at any other federal buildings across the country?

Reno: In a situation like this there are sometimes terribly misguided, horrible people who create copycat situations. We've responded in each instance, and so far nothing has materialized.

Q: Was there any indication, was there any warning that anything like this could happen? There have been reports that—not specific warnings per se, but warnings that there might be terrorist activities in the period after March.

Reno: Again, I can't comment on any specific lead or any of the evidence that we have developed.

Q: Is there a tie-in with Waco?

Reno: (No response.)

Q: The Crime Bill that the President has signed includes a death-penalty provision. Assuming you do catch these people, will you go for that?

Reno: 18 USC Section 844 relates to those who maliciously damage or destroy a federal building. If there is death, if death occurs, the death penalty is available and we will seek it.

Q: General Reno, is there any more indication of where this device exploded?

Reno: Again, that would be commenting on the evidence that is being developed and we would not want to do that because to do so could possibly hinder the investigation.

Q: Are we crossing a new threshold of concern about security in this country?

Reno: I think this has been a matter of concern for all Americans anytime you see acts like this around the world. And I think it is a matter that has got to be pursued with all vigor. I can't tell you if it is a crossroads. I can tell you that anytime something like this occurs, we have to do everything possible to ensure that the people who are responsible are held accountable and that we do everything we can to prevent a future occurrence.

Q: What cautions would you urge other people who work in federal buildings or who live near them to take?

Reno: We're working with the General Services Administration, the United States Marshals Service, and the FBI to take sensible precautions, and the federal employees who have been involved have just been wonderful.

Q: Is it just a coincidence that it happened on the second anniversary of the Waco siege?

Reno: Again, we are pursuing all leads. We cannot tell exactly what happened or who is responsible, and it would be better not to comment until we can conclusively talk about it.

Q: Has anyone called to claim responsibility for this?

Reno: Again, I don't think that I should comment on the evidence because to do so would hinder the investigation.

Q: Was it a car bomb?

Reno: Again, I cannot confirm any evidentiary lead that we are pursuing because I think that would hinder the investigation.

Q: If another government or governments are found to be involved, will military retaliation be appropriate? Will it be carried out?

Reno: I don't think that we should deal with what-ifs. I think we should make sure that those people who are responsible are pursued and brought to justice.

Q: The government of Israel has offered its help because it has vast experience with this sort of thing. Do you know if we are accepting that help?

Reno: We will, of course, rely on any additional resource that can possibly be involved and be utilized appropriately in bringing these people to justice. Thank you.

Following the brief press conference, all news media reiterated that President Clinton had promised swift, certain, and severe retribution for the perpetrators of the bombing. And having been told six different times by Attorney General Janet Reno that the government was "pursuing all leads," the impression of determined intensity of purpose had been conveyed.

The local press uniformly thought it strange that Attorney General Janet Reno had been very hesitant to call the Murrah Building bombing an act of terrorism, while agents here in Oklahoma City indicated that they felt certain it was. Of greater interest was the fact that Ms. Reno had promised the death penalty, which, given the amount of information she would not or could not discuss, seemed a bit premature—especially if the bombing had *not* been a terrorist act but merely some terrible accident.

Her responses had all seemed rather unusual. Would there ever be, or had there ever been, a circumstance in which federal law enforcement had *not* pursued every available lead?

Had this been some form of emphatic government-speak? Did it mean something else?

Was it merely a nonanswer of the type to which most had become accustomed when asking questions of a sensitive nature of our government leaders? If that was the case, what was it that had been so sensitive about the questions asked?

Why was the nation not urged by Ms. Reno to be alert for specific suspects or vehicles at a time when that same information was being freely broadcast by all media sources at the local level?

But what no one mentioned was that we had now crossed an important line in the situation. From this moment on the entire investigation and everything that it would entail in the future had been taken out of the hands of local officials on the scene—many of whom had been early witnesses to the disaster—and placed officially, firmly, and unmovably in the hands of federal government agencies.

*The future has waited long enough;  
if we do not grasp it,  
other hands,  
grasping hard and bloody, will.*

— Adlai Stevenson

Quoted in Murray Kempton's *America Comes of Middle Age* (1963)



## THE WHOLE HOUSE IS BUILT IN THE AIR

### *The Damning Quotes*

Shortly before five o'clock, the first official press conference was held by state and local authorities at the Civic Center, located approximately one-half mile to the southwest of the Murrah Building.

There were clearly two different agendas being pursued by the presenters at this conference. Gradually over the weeks that followed, the local perspective would be overtaken by the federal agenda until the two were indistinguishable.

One agenda was represented by the reports offered to the press and public by Oklahoma City Police Chief Sam Gonzales, Oklahoma City Mayor Ron Norick, and Oklahoma City Fire Chief Gary Marrs. Their statements reflected factual reports of actions taken on the scene by local participants, and no attempts were made to avoid questions or to carefully word responses in order to disguise the truth.

The other agenda was cautiously directed by FBI Special Agent-in-Charge Bob Ricks—former FBI spokesman during the Waco Massacre—and was supported fully by former fellow law-enforcement brother Governor Frank Keating, who with Ricks, had joined the FBI in 1969.

While it is true that Governor Frank Keating was a state official, he was (and is) completely aligned with the federal perspective and approach. Keating has never been a states' rights loyalist, but is in fact a sworn supporter of socialistic globalism, as documented in Appendix A.

Also clumsily participating in this second agenda was the somewhat slow and lumbering Regional Director of FEMA, Buddy Young. Mr. Young is the





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former Arkansas highway patrolman who had been rewarded for his silence concerning then-Governor Bill Clinton's involvement in miscellaneous illicit sexual liaisons and the questionable occurrences at the small airport in Mena. The apparent payment for Young's silence was the regional FEMA directorship, a position that brought with it a \$90,000-a-year salary.

It was an interesting lineup of players. After this first press conference, Bob Ricks would have little to say to the media about the federal investigation, but he would be very much at work behind the scenes. In terms of visibility, Ricks would be almost immediately supplanted by FBI spokesman Weldon Kennedy, who would later be promoted for his Oscar-quality performances in Oklahoma City. (Several months after the bombing, Kennedy was advanced into the FBI's national second-in-command position, which had been formerly held by Larry Potts. Potts was soon to be demoted and transferred out of Washington, D.C., because of his unethical and unlawful actions in the Ruby Ridge/Randy Weaver incident.)

At first it appeared that this investigation was going to be another version of locals versus the feds—and for a very short time it was. But there was something else going on here, something so critical that within three weeks the local players would be completely squeezed out of the picture.

As the local officials and witnesses were forced into repression, the local media followed suit. As long as the federal agencies—most notably the Federal Bureau of Investigation—controlled the content of the official press releases, local and national media reports were going to be essentially identical. This did not occur overnight, but there was a rapid merging between local and national news reports until what became known as the official story literally took over the world.

It was during the pressure plays that the locals began to retract former statements, change their stories, deny their reports, cease participation entirely or, in some cases, disappear completely from the area. During the transitional period, we observed some of the finest, most artistically created masterworks of propaganda of all time. All of the money, power, and resources rested at the national media level, and eventually what *they* said was truth would become what most people believed.

In studying this first official press conference, it is helpful to separate the two agendas. When compared side by side, there is a remarkable distinction in style between local and federal statements—especially when one recalls the evidence and witnesses' statements that had already been made public during the first eight hours following the bombing.

The conference itself was something of a jumble. The statements of the local authorities were interspersed with those of the federal players, especially during the question-and-answer period. For the sake of more clearly demonstrating the differences, the text of this press conference will be separated into its two distinct camps. Presented first are the statements,



questions, and answers that involved local Oklahoma City authorities, followed by those of the federal representatives.

### **THE LOCAL AUTHORITIES**

#### **OKLAHOMA CITY POLICE CHIEF SAM GONZALES:**

"Thank you very much for your patience. We appreciate you waiting so patiently. My name is Sam Gonzales. I'm the Chief of Police in Oklahoma City.

"At 9:04 a.m. [sic] this morning, the Federal Building, located at 200 NW 5<sup>th</sup> Street, was almost completely destroyed by what we believe was a car bomb. The City of Oklahoma City, the State of Oklahoma, and all of the federal agencies have combined our efforts to handle this incident.

"The area hospitals, the area EMSA service, the local medical personnel have been working relentlessly all day long at the site getting people out of the building.

"The Oklahoma City Police Department has the lead responsibility for perimeter control and for ensuring our streets stay accessible for emergency equipment. We are utilizing officers from our police department and from numerous local agencies, officers from the Oklahoma Highway Patrol, and tonight we will also have members of the Oklahoma National Guard in to assist us with perimeter security.

"All of the search and rescue efforts are being coordinated by the Oklahoma City Fire Department, and any questions related to that should be addressed to Chief Gary Marrs of the Fire Department.

"The FBI is the lead agency for investigating the incident, and any questions related to the investigations should be addressed to the Oklahoma City FBI Special Agent-in-Charge Bob Ricks.

"Mayor Ron Norick is with us, and he will speak to you in just a few moments about the other city efforts, what we are doing.

"We also have Governor Frank Keating with us, who will tell us about the state's involvement."

#### **OKLAHOMA CITY MAYOR RON NORICK:**

"For the record, I am Mayor Ron Norick. The community is a little bit in shock, as you can imagine right now. But I appreciate very much their efforts.

"Immediately this morning I got on the news media and requested that people do not come downtown so that emergency personnel and emergency vehicles could come down. Our citizens responded ably and we kept the lines open.

"We are setting up a phone line that will be operational within a few minutes, and I want to give you the numbers. It is for any people that were in the building at the time of the explosion. We need them to call. The numbers to call are both at my office across the street. It's 297-2424. The other number is 297-2345. Any people that were in the building at the time of the explosion, we need to have contact with those individuals. So if they would, please do that.

"The Oklahoma City Police Department is in charge of the perimeter area, as Chief Gonzales said. The FBI is in charge of the crime scene. We will secure the area. It has been secured. And we are making sure that all medical personnel and that the rescue efforts of the Oklahoma City Fire Department and the other fire departments [are not hindered].

"I want to thank all of the communities from around the country who have called and volunteered their services, their rescue squads, dog teams, a variety of things—some are on the way, some we have told that we don't need right now, but we do appreciate that.

"We have interlocal agreements with all of the communities in central Oklahoma, of which there are twenty-three. All of those police officers and fire departments are all involved in support activities or in immediate rescue activities.

"The area will be cordoned off for several days. It is going to take some time to get through the debris. All the natural-gas lines have been cut off in this particular area until we determine whether we have any major gas leaks. At the time we are not aware of any water leaks or sewer leaks, but the gas lines have been turned off until we can get more information.

"I requested from the Governor this morning that the National Guard be sent in. He immediately responded. That was at about 11:30 this morning. The National Guard will be coming in to assist with security tonight at approximately six o'clock. Again, we encourage citizens from the area, people that are not involved in the rescue effort, do not come to the downtown area. Do not impede what we are trying to do to determine if we have any more survivors in the properties. So it's important that they do that.

"The National Guard will be assisting with the police and the Sheriff's Department to make sure that we keep the area secure also for the investigators that will be brought in by the FBI."

Q: Are any repair efforts under way downtown in the businesses?

Norick: I was down there about an hour ago and I noticed a number of them had already started boarding up the windows and the broken glass. I would imagine that they'll be closed for several days because we're going to keep the area cordoned off, and we'll just

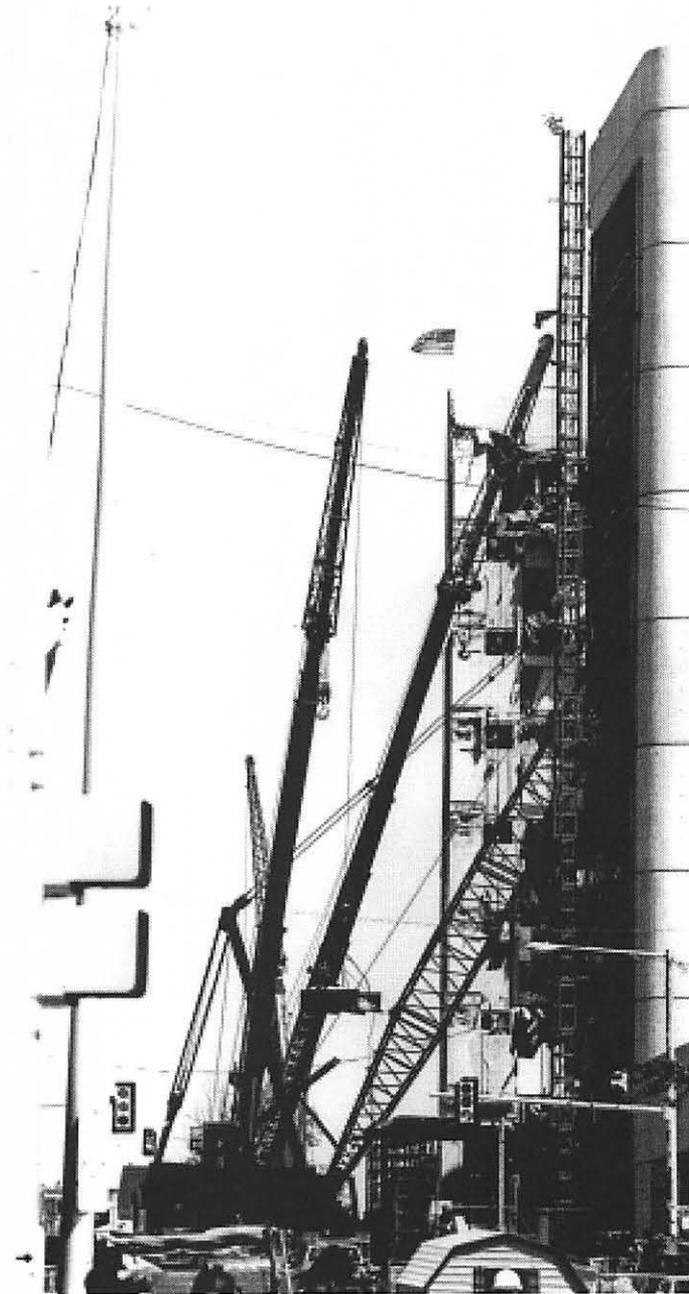


PHOTO BY JOHN JENKINS

Cranes and heavy equipment during the search-and-recovery period. Most of the heavy equipment used at the bomb site was donated by local construction companies, whose operators volunteered their time in the effort.

have to go on a day-to-day basis, but it will be several days. But most of them have extensive repairs that they're having to do to their own buildings right now.

Q: How much of downtown is closed?

Norick: It's approximately two blocks in all directions that's cordoned off. It may vary a little as the police move that barrier back and forth to find out exactly where they want it, but it's a large area.

Q: What about evacuations?

Norick: We sent everybody home from basically the downtown area early this morning. We encouraged employers to turn people loose, which they did, because we weren't sure of the soundness of some of the structures. Until we knew, all of the city buildings, county buildings, and I think all of the private employers turned loose very quickly this morning and sent those folks home.

Q: Is there any estimate of how much damage was done?

Norick: I have no damage estimates yet.

Q: Were there people hurt in other buildings?

Norick: Yes, there were several injuries in the surrounding buildings that have been treated at the local hospitals.

Q: Do you have any information about injuries?

Norick: No. You'll need to talk to Chief Marrs on all of that. He'll issue all of the injury reports.

Q: Are you going to try to relocate those offices that were in the building?

Norick: Well, those are federal offices. I'll let them handle that. But there are a number of private businesses; there are some apartment houses; there's a senior citizens' home. There are a number of things, and those are obviously ... right now they're trying to seal them off. It's not raining now, but it was forty-five minutes ago, and we also have the gas turned off. So those people will obviously be having to move out for a few days.

**OKLAHOMA CITY FIRE CHIEF GARY MARRS:**

Q: Do you have any estimates of casualties?

Marrs: The only numbers we have right now that I want to give out would be [the ones that are] confirmed. We don't want to give estimates or anything that we've seen in the building at this time, so I choose only to give numbers that have actually been extracted and confirmed. We have 58 critical transports that have

occurred up to this point. We have 20 confirmed dead at a portable morgue at this point. We are sure that that number will go up because we have seen fatalities in the buildings that have not been removed yet. But again, I don't want to start speculation on numbers. We'll update you from time to time, but what you'll get from us are the confirmed numbers at this point.

Q: I heard the Attorney General say there were persons unaccounted for. Do you have numbers for those unaccounted?

Marrs: We haven't been able to get any unaccountability at this point. I know the agencies are all getting hold of their people and trying to do some unaccountability, but we don't have any idea at this point.

Q: What is the potential for the rest of the building coming down?

Marrs: Well, we've had the architect early on show up at the building with his blueprints. He has looked through the building. We had some concerns about the stability on the west side at some point early on. That was confirmed to be more of a decorative effect on the outside and not structural members. We have some level of confidence that that structure is sound at this point with what is left standing. There is one stairway left in the rear of the building, is the report I have at this point.

Q: Can you tell us how many children were inside and where the day-care center was located?

Marrs: I don't have the numbers.

Q: Can you tell us where the day-care center was located?

Marrs: We understand the day care was on the second floor at the west end of the building toward the front.

Q: Is there any confirmation on if it was actually a car bomb, the original bomb that blew up?

Marrs: You'll have to talk to the FBI on that.

Q: How are you going about retrieving those who are still trapped in the building?

Marrs: Well, initially we had to put numerous crews ... we had about six other buildings also that had damage that ranged all the way from windows being blown out to actual structural damage, so we had to spread our resources and do those. All of the other buildings have been searched at this point. And the main building itself, now we've got about thirty percent of that building that we have completed primary search in. We have crews, not only fire crews,



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but we have some county-sheriff rescue personnel, numerous rescue personnel. We have some dog teams that are in there that are trained in rescue situations and finding people in the building.

Q: Do you know who any of the survivors were?

Marrs: I have no report of that at this point.

Q: How much did you say was done?

Marrs: About thirty percent of it. We started that effort in the upper floors. What we refer to as the pancake collapse on the lower floors is going to be a long, tedious job. We'll need to get the cranes in and the heavy equipment, so we certainly concentrated on the upper floors first to get that search done.

Q: Can you talk about the medical response? How many ambulances? Did you have enough? How many hospitals were called in? That kind of thing.

Marrs: Well, I can't give you numbers of ambulances. I know they had everything they had on the street at that time and what they could put in service later. All the hospitals became aware early either through notification or the arrival of injured. We had numerous what we consider walking wounded who either got out of the building and went themselves to a hospital or a clinic or actually came up for some minor treatment from us and then left and went to the hospital. So, early on in the incident, I was notified that all the hospitals were aware and on alert and somewhat packed at that point.

Q: How did they get their staffing levels up to full speed? Did they call people in? What were they doing?

Marrs: Who?

Q: The hospitals.

Marrs: I don't know. You'll have to talk to the hospitals about that.

Q: What is the window of time you are looking at to reach any possible survivors who may have been buried alive? Do you have a time frame?

Marrs: No, I don't. The collapsed portion is ... you've got to realize all the floors of the building are down, pancaked on each other, so you're going to have to lift those floor by floor, and that's going to be a long, tedious process. I'm sure we'll be days into it.

Q: What about the Water Resources Board across the street? Did everybody get out of that building all right?





Marrs: We did an initial search. Early on, there was some concern about the stability of that building. It was pretty well devastated on one corner. So we had to really monitor the crews searching that one, but it was finally completed later on.

Q: What about the underground Conncourse, the underground tunnels that connect most of the buildings in downtown Oklahoma City? Is it safe at this point? Is there a danger there because of this explosion?

Marrs: I have no reports that the Conncourse is in danger at this point, no. We did have some concerns over water in the basement from the broken water pipes, but that got turned off early on. So I'm not aware of any damage.

Q: What number should people call if they need information about family members in the building?

Marrs: The Red Cross County Chapter is handling that part of it.

Q: How many floors pancaked?

Marrs: All of them. Nine. From the roof down. The whole front of the building is gone all the way from the roof down. The center core, or what we believe might have been the elevator core of the building is gone even further, deeper in the building. So you have a plane and then a cutout effect to the building. But any of the building that is collapsed is collapsed from the roof down.

Q: How much of the building is still standing?

Marrs: I would say probably a little less than half of it.



### **THE FEDERAL REPRESENTATIVES**

#### **GOVERNOR FRANK KEATING:**

"As Governor of the State of Oklahoma, today I took specific action in response to this evil, despicable, outrageous act.

"First, I ordered the Army and Air National Guard to cooperate fully with the local authorities and the federal authorities, to share resources, to provide emergency assistance as well as crowd-control assistance. These individuals will be on duty until such time as they are no longer needed.

"Secondly, I instructed the Department of Public Safety to utilize the full services of the Oklahoma Highway Patrol and other personnel to assist in emergency assistance as well as in crowd control and property protection.



"Third, I declared a state of emergency in Oklahoma City, with a view toward seeking to coordinate all of the state and local response to assist the federal family in not only assisting the injured, but also identifying and quickly apprehending those evil individuals who are responsible for this outrage.

"Fourth, our emergency team will be in place around the clock to assist. We will do anything we can as a state to participate in the successful investigation and resolution of this event.

"Lastly, I want to thank President Clinton. We spoke this afternoon on the telephone. He indicated to me what he announced shortly ago about the involvement of ATF and the FBI in this case, the bringing in of outside experts to assist us in this state in investigating and solving this terrible tragedy. I do appreciate his willingness to help, and certainly I'm grateful for the involvement of the state and local folks.

"I also want to thank the people of Oklahoma and the people of Oklahoma City for their outpouring of courage and commitment and compassion for those who have been injured. It really is remarkable, the lines that have appeared in front of the Red Cross and in front of hospitals to give blood.

"We intend to honor the dead and honor the living by finding out who did this and never permitting this conduct to recur."

**FEMA REGIONAL DIRECTOR BUDDY YOUNG:**

Mr. Young arrived late for the press conference, and his brief remarks came as an interruption to comments being made by Bob Ricks. At the midpoint of Young's speech the camera signal from the news conference to the television station was lost and part of Mr. Young's comments were also lost. What follows is the transcript of those portions of Mr. Young's speech that were actually broadcast.

"Thank you. I'm Buddy Young. I'm the Regional Director for Region VI of FEMA. I would like to express my concern and sympathy for the families and the victims of this incident. This is a very tragic thing to happen.

"We have been setting up to support the local authorities, the State Office of Emergency Services, the FBI, and the Governor's Office with whatever federal support that may be needed here. We've got everything in place to offer them any type of support that the federal government has. We'll be working with the federal, state, and local governments. We're here to do that, and we'll be here as long as they need us. Thank you."

**FBI SPECIAL-AGENT-IN-CHARGE BOB RICKS:**

"President Clinton has declared this a federal emergency. FEMA will be responding, and they had intended to be here by now, but they should be here shortly to assist in the cleanup efforts.

“The FBI has been designated by President Clinton as the lead federal agency in this investigation. All the agencies, however, in that building have pledged their full cooperation and, of course, they were the ones most injured. The FBI did not have an office at that federal building, and we did not suffer any casualties. However, many of our fellow law-enforcement brothers were injured, and we still do not have a count with regard to the extent of that injury.

“We have at this time no assumptions with regard to who caused this particular bombing, and we have had hundreds, if not thousands, of leads—from individuals calling in, to reputed eyewitnesses. Each one of those is treated very seriously. But at this point we cannot speculate with regard to who is responsible.

“Other than that, I think we have very little else to add to that. We will throw it out to questions. The Chief of the Police Department indicated that we have individuals here that will be glad to respond to any [questions] that you might have.”

Q: We understand there have been at least two suspects the police are looking for in a blue pickup. What can you tell us about them?

Ricks: The Attorney General came on right before we began this press conference, and I think she’s absolutely correct when she indicated that we are not going to discuss individuals at this time. As I indicated earlier, we have hundreds of potential suspects and a number of coincidences that have occurred. However, to say that it’s one particular group or one individual—we’re not anywhere near making any statement with regard to that.

Q: Is there anything in the investigation to indicate who did this or why?

Ricks: We have no indication with regard to a group, nor do we have any indication with regard to reasons. So it would be total speculation at this time as to why Oklahoma City was picked out.

Q: Is there any link to the two-year anniversary of Waco?

Ricks: As the Attorney General indicated, we are not excluding anyone at this time. It is the two-year anniversary, so there is an obvious coincidence that exists. However, there is no indication that there is any reason why this would be the cause of the bombing.

Q: Were there any warning signs a week ago, a threat, that this might happen?

Ricks: The FBI in Oklahoma City has not received any threats to indicate that a bombing was about to take place.\*

\*NOTES

*The FBI had also telephoned a warning to the Oklahoma City Fire Department on Friday, April 14, 1995, five days before the explosions occurred. This information was confirmed by Oklahoma City Fire Chief Gaines, Assistant Chief Charlie Weathers, and Dispatcher Carl Purcer.*

**MEDIA:** *You said earlier that the Fire Department has confirmed that there was a warning about a bomb?*

**CHARLES KEY:** *Yes.*

**MEDIA:** *Who? What person?*

**CHARLES KEY:** *You can call Chief Gaines, Chief Hansen, Assistant Chief Weathers. I believe a dispatcher named Purcer can tell you, and then there were people in the offices there that know about this.*

*—Press Conference, October 24, 1995*

*"As I was passing the back side of the county courthouse, I noticed a truck with a trailer and the truck said 'Bomb Disposal.' I remember thinking as I passed that, 'Gee, I wonder if they had a bomb threat at the county courthouse?"*

*—Daniel J. Adomitis*

*"I do know that there had been a threat phoned in to the FBI last week."*

*—Dr. Randall Heather*

*"The Federal Building had received a bomb threat one week prior to that morning of the bomb explosion."*

*—Michael Hinton*

*"There had been bomb threats two weeks prior to this bomb. The FBI and the ATF knew that these bomb threats were real, and they did nothing about it."*

*—Toni Garrett*

*"The FBI received a bomb threat last week, and their offices are on four floors of that building."*

*—John Calhoun*

*"As I walked through my building's parking lot, I remember seeing the bomb squad ... There was some talk about the bomb squad among employees in our office. We did wonder what it was doing in our parking lot."*

*—Norma Smith*

**Q:** *What about the Marshal Service memo that warned about the possibility of a bombing, that the Federal Building could be a target?*

**Ricks:** *If one such memo existed, I am not familiar with that memo.\**

\*NOTES

*"I can't imagine that if the U.S. Marshals had put everybody within their forces on alert like that, that the FBI and the BATF didn't know about it.*

*This alert that I'm referring to was reported at length. There was a memo on this as well issued by the U.S. Marshals, and it was quoted at length in an article in the Star-Ledger newspaper.* —Pat Briley

*"The disclosure was made in a confidential memorandum issued by the U.S. Marshals Service in Washington calling for stepped-up security at federal facilities throughout the nation."* —The Star-Ledger

*"The Marshals' Service memo said the agency believes that 'there is sufficient threat potential to request that a heightened level of security awareness and caution be implemented at all Marshals Service-protected facilities nationwide.' ... The memo [was] issued by Eduardo Gonzalez, director of the U.S. Marshals Service."* —The Star-Ledger

Q: We had several reports this afternoon that there was possibly another bomb that was located in the building. Can you tell us where that device was located?

Ricks: I think it's typical with any such disaster that occurs, many rumors follow the bombing itself. We were conducting a search when there was a report of another device. Indications are that that was purely a rumor. We never did find another device.\* We temporarily had to call off the search. After we confirmed that no other device existed,\* then we resumed the search.

\*NOTES

*"All companies on the general alarm be advised. There has been another device found in the Federal Building. Clear a four-block area."*

—Scanner reports

*"Boy, you're not going to believe this."*

*"Believe what?"*

*"I can't believe it! This is a military bomb!"*

—Scanner reports

*"The second bomb was actually several bombs—five-gallon-sized, olive-drab-colored canisters bearing Milspec numbers and clearly labeled as fulminate of mercury, with a hole in the top of each canister through which a detonator was attached."*

—Eyewitness reports

*"Oklahoma City Police Department Public Information Officer Bill Martin confirmed sketchy reports that several containers of fulminate of mercury were discovered inside the building."*

—Relevance interview, May 1995

*"They saw at least three additional bombs taken out in barrels from the third floor by bomb-squad personnel. Others reported that explosive devices from the building were removed under blankets on medical stretchers."*

*"It was a great stroke of luck that we actually have got defused bombs. It's through the bomb material that we'll be able to track down who committed this atrocity."*  
—Dr. Randall Heather

*"Public-safety personnel on the scene think they have found an unexploded device in the building."*  
—Jack Killorin, BATF

*"... saw the removal of the bombs when the bomb squad came down to the Murrah Building and described to me a timing device on one of the bombs. It had been set to go off ten minutes after the earlier explosions."*  
—Toni Garrett

*"The second explosive was found and defused. The third explosive was found—and they are working on it right now as we speak. I understand that both the second and the third explosives were larger than the first."*  
—KFOR Channel 4 Television

Q: So, you think it was a car bomb that did it?

Ricks: We're not saying if it's a car bomb or not. The Chief indicated that there is every indicia that it was a car bomb. We have technicians. Our best technicians are coming from around the United States who will do a thorough crime-scene analysis. It would be presumptuous of me to try to do a crime-scene analysis at this point. We do have a crater that exists outside the Federal Building which is about twenty feet in diameter, which, of course, has all the earmarkings of a car bomb. But until we have our experts in here to examine the crime scene, we are not going to make such a conclusion.

Q: We've heard reports that a bomb threat was called in to the building this morning. Can you confirm that?

Ricks: **We are not familiar with any bomb threat.\***

Q: Some heard many explosions.

Ricks: **We've had reports that there were ... witnesses have indicated they heard two separate explosions. Occasionally, when you have a large explosion of this nature, sometimes you get an echo effect.\*** The sound may reverberate throughout that enclosed downtown area. So we have no real determination with regard to how many devices at this time, so we really can't say until we get the experts in there.

\*NOTES

*"Everybody that has looked at the signal has said a refraction [an echo] would really be strange because there's absolutely no loss of energy in the*

*recorded seismic signal. The second event has the same amplitude as the first ... The arrival time is wrong for a refracted wave ... We've ruled out reflections, refractions, and the air blast ... We determined that these two records of these two events corroborate our interpretation that there were two explosions.* —Dr. Charles Mankin

*"We have a large column of smoke to the south of this address ... we just heard some loud explosions ..."* —Scanner reports

*He reported bearing two very loud "staccato-like" explosions separated in time by five to eight seconds and followed by "a long, diminishing rumbling sound, like rolling thunder and lower in pitch than the two explosions."* —Testimony of Brett Wooley

*"Everyone in town, everybody who was there, knows there were two blasts."* —Jim Ferguson

*"A second explosion came after the first one and shards of glass began flying in the office."* —P. G. Wilson

*"About six or seven seconds later; another [explosion] which was more violent than the first pushed the bus again, and I thought the second time the bus was going to turn over."* —Michael Hinton

Q: What about the other devices in the building?

Ricks: There was one item that was found which does not appear to fit in there. It appeared to be a military-type ordnance, but we believe it had probably no relationship to the bombing, and because the building was so destroyed, we cannot account for that device. So instead of saying that there were no other devices, there was an ordnance-type device that was in there, but it does not appear to be related to this incident.

Q: What about the rocket launcher?

Ricks: We don't know to whom that belonged. Until that is determined ... I know that has swept the city, that there was a rocket involved.\* Again, that's going to be thoroughly examined to determine if it's inert, or what that actually is. But at this point we're not making any statement further.

\*NOTES

*KTOK Radio AM 1000 reported the discovery and removal of a rocket launcher from the debris. This announcement originated with a rescue worker on the scene and was relayed to a KTOK reporter near the perimeter.*

- Q: Some people are saying the car had ammonium nitrate in it as the explosive substance. Is that correct?
- Ricks: I don't believe that has been confirmed. **It's obviously a very high explosive. Ammonium nitrate could be a possible source.\*** Again, until we get the experts in there and we start taking actual samples and do a thorough analysis, there's no way for us to conclude what it is.

\*NOTES

*Department of the Army Field Manual, Explosives and Demolitions FM 5-25, [describes ammonium nitrate] as a LOW EXPLOSIVE used chiefly as a cratering or ditching charge.*

- Q: Has anyone claimed responsibility?
- Ricks: We've had numerous calls from various organizations, from individuals to organizations. To say that we've had anyone that we think is the actual entity responsible, we cannot make that conclusion yet. We've had hundreds of calls around the country with regard to this incident.
- Q: How much expertise would you have to have to create an explosion of this size?
- Ricks: I cannot answer that. I would have to speculate. Obviously, it was a highly powerful explosive item that caused this particular incident.
- Q: From looking at the damage, is there any way to tell how many sticks of dynamite it would have taken to do this damage?
- Ricks: They can do ... obviously ... The experts will be here this evening. They will be taking the measurements. They can estimate, looking at the surroundings, how it was contained and so forth, the exact nature of the explosive device, and how much explosive was used. But again, I'm not an explosives expert and I can't stand up here and say that.
- Q: How deep is the crater?
- Ricks: I don't know. It's so full of debris, you can't estimate how deep the crater is.
- Q: Would a device outside the building cause this much damage to the inside the building? Is that a logical conclusion?
- Ricks: Yes. Obviously, if you've seen the pictures of it, it basically sheared off the front of the building, or actually, it was the side of the building. So **it had to be an extremely powerful explosive that occurred. It not only went up, it went out.**



And you have debris that is in a multiblock area. This was felt over fifteen miles away.



Governor Frank Keating was seen moments later at the bomb site, making statements to the press on a street corner. His comments were almost identical to those he had offered earlier in the afternoon, with the exception of the following two remarks.

Said Keating, "The President asked me when this thing is over to help him attempt to draft a national response—because of the law-enforcement experience I had as an FBI agent, and certainly as somebody who has supervised most all of the federal law-enforcement agencies on the national level—which I'll do."

It would have been interesting to ask if Keating's "national response" would include those "prudent and careful protective measures" he had mentioned earlier that day. But the media was not putting jigsaw puzzles of information together at this time. Instead, Cynthia Gunn of KWTN Channel 9 Television asked, "What do you say to the families, Governor?"

Keating replied, "It never should have happened. This whole tragic, awful thing should never have happened. The fact that evil people would treat innocent people like this the way they do is just beyond comprehension for those of us who live in the civilized world. Absolutely incredible."

The media representatives at the bomb-site interview thanked Governor Keating for his time, and the cameras swept the television audience back into the auditorium of the Civic Center.

Reporters were beginning their traditional recaps for the public of all that we had just heard. But behind their statements television viewers could hear the following announcement being made over the public address system. It laid out for us all the new rules of the road. From now on, everything official was going to be controlled and prepackaged for public consumption:

"Everybody listen up, please. If you're interested in future information, from this point on the Federal Bureau of Investigation will be giving you the press releases because they're in charge of the investigation."

***One deceit needs many others,  
and so the whole house is built in the air  
and must soon come to the ground.***

— Baltasar Gracian

*The Art of Worldly Wisdom* (1647), translated by Joseph Jacobs





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## NOTORIOUS

### *The World Responds*

The period of time between the local evening newscasts and the major network broadcasts was one of rhetoric, sentiment, and reflection. On the one hand, it was repetitive and strangely reassuring; on the other, it was unbearable.

To those not a part of the Oklahoma City community, the idea that the local evening news could be reassuring is difficult to comprehend, but we were slowly becoming accustomed to not knowing, and there had been no new announcements from the bomb site for several hours. During the earlier hours of the day each moment had brought a new horror, a new terror, a deeper experiential understanding of the term "gruesome." But now the changes were very slow and measured. The news of a breaking nature came as teaspoonfuls rather than as oceans, which made it seem like we could all breathe again. There were signs of restoration already beginning in the downtown area, and there was something essentially hopeful in that.

Yet at the same time that the repetitive news was becoming reassuring by virtue of its unchanging familiarity, there was also the burdensome and paralyzing sensation of life on the edge, neither advancing nor retreating. The tempo of life had been abruptly slowed to a crawl. The remains of the Murrah Building were still there. The damage had been done. No suspects were yet under arrest. The rescuers were working. The meteorologists were watching the skies. The families were waiting. There was an all-pervading helplessness, impatience, and frustration. Waiting—always waiting—and that was difficult to endure.

There was no visible change in what could be seen of the Murrah Building. The only changes were in the official death count, which continued to climb. It would be like this for many more days to come. This horrible repetitive loop was in motion and there was no way to stop it.

The smallest bit of information—which most often involved yet another increase in the number of victims—became important simply because it represented a change. So significant were these tiny changes over the coming days of sameness that even months later it would be possible to recall which day of the week it was by knowing that day's death toll.

But on Wednesday, April 19, it seemed a century had passed in the nine hours since the bombing. There had been moments when everything was rushing past too quickly to comprehend; and there had been single moments as long as a lifetime. The rugged unevenness of the experience had been draining and wearing. It was time to go home.



PHOTO BY JOHN JENKINS

Sheriff's deputies on horseback patrol the roadblock near NW 6<sup>th</sup> Street and Hudson. Several police vehicles were observed in the area bearing the slogan, "We Will Never Forget." Since that time, the slogan has been officially adopted by the police.



This is the new uniform patch for the Oklahoma City Police Emergency Response Team (enlarged to show detail). According to the Assistant Public Information Officer of the Oklahoma City Police Department, the ERT was formed prior to the bombing for the purpose of riot and crowd control during periods of civil unrest. The team is believed to be funded by FEMA, but the Police Department will make no official statement about funding. This specialized elite ERT unit differs from the police tactical teams which handle matters such as hostage rescue. The patch, designed by the men in the Emergency Response Team, displays the date of the bombing at the lower edge of the patch; in the center is the multicolored bombing memorial ribbon placed behind the eagle with outspread wings, bearing the lightning bolt in its claws. Across the eagle's wingspan is the phrase, "We Will Never Forget."

I was stuck in southbound traffic on I-35, leaving downtown Oklahoma City at rush hour. I had been in the area of the bomb site, had seen the remains of the Murrah Building, and had viewed as much of the peripheral damage as I could see from my vehicle. I had tried to find a path inside the perimeter and had been turned aside by law-enforcement officers in several different locations.



PHOTO BY JOHN JENKINS

Cramped quarters for the media at Satellite City, NW 7<sup>th</sup> and Hudson.

Parking and walking was out of the question. No one was being allowed to stop, no one could get out of his car, and there were now no civilian parking places within a quarter-mile in any direction around the Murrah Building. The military presence was everywhere, and sheriff's deputies mounted on horseback were patrolling the alleys and smaller walkways between the buildings.

But in my exploration of the downtown area—from the Family Crisis Assistance Center at the First Christian Church to the Murrah Building itself—I had seen the expression on the faces of the National Guardsmen waving the traffic onward; the faces of the media representatives making their reports from the glass-strewn streets; the faces of the relief workers dispensing supplies; the faces of the rescue workers leaving their shift; the faces of the medics without patients; the faces of the displaced persons whose homes were now uninhabitable; the faces of the priests, pastors, and counselors; the faces of the families; the faces ... It was going to be a long time before those images would vacate the forefront of my thinking.

Traffic was at a typical rush-hour standstill, made worse by the horde of curiosity seekers. The message to sightseers was now more impatient and demanding than before. Requests had been replaced by orders.

KWTV Channel 9 Television reporter Randy Renner laid it on the line for everyone: "There is one thing I want to pass along right now. We've had many, many people come into downtown Oklahoma City. Obviously, many



people want to know about their friends and relatives in the Murrah Building and perhaps other buildings next door. And we have had many other people come down here simply to gawk at the situation that has developed here.

“Emergency crews are stressing: Please, if you do not have important business—and they mean *important* business—in downtown Oklahoma City, please, please stay away. The National Guard is down here.

“The Highway Patrol have indicated that if folks continue to come down here who have no business being here, they will be escorted out and perhaps on to jail. So the authorities are going to get quite serious about this because many people who are just looking at this scene of horror and devastation don’t need to be down here.

“The authorities who have already had an extraordinarily difficult day—their patience is ... it’s over. There is none of it left. So again, do not come to downtown Oklahoma City.”

I was glad I was on my way out of the downtown area. As I watched the bright headlights of the vehicles inching slowly forward in the opposite



Because the media was kept at such a distance from the Murrah Building, photographers often had to work on shaky makeshift platforms. The Reuters photographer, lower left, relies on his telephoto lens, focusing carefully between two buildings to get a shot of the Murrah disaster scene.





direction on the interstate, I already knew the look of the people behind those lights. No matter what they might be feeling, I knew that their faces were pale and bloodless, furrowed at the brow, tense along the jawline, pursed at the lips. The roadway was awash in thousands of unsettled, hurting souls. We were strangers, but we were bound together by the experience of this shared disaster, touching only by way of those grieving lights of mourning. All were linked one to another by the unending, repetitive reporting of the news media.

On any other day it would have been time to prepare the evening meal, read a bedtime story to the children, and relax into the night in expectation of the next day's activities. But few felt like eating. And who could contemplate sleep, knowing that persons might still be living beneath the rubble of the Murrah Building, crying out for help, suffering, possibly dying?

This odd, simultaneous sensation of sameness and change was disconcerting and stiff with tension. The means of assessing priorities and measuring time had been drastically altered. Priorities? There was some question now about what exactly was important anymore; and time meant nothing more than anticipating the next media presentation.

But what were we waiting for? What could the national news media possibly tell us that we did not already know here? Was it the familiarity of their faces or their voices at a time when the former sureties of life had become so uncomfortably unfamiliar? Was it their supposed credibility which was built on nothing more substantial than a large production budget, an impressive wardrobe, and some high-tech graphics? Did we just want someone different to tell us with new words what we already knew? Did we expect the national media to tell us that the unthinkable had not really happened?

The unthinkable *had* occurred, but it had not ended. For sixteen more days this longing and waiting would dominate everything, and what followed that period was in its own way worse than these initial experiences. We all tried to go to work, tried to resume the routine of life, tried to act like everything was going to be fine again. It was an exercise in futility. And through it all we were constantly reminded by all levels of the media that life as we had known it was over. There was not going to be any turning back. There was more to mourn than the loss of those many human lives. So many things died that day—things the media would never discuss.



The media was now reporting that telephone calls of sympathy and support had begun streaming in from all over the world—from England, Canada, Austria, France, Israel, Rome, and from cities all across United States.

The late Israeli Prime Minister Yitzhak Rabin expressed the sympathy of his country in this message: "How deeply we share the sorrow and the pain



with the President of the United States and the people of the United States because of the terrible terrorist act in Oklahoma City. Our hearts and feelings are with the families of the victims. Terror must be cut off before terror will hit again."

United Nations Secretary-General Boutros Boutros-Ghali stated, "I am horrified at the loss of innocent lives, especially young children, caused by this cowardly attack."

Canadian Prime Minister Jean Chretien said, "The hopes and prayers of all Canadians are with those who have suffered injuries and who have lost loved ones in this terrible disaster."

The fifteen-nation European Union condemned the bombing. A statement was issued from the French Consulate in Houston, Texas, saying, "[We are] profoundly moved by the particularly odious attack. [Our sympathy] extends to the United States, and especially to the families concerned, [for] its solidarity during this trying period."

Wrote British Prime Minister John Majors, "It is hard to convey the depth of feeling that I believe everyone will have in their hearts about the hideous acts of barbarism and terrorism in Oklahoma, and the misery and death that has caused."

Letters were received from the World Neighbors organization: "We heard the news about the explosion against a building in Oklahoma City which killed many people, namely innocent children ... We are still under the shock and feel much sorrow, sadness and revolt." The message was signed by Fatoumata Batta from Ouagadougou and Burkina Faso in West Africa.

From Elkanah Odembo Absalom in Nairobi, Kenya, East Africa: "We are greatly disturbed by the news of an explosion in a government building in Oklahoma City. Our thoughts and prayers are with you and all those families in Oklahoma City who are directly affected by this unfortunate incident."

Similar messages of sympathy and concern continued to arrive in Oklahoma City from the leaders of the nations of the world throughout the night and into the next day.

Television media representatives too numerous to mention had arrived in Oklahoma. Among those present in the cramped quarters at the media center located at 7<sup>th</sup> and Harvey—now nicknamed Satellite City—were personnel from ABC, CBS, NBC, PBS, CNN, CBN, TBN, and CNBC. International media had arrived from the BBC in London, the CBC in Winnipeg, Canada, from Norway, from the Netherlands, and from Germany. Print-media representatives came from London, Ottawa, Montreal, Vancouver, Norway, Mexico, Italy, Spain, and Israel. Also present were media personnel from hundreds of different cities across the United States. These media reps would interview anyone who stood still long enough to make a comment. They had arrived, but nothing visible was happening.

In lieu of reportable activity inside the Murrah Building, the media descended on every government official who showed his face near the perimeter—and there were many. At the time of the bombing several Oklahoma officials had been in Dallas, Texas, attending a regional meeting of the Base Closure and Realignment Commission that had been considering the future of Tinker Air Force Base. Present at that Dallas meeting were Senator Don Nickles, Senator Jim Inhofe, Representative Frank Lukas, Representative J. C. Watts, Oklahoma City Treasurer Butch Freeman, and Retired General Richard Burpee, the former Tinker Commander and the head of the Tinker Task Force. Governor Frank Keating and Mayor Ron Norick had been scheduled to make appearances at the Dallas meeting, but had canceled their plans because of the bombing.

Most of these officials now in Oklahoma City were waiting to participate in private meetings with the Governor and federal law-enforcement personnel arriving from Washington, D.C., who were going to determine the nature and direction of the investigation into the bombing and coordinate relief efforts for the community. That initial meeting was scheduled for 7:00 p.m.

Representative Frank Lukas had returned from Dallas only to find his office, which was located in the Old Post Office Building a block south of the Federal Courthouse, in a complete shambles. All of the windows were blown in and the doors had been knocked off their hinges.

Said Rep. Lukas: "My press secretary was literally sitting at his desk this morning with an outside window behind him. When the blast went off, it blew him up out of his chair, over his desk, and onto the floor, and it blew the window in behind him. Amazing force! We won't have a functioning congressional office for several days. I'm not sure what we'll do, but like everyone else we're going to pull together and do what we can.

"I was pleased to hear the President's comments. I was pleased to see the efforts from FEMA through the FBI and law-enforcement people he is sending into Oklahoma City, and I share the view that swift and sure punishment is what we need to do when we find whoever perpetrated this dastardly act."

Senator Ernest Istook remarked, "It violates every principle of decent behavior even when we're at war, and this is not a war, which makes it so much the worse. But how do you describe how despicable it is? And how do you try to understand the feelings of people who lost a spouse or child or a mother or father or whatever it might be? There's no way to describe it."

Senator Don Nickles, who had also been in Dallas that morning, had telephoned his comments to the news media, saying, "We will fully support federal investigators to ensure they capture the satanic mind or minds that carried out the bombing. This is a cowardly and devastating attack on innocent people. We will use all our resources available to us on the federal level to apprehend who did this."

Every government official tried to find a new way to describe the event or characterize the perpetrators. There were no new ways left. Every appropriate adjective had already been used. We had reached the limits of language when it came to describing what had occurred and what remained.

Senator Jim Inhofe had arrived in Oklahoma City and was interviewed at the scene prior to meeting with the Governor and federal agents at seven o'clock. He was asked to make an assessment of the situation.

"I'd have to characterize it in the following way," said Senator Inhofe. "I was in the first flight that went into Kuwait after the Persian Gulf War. I didn't see anything there that could even approach this. It's like a war zone. You picture three of the largest non-atomic bombs in World War II going off all at once. That's the Murrah Building.

"My office in Oklahoma City is two blocks away, and my windows were blown out. You can see windows blown out six, eight blocks ... as far as a mile away from this site. So I guess it has been determined that this is the largest terrorist action in the history of America.

"I happened to be in Dallas when it happened. I got a call from Bill Clinton. I'm not one of his closest friends, but he called just to find out if there was anything I could think of that they are not doing. I talked to James Lee Witt. He's the FEMA Director. He is arriving about now. Everything that can be done is being done.

"But we can't forget two things: number one, this is not a natural disaster. It's a terrorist action, so we're looking at a war zone over here. And number two, the people who have lined up—hundreds of people—to give blood. There was a two-block-long line of people wanting to give blood. And then the most significant thing is our prayers for the families who don't know right now."

### **Community Action**

Senator Inhofe had paid great tribute to Oklahomans in his brief comments. Perhaps the most difficult thing for those not directly involved in the rescue effort was finding a way to help. There was something so terribly inadequate in just watching the television or listening to the radio and being horrified. We had all already done that.

The workday was ending and, for those who had been at their jobs all day listening to the news of the bombing on radio, a frustrated restlessness set in. They needed to *do* something. Some, driving home from the office, stopped by the hardware store for flashlights and batteries to deliver to Larry Jones and Feed the Children. Some loaded up their cars with groceries and over-the-counter medical supplies and headed for the Red Cross dispensary. Others drove home by way of the nearest blood bank.

It was six o'clock in the evening, and still the lines at the blood-donation centers stretched around the corners of the buildings and out into the streets. The centers had extended their hours of operation to accommodate the hundreds of donors who had been waiting in line for several hours and the new donors who were just arriving after work.

Said one donor, "I figure that I'll do anything I can to help. I want to feel like I'm helping somebody. And if it takes me to donate a little blood to give someone help, then I'm willing to do that. Anything. Every little thing helps."

At the Family Crisis Assistance Center that had been established at the First Christian Church, the help offered came from counselors, pastors, priests, psychologists, psychiatrists, and funeral directors. Persons searching for friends or family members had followed a circuitous route of frustration all day long. They had first been directed to the gymnasium at the St. Anthony Hospital Mental Health Center in which had been posted a continually updated list of the victims taken to all of the hospitals in and around the metro area.

After the long hours of waiting and searching through the lists, if a loved one's name did not appear, the family members were directed to the First Christian Church located at NW 36<sup>th</sup> and Walker. There they talked with counselors who were collecting information about the missing victims. The family members were asked to describe any notable characteristics of their loved ones for later identification. Some brought photographs.

One of the counselors was asked what he had experienced that day while working with the families. Throughout his comments, his voice broke and he often had to stop talking to calm his emotions before continuing.

"People have been in shock," he said. "They don't know how to feel because they don't know what's happening. I've mainly been at St. Anthony most of the day. The people there would keep looking ... at the lists ... going up and down the lists ...

"They would look at the lists, keep scanning the lists, hoping to find the name of someone, the person they were looking for. For some people it was a sister, a mother, a child. Some people had several family members in the building at one time, and they were just in shock. There was a rising sense of anxiety as the day wore on and the people's names didn't appear on the lists. Some people have sort of calmed down a little bit. But as the day goes on the sense of desperation is increasing.

"And now they've been sent from the hospital over to here. I think they are understanding that this is entering a new phase, that the people who were hurt and injured and could be helped immediately *had* been helped immediately. So now they're entering a new phase of understanding of exactly how bad the situation is for their particular family.

Said Mr. Feldstein, "This was a test explosion conducted by federal agents last November. They filled a van similar to the Ryder truck used in Oklahoma with the same kind of explosives—ammonium nitrate and fuel oil."

Feldstein must have been in serious need of an optometrist that day because the van used in the White Sands test was a typical passenger vehicle. The final and official incarnation of the Ryder truck (to which this van was supposed to be similar) was a twenty-foot cargo truck—almost twice the length—with a hauling capacity nearly four times that of the van.

Feldstein continued, "Agents used a thousand pounds, only one-fifth of the explosives that turned up in Oklahoma. But it was more than enough."

More than enough for what? Of course, every test vehicle destroyed in White Sands, New Mexico, blew up perfectly on cue. Observers of the tests reported feeling the blast pressure from the test explosions a mile away. But blowing up a passenger van and destroying a 315,000 square-foot building are two different things, particularly when one considers that the bomb vehicle in Oklahoma City was located outside the building and approximately fifteen to twenty feet away from the structure.

In addition, reports have varied concerning how far away the Oklahoma City blast pressure was felt or the sound heard, but in all cases it far exceeded a distance of one mile. The peripheral damage extended at least five miles from the Murrah Building in every direction, and persons as far away as Cushing, Oklahoma, seventy-five miles to the northeast, reported hearing the blast.

The comparisons made between the White Sands, New Mexico, test explosions conducted by the BATF and the Oklahoma City bombing rest on tenuous assumptions indeed. Explosives, particularly ANFO, can be very temperamental. You cannot conclude that because a small quantity of explosives did a certain amount of damage out in the open desert, an explosive five times as large would do five times the damage in a densely populated area against a steel-reinforced concrete structure. There are simply too many variables involved. Also to be considered is the fact that the White Sands tests were designed, controlled, and monitored by experts, while allegedly the Oklahoma City truck bomb was built by amateurs. Or was it?

In his CNN report, Mark Feldstein revealed more interesting information. "Five months later in Oklahoma City, the test proved invaluable. One of the agents involved in the testing happened to be across the street as the Federal Building blew up."

Referencing this agent who just "happened" to be on the scene "across the street"—yet who remained miraculously unharmed—BATF spokesman Ralph Ostrowski said, "He immediately called in to our Dallas Field Division, giving some very strong preliminary indicators of what he thought the

device consisted of and the quantity. It gave us very quickly an idea of what had occurred out there.”

Apparently this BATF agent who, for reasons unknown, was on the scene in Oklahoma City, was also in need of an optometrist, for he gave the Dallas office of the BATF its first indications of the amount of explosives used in the bombing. But those first reports claimed 1200 pounds of ANFO. And of course that estimate lasted only a day or so when it became apparent that nobody was going to believe such an outrageous fabrication. That is when the truck bomb’s growth spurt began.

But even after the truck bomb had grown large enough to reach the cargo limits of a twenty-foot Ryder truck, there were still many problems with the size, ingredients, and location of the bomb. Reaching meaningful conclusions about those problems depends greatly on the evidence at the bomb site, the observations of witnesses, and the documented differences between high explosives and low explosives.

Joe Todd, a member of the Oklahoma National Guard, had been inside the perimeter surrounding the Murrah Building and had picked up a few pieces of debris prior to an interview he granted the media on the afternoon of April 19. Said Mr. Todd, showing his souvenir to the camera, “This is a piece of one of the granite slabs from the front of the building, about two inches thick. It was shattered by the explosion. I’ve never seen anything like this before. I talked to a bomb expert and he said they think the bomb was 1500 lbs. of explosives. The World Trade Center was 800 lbs. I was in Kuwait City in Desert Storm. This is Kuwait City. This isn’t Oklahoma City. It shouldn’t happen here. I’ve never seen devastation this bad, even in Vietnam or Desert Storm.”

Architectural design engineer James Loftis, after closely examining the remains of the Murrah Building, reported that he observed thousands of small pieces of metal, granite, glass, and concrete, which he described as “just like BBs,” everywhere around and inside the building, the result of the shattering effect of the initial blast.

Color photographs were published of the vehicles that had been destroyed in the parking lot north of the Murrah Building. Often the door panels of these vehicles were dotted with hundreds of very tiny holes, about one-quarter to one-half inch in diameter, which extended all the way through the exterior panel into the interior, sometimes exiting through the opposite side of the vehicle. The cars had been pierced by the flying BB-like bits of stone, glass, and steel that had been shattered and propelled by the interior explosion.

A review of the statements of witnesses and the media accounts of the event reveals that the single adjective most often used to describe the damage to the Murrah Building and the surrounding area was “shattered.”

Although these witnesses and media personnel are not explosives experts, it is interesting to note that their descriptions are accurate not only when describing the damage visually, but also in terms of the definition and effect of high explosives—which differs enormously from that of low explosives. Understanding this difference is critical to understanding and documenting the presence and the effects of bombs within the building compared to the effects of the street bomb.

In the *Department of the Army Field Manual: Explosives and Demolitions, FM 5-25*, published in May 1967 by the Headquarters of the Department of the Army, the definitions and characteristics of high and low explosives are clearly set forth. What follows are the Army's definitions:

**a. Explosives.**

Explosives are substances that, through chemical reaction, violently change and release pressure and heat equally in all directions. Explosives are classified as low or high according to the **detonating** or speed at which this change takes place and other pertinent characteristics.

**b. Low Explosives.**

Low explosives **deflagrate** or change from a solid to a gaseous state relatively slowly over a sustained period (up to 1300 feet per second). This characteristic makes low explosives ideal where pushing or shoving effect is required. Examples are smokeless and black powders.

**c. High Explosives.**

The change in this type of explosive to a gaseous state—detonation—occurs almost instantaneously (up to 28,000 feet per second), producing a shattering effect upon the target. High explosives are used where this shattering effect is required—in certain demolition charges and in charges in mines, shells, and bombs.

Further, this same manual, on page 12, describes the explosive characteristics of ammonium nitrate:

**7. Ammonium Nitrate**

**b. Uses.**

Having a low detonating velocity (1100 feet per second) and thus a low shattering power that produces a pushing or heaving effect, ammonium nitrate is used chiefly as a cratering charge. It is also effective in ditching.

Clearly, a combination of ammonium nitrate fertilizer and fuel oil could not have had the shattering effect so universally described by all of the witnesses. In light of these official definitions and explanations, it is intriguing to review Bob Ricks' press-conference statements about the alleged single

bomb that destroyed the Murrah Building. Said Ricks, **"It's obviously a very high explosive. Ammonium nitrate could be a possible source."**

According to Ricks, it is obvious that a high explosive was involved. But at the same time, ammonium nitrate—which is a low explosive—was deemed a possible source. Mr. Ricks simply cannot have it both ways *unless* federal law-enforcement agencies are willing to admit that two or more explosions occurred, one outside the building and several inside. This they have not done as of this writing.

In one of the closing appendices, we review in great detail the evidence proving the presence and detonation of internally placed high explosives that worked in conjunction with the detonation of the externally placed low explosives of the street bomb. For the present discussion, however, it is useful to observe the wranglings of federal officials and their damage-control operatives when it became apparent that independent outside investigators were going to be able to prove the existence of these internally placed high explosives.

Of supreme concern to federal agents was the necessity of matching the explosive capability of the one externally placed street bomb with the damage done to the Murrah Federal Building. The most obvious changes in the official story involved the remarkable growth in the size of the bomb and its transporting vehicle over the first few days following the explosions. But when the expanding vehicle reached its cargo limit at 4800 pounds of ammonium nitrate fertilizer and fuel oil and the explosive force was *still* not adequate to achieve the degree of damage done to the building, other tactics had to be employed.

As we have shown, attempts were made from the first day to control the information revealed to the public by national media broadcasters. On June 30, 1995, a press conference was held at the Oklahoma State Capitol and attended by local, national, and international media personnel. During this press conference, which was hosted by State Representative Charles Key, solid evidence was presented by explosives experts that supported the presence of internally placed high explosives working in conjunction with the low explosives of the street bomb. The purpose of this press conference was to inform the public that there were other explanations for the bombing than the one offered by federal investigators and to itemize some of the contradictions apparent in the official story.

Following this press conference, one of the representatives of Ted Turner's Cable News Network (CNN) met with Charles Key's secretary and told her the story would not be aired. Said the CNN representative, "Our instructions are to sit on this until it will go with a bigger story."

A bigger story? *What* bigger story? Whose instructions? As of this writing, CNN has never aired its video footage of this press conference or offered



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any explanation for its censorship. Nor has that mythical “bigger story” ever come along with which that evidence could be combined. At the mainstream national and international level, the information was completely buried.

In spite of successful efforts to squelch this damning information by the mainstream national broadcasting media, bits and pieces of the story were carried locally in the radio, television, and print medias. At the local level, particularly on KFOR Channel 4, an NBC affiliate, approximately thirty seconds of coverage was afforded the news conference, although the information was presented as laughable and ridiculous. The news anchor of that station read her teleprompter with a tone of suppressed laughter and a smirk. One could hardly consider this presentation balanced and unbiased.

The important information offered at the June 30 press conference had been broadcast internationally via shortwave radio on “The Hour of the Time” on May 11, 1995, seven weeks before the Oklahoma meeting. Of the international print media, only *Veritas* newspaper published the evidence in its entirety, unaltered and unexpurgated, in the form submitted by the investigating explosives expert. The *Veritas* story appeared in print on June 5, 1995, more than three weeks before the Oklahoma City press conference. In response to public outcry and demand, the *New American* magazine followed suit and published the same information on August 7, 1995, in a slightly altered and edited form five weeks after the press conference and almost three months after the information had first been made public on shortwave radio.

Attempting to counter the credible evidence presented by experts at the June 30 press conference, federal agencies determined that it would be necessary to find other, equally credible experts. These new experts would need to claim that 4800 pounds of ammonium nitrate fertilizer and fuel oil could have produced the damage done to the Murrah Federal Building.

Almost a week later, on July 6, 1995, the counterarguments were offered by explosives expert Professor Bill Kaufman from the University of Michigan. But much to the irritation of the feds, what at first appeared to be comments supporting the single ANFO explosion turned quickly to support an alternative perspective.

Professor Kaufman began his statement safely enough by citing the 1947 ANFO explosion that destroyed two ships in a Galveston, Texas, port and added, “Another significant ammonium nitrate fuel oil explosion occurred in the financial district of London about three years ago and did enormous damage to the skyscrapers in that area and broke windows for thousands of feet distant, and the damage there has not been repaired yet.”

But in spite of the history of huge ANFO blasts, Kaufman himself was apparently not completely convinced about the Oklahoma City bombing. He



concluded his lengthy interview with the following comments, and then, remarkably, was never heard from again in any media report.

Said Professor Kaufman: "I understand there are some small peculiarities in this thing, like nonsymmetry and certain beams are not at equal distance where they failed—things like that. And these are the things that I think do raise reasonable doubt in some people's mind about other things happening. And I think it would be desirable to have an independent, top-notch scientific panel investigate and issue their own report. This would be a necessary, but perhaps not a sufficient, condition to prevent a repeat of the JFK assassination and all the conspiracy theories that have come up since then.

"I think we can definitely say the government has not released a great deal of the findings that they have discovered and have documented. I don't know whether they're doing it for devious reasons or not. One would certainly hope that they are not. But the release of the technical information would have a favorable effect, and presumably, during the trial this information will be released. But I think in the interest of objectivity they ought to put this information out and let anyone who has a scientific background or interest look it over.

"One would certainly expect and demand that the government be very careful in collecting the evidence. And you know, you want photographs of the damage at as many locations as you could find. You would also want information concerning the crater. You would especially like to have an aerial photograph, high-resolution, to try to track the damage. And then, of course, the results of the analysis of chemical gas chromatography and other analytical chemical techniques that were used to pick up traces of the explosive ..."

At this point the interview with Professor Kaufman was abruptly cut off, was never repeated in its entirety, and he was never interviewed again.

The next attempted intervention involved actually changing the configuration of the bomb from ammonium nitrate and fuel oil to ammonium nitrate and various racing fuels, such as nitromethane and hydrazine. For about a week, media representatives appeared on television standing at the side of drag-racing tracks. As they choked on the clouds of exhaust, they told the world that strong evidence existed that the men accused of the bombing had purchased racing fuel, so when combined with almost 5000 pounds of ammonium nitrate fertilizer, the new bomb now had the capability of destroying the Murrah Building.

This was the final effort to alter the truck bomb, although no conclusive proof of the presence of nitromethane or hydrazine has ever been made public. In an attempt to cover all possible bases, the indictments handed down in August by the federal grand jury against two of the men accused of

the bombing stated that the men "obtained and attempted to obtain the components of a truck bomb, including a truck, ammonium nitrate, racing and diesel fuel, detonation cord and other explosive materials."

In a subsequent interview with James Nichols, one of the men first accused in the bombing investigation but later released for lack of evidence, he explained how it came about that nitromethane was ever mentioned. When agents of the FBI and the BATF raided Nichols' Michigan farm on the morning of Friday, April 21, a one-pint bottle of ten percent nitromethane was seized from the cabinet beneath his kitchen sink. The small quantity of the so-called racing fuel had been used to power a radio-controlled model airplane, also located at Nichols' Michigan farm.

Although this nitromethane had been confiscated in Michigan, for some reason it temporarily became an ingredient in the Oklahoma City truck bomb in an attempt to give greater explosive capability to the official version of the single street bomb. Media reports also stated (but never proved) that one of the accused had attempted to purchase racing fuel but had been unsuccessful. The racing-fuel assertions quietly faded from media reports when it could not be documented that any large quantities had ever been purchased by any of the accused. In the language of the federal indictment, the nitromethane fell into the category of "attempted to obtain," and there is no law against attempting to obtain a legal substance from a legal source. The wording of this portion of the indictment is deliberately misleading and inflammatory.

In spite of all of these efforts to conceal or alter the evidence that supported multiple detonations of both high and low explosives inside and outside the building, the public was not fully convinced of anything the federal investigators were presenting. By this time, four months had elapsed since the explosions, and the lack of public belief in federal evidentiary conclusions indicated that it would be necessary to bring out the damage-control "evidence."

In videotaped interviews conducted in August 1995, the so-called independent investigator (and admitted member of the CFR) John D. Cash offered his information concerning the weapons and ammunition illegally stored in the Murrah Building by the Bureau of Alcohol, Tobacco and Firearms, the details of which have been reviewed in a previous chapter. But his speculations and assertions did not end with the comments quoted earlier in this book. Cash also offered the following flight of fancy:

"The truck that was parked out in front of the building brought the front of the building down. That is a cantilevered building. It is a perfect structure for a truck bomb to do the maximum amount of damage to. And if the explosion did bring down that fascia area and rupture the ATF's arsenal room, and since the ATF we know was keeping the percussion caps for C4, it is reasonable to assume that they were also keeping C4 there."

Cash's first error is stating that the truck bomb brought down the front of the building. The front of the building had been blown outward fifty yards to the north of the Murrah Building by the internally placed high explosives.

According to the *Department of the Army Field Manual: Explosives and Demolitions, FM 5-25*, C4 is detonated by a military electric or nonelectric blasting cap. The presence of percussion caps might be indicative of the presence of ammunition reloading equipment in the building, but they are in no way an indication of the presence of C4. Cash's remark that it is "reasonable to assume" the presence of C4 is completely without substantiation. In the investigation of an event of such magnitude and consequence as the Murrah Building bombing, it is not wise to assume *anything*. There is no evidence whatsoever to support Cash's assumption that the BATF had stored C4 in the building.

Nevertheless, it would be extremely useful to some federal agencies to have an accidental detonation of an illegally stored explosive inside the building rather than face the accusation that demolition charges had been deliberately placed at some of the support columns by men under federal authority. Such an "accidental explosion" might also remove the necessity of dealing with the presence of fulminate of mercury found inside the Murrah Building. If Cash's assertions were believed, the alleged accidental explosion of the nonexistent C4 could be used to fill in the blanks in the official story when it became apparent to the public that the truck bomb alone could not have done all of the damage. It was a very convenient arrangement.

Cash might have been able to fool some of his listeners had he stopped talking at the end of the previous quote. But Cash was on a roll. He continued, "If a case of C4 fell out of that room during that initial blast—you can check with demolition people. They'll tell you C4 is extremely safe to handle, but you can set it off with 3500 pounds of pressure per square inch. So if a case of C4 came out of that room, or if C4 was stored in another area of that southeast area of the building, and if that fascia came down from the explosion outside—which I think we all agree it did—then it builds up, and 3500 lbs. is nothing when you look at the fascia of that building. That would explain that huge amount of destruction on the southeast side. So what we may have had is the government's ineptitude and the ATF overlooking and not following procedures. They may have killed most of the people in that building that day. And certainly they're not going to be the first ones to admit it."

As is always the case with any statement made by John Cash, you must weigh his conclusions carefully. He began with the statement that it was "reasonable to assume that they were also keeping C4 there." But Cash's assumption was based on the presence of percussion caps, not blasting caps, and he had no evidence at all to support that assumption. Cash's

“reasonable” assumption must fail. Everything that follows that false premise is complete fiction and can be totally disregarded as propaganda with a purpose.

It appears from Cash’s statement that he would like for the nonexistent C4 to have been detonated by the force of the falling fascia landing upon a case of the explosive, which he fantasizes fell from the ninth-floor arsenal room before the fascia landed on it. There are many problems with that assertion, not the least of which is the fact that the fascia was blown outward, away from the building.

Additionally, there is a witness who actually observed the building collapsing vertically upon itself *after* the fascia had been blown northward. Ann Defrange of the *Daily Oklahoman*, quoting Peter Schaffer, stated that he had seen the building collapse on itself from the top down, in a manner consistent with a classic implosion, which would indicate charges placed inside the building at the columns.

With the imagined C4 allegedly stored in the *top* floor of the Murrah Building, and the fascia of the building having been blown *away* from the remaining structure, it is difficult to manufacture any means by which 3500 psi could have been produced to detonate the C4 *after* it supposedly fell from the ruptured ninth-floor arsenal room—had that C4 actually existed.

But if we were to give Cash the benefit of the doubt, it is interesting to note that by the time the blast force of the low-explosive street bomb reached the ninth-floor arsenal room, its pressure was between 12 and 23 pounds per square inch, which is a far cry from the 3500 psi that Cash claimed is required to detonate C4.

Since Cash stated that we could confirm his assertions about the pressure required to detonate C4, we did exactly that. Telephone calls were made to Edward Jones at the Navy Technical Center for Explosives Safety, who referred us to a Lieutenant Oliver at the EOD Technical Division. We also spoke with technical personnel at Mason & Hangar, Explosives Technologies International (ETI), and Austin Powder Company, all firms that manufacture C4.

All agreed that C4 was very safe to handle. One gentleman explained that soldiers in Desert Storm had often set fire to small bits of C4 to warm their meal rations. But no one would confirm that C4 could be detonated by 3500 psi of pressure. When it was explained why these questions were being asked and the technicians and manufacturers understood that the pressure exerted on the alleged C4 was to have come from the externally placed low explosive of the truck bomb, all unanimously agreed that under those conditions, there could have been no accidental detonation of C4.

Again, Cash has shown his true colors. Most of the assertions he has ever made in the investigation of the Oklahoma City bombing have directly



benefited federal investigators, agencies, and prosecutors, and have served well to distract our attention from the canisters of fulminate of mercury and the demolition charges placed at the support columns.

In addition, most of his allegations have been based on fantastical assumptions that completely lack supporting evidence. Many have been fooled by this man and his media cohorts, Lawrence Myers of *Media Bypass* magazine and Arnold Hamilton of the *Dallas Morning News*. In combination, this trio of journalists has done much to assist federal prosecutors to create and maintain their cover-up of the real events of April 19.

While wearing the disguise of a conservative independent investigator interested only in truth, Cash has provided the necessary distraction to turn all eyes toward an illusion while the truth lies in another direction. In every instance, Cash has performed well, bamboozling most of the public with his flamboyant flag-waving and blatant fraud.

***Whoever has even once become notorious  
by base fraud,  
even if he speaks the truth,  
gains no belief.***

— Phaedrus

*Fables* (1<sup>st</sup> century), translated by H. T. Riley





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## THAT WHICH WAS BEFORE

### *The Body Counts*

Traffic on the interstate out of Oklahoma City was flowing more steadily as I cautiously made my way farther from the central part of the city. So pervasive was the oppressive sadness, combined with the sensation of danger, that all motorists were driving courteously at the speed limit, as if in some way trying to commiserate with others on the road.

As any professional trucker can attest, Oklahoma City has always been known as Zoom City by CB radio enthusiasts. Traditionally, the highway traffic speeds along at a minimum of ten miles an hour above the legal limit at all times, in all weather. But these were unusual circumstances. It seemed inappropriate—almost rude—to drive with the typical devil-may-care attitude normally demonstrated by most motorists. The need to express sympathy, care, and concern—even nonverbally—was demonstrated in the most remarkable ways. The headlights of mourning, the observation of the speed limit, and the considerate manner in which motorists allowed merging traffic to enter the highway—a most unusual phenomenon—all evidenced the public reactions to the shock and sorrow of the day.

It would be good to be home again. I was feeling very much in need of the support and affection of my family. During my journey home I began planning the report I would soon be preparing for my commanding officer, William Cooper. Twice during the drive I pulled off onto the shoulder of the highway to quickly jot down notes about situations and conditions that I felt might be of importance.

So many things had occurred during the day that I didn't trust my memory to recall every significant thing. I wasn't sure at that moment what was





important and what was negligible. I knew that I was flying blind, and decided that the best procedure was to report everything that could be publicly known at the time and let the experts sort it out later. Although that method seemed somewhat scattershot at first, it proved to be an extremely efficient manner of intelligence reporting and produced an overall picture of staggering detail as the investigation progressed.

It was almost time for the national news affiliates to begin their coverage of the tragedy of the day. I expected my husband to be at home when I arrived, and I was certain he would have videotape and audiotape rolling in the machines, recording and monitoring the developments downtown, capturing the coverage from every perspective.

During the drive home ABC National News offered its evening report over the radio. I was thunderstruck by the text. From local sources it had just been stated that the official death toll at that moment had risen to twenty-two confirmed dead, of which seventeen were children. These were the official numbers being released by the State Medical Examiner's Office. Amazingly enough, however, ABC National News reported that there were eighty-one people killed in the Murrah Building, of which seventeen were children. Although we all knew that the death toll would inevitably rise as the search through the Murrah Building continued, there was simply no explanation for this sudden increase of almost sixty additional fatalities over and above the Medical Examiner's report.

Where had this inflated number originated? Searching through my memory, I recalled hearing earlier estimates that some eighty persons might have been in the Social Security Administration offices at the time of the explosions. I wondered if that was where ABC had obtained the figure. But at the same time I knew that the official death-toll numbers were being very cautiously handled by the local authorities. Officials in the Medical Examiner's Office were not releasing new figures until they were certain what they were reporting.

There were many problems encountered in the attempts to determine the true number of the deceased. The absence of recognizable facial features and identifying body markings was only one difficulty. Another major obstacle was the incredible number of severed body parts found inside the Murrah Building. These body parts and tissue samples were ultimately subjected to intense medical scrutiny and testing to determine if there were other recovered human remains to which the parts might belong.

Assistant Fire Chief Jon Hansen wrote in *Oklahoma Rescue*: "In determining the numbers we would release to the public, we were very careful. Above all, we wanted to avoid compounding the situation with unjustified numbers ... We made a conscious effort to be accurate in the numbers we released. In the aftermath of this tragedy, with so many rescue workers moving around in the disaster area, it would have been easy to double- and triple-count people. After careful planning, we determined that the official



count of the deceased would be based on the actual number of bodies turned over to the medical examiner.”

Assembling the statistical data was extremely time-consuming and labor-intensive. Ray Blakeney, Director of Operations and spokesman for the State Medical Examiner’s Office, stated that the recovered bodies were x-rayed to make sure that there was no bomb-related evidence within the body itself. Fingerprint and dental records were input into computers for the cross-checking of all post-mortem information. By the end of the search-and-recovery period, there were literally thousands of pages of handwritten field notes that had to be collated and entered as computer data—a task made more trying than necessary when FEMA pulled out of the operation and took its computer systems away. Said Blakeney, “This is an extremely difficult situation, and unbelievably stressful. Nobody in the United States has ever worked anything of this magnitude.”

Ten months after the bombing, the Medical Examiner’s Office reported that there were still over eighty unidentified body parts and tissue samples for which there was no corresponding match with any other deceased victim. The identity of the persons whose parts were found may never be known, and it is most peculiar that no family members have ever come forward claiming that their loved ones were never recovered from the building. At one time, a common tissue burial of these severed parts was discussed by officials, but the burial was delayed pending the trial of the bombing suspects. At the time of this writing, the unidentified remains are still in long-term storage at the facilities of the Medical Examiner.

There was something vaguely familiar about the death toll reported by ABC News. I could not quite find the correlating memory of eighty-one dead, seventeen children—but I knew that I had heard it before. It was only later that I came to realize that *the figures were the same* as those initially released following the Waco Massacre two years previously!

During a later newscast on ABC, the front-page headlines of the *Times* of London were shown: “78 Killed by U.S. Terrorist Car Bomb—Suspicion Falls on Islamic Militants and Waco Cult.” Something strange indeed was happening with the body count.

It became necessary to ask: why would ABC News and the London *Times* deliberately falsify the death count at a time when every other media source was reporting accurately the figures released by the Medical Examiner’s Office? There were some who speculated that it was some kind of a signal or coded communication to someone for whom those numbers would be significant. In later reports originating with ABC News, the Medical Examiner’s officially released count would be offered, with no explanation ever given for the inaccurate figures previously reported.

Another problem with the official death toll was an unexpected change that occurred shortly before midnight on April 19. Throughout the day we had been told officially that seventeen children had been killed in the

Murrah Building. Remarkably, that figure was amended in reports first released around 11:30 p.m.

KOCO Channel 5 Television reporter Jack Bowen conducted a live interview with Assistant Fire Chief Jon Hansen. At that late hour Hansen stated that the death toll had risen to thirty-one dead, "about twelve of those are children."

For some reason the number of deceased children was changed without explanation from seventeen to twelve. I questioned how such a thing could have occurred. It was impossible that media personnel might have misread a physician's illegible handwriting and thus reported the number incorrectly. No written reports were being issued by the Medical Examiner's Office; all reports were given orally.

It was inconceivable that any examining physician would mistake five unconscious but living children for five dead ones and accidentally report their decease in error. It also seemed an impossibility that, even under the most stressful of conditions, trained medical technicians would miscount the number of deceased children. I found it very difficult to believe that, given the difference in size, an adult's body or body part would be confused for that of a child. This unexplained discrepancy greatly bothered me.

In a statement made two days after the bombing, the Medical Examiner explained the identification procedure to the public. The bodies and body parts, once removed from the debris of the building, were taken to a preliminary holding area prior to medical examination. A part of this holding area was comprised of several refrigerator trucks, which served as a temporary morgue in which to store the bodies to prevent deterioration.

When a complete or near-complete body was recovered, it was taken to the Medical Examiner's working area that had been established in a local church building nearby. There were over a hundred persons working in this examination area, including forensic pathologists, x-ray technicians, dental examiners, radiologists, and representatives from the FBI Fingerprint Records Division.

Upon arriving at the work area, each body was first taken to an initial examination room, where items of clothing were removed and personal effects, if any, were collected.

The Medical Examiner stated that the most difficult body identifications were the children. Most of the children had no fingerprints on file anywhere, had not been living long enough to accumulate any significant medical records, and many had not yet acquired any dental records. Some footprints taken at birth were provided by the parents, but this was the only immediate clue available with which to identify the children's bodies other than bits of recognizable clothing.

The necessarily elaborate technical procedures being followed in the identification process made it impossible to miscount by five the number of

deceased children. To this day the inaccurate initial reports have never been explained or even addressed.

Throughout the day of the bombing we had been told in street-curb interviews that there were more fatalities than were being reported simply because the Medical Examiner wanted to make absolutely certain that the official death count was not unintentionally inflated by counting each severed part that was recovered as an individual. The task of assembling the bodily remains for burial was time-consuming, stressful, and extremely gruesome. We were later told that of all the victims only six were visually identifiable.

Many of the medical workers who had spent the entire day at the bomb site were upset by the body-count reports and conveyed their distress to the media. Said KWTW Channel 9 reporter Randy Renner: "Everybody who walks out of there, you can tell they've been in there, and they come by and they say, 'It's worse than anybody realizes.' And that's all you have to know."

Nurse Toni Garrett was particularly distressed. She had volunteered, in company with another nurse and a physician, to tag the bodies in the Murrah Building, the street, and the other buildings in the area. This traumatic task was especially important during the rescue effort because it enabled the rescue workers to determine at a glance that a discovered victim was deceased. If they saw the body tag, they knew that there was no immediate need at that moment to extricate the body from the rubble. Their much-needed attentions could be directed toward finding and removing the survivors.

Nurse Garrett had personally tagged over 120 deceased victims that day, and the Medical Examiner's reports of twenty-two dead had stunned her by its inaccuracy. Garrett was not ignorant of the identification procedures employed by the Medical Examiner's team of experts, and she was not overreacting to the stress of the day's labors. In Garrett's opinion, the actual number of the deceased was being suppressed. She based her allegations on an unexpected encounter with the Federal Bureau of Investigation.

Toni Garrett and her husband Earl told their story in private interviews conducted by Chuck Allen. Toni's narrative begins during the late afternoon of April 19 when it had been determined that there would be no second wave of injured in need of treatment by the medical personnel.

Nurse Garrett began the narrative and her husband Earl interjected comments during her statements. Said Toni, "[My husband and I] had gone down to a triage center that they had set up at 5<sup>th</sup> and Oklahoma Street. The makeshift morgue had been moved from the church across the street south of the Murrah Building—which was also destroyed in the bombing—to this building next to the triage center. We were told that we were going to wait for any more wounded or dead to be brought to this location.

"There were several doctors and nurses who had come in to work at the triage center. My husband and I told them we were going for a short walk, since we were all waiting, and had been for some time."

Earl continued, "When we left the triage/morgue, we needed to take a break. We had been walking down the side streets. It was about 6<sup>th</sup> Street that we went to. We looked at the damage. There was damage all the way over on Oklahoma Street. The Oklahoma Publishing Company had had their doors blown out.

"Suddenly cars started pulling up. They were all federal agencies. You could tell because they were getting their jackets out that said 'FBI' and 'ATF' and everything. I think they were wiring in a command center because there were the phone people there and the cable companies and so forth.

"They acted like it was just a drill, like it was no big deal. They were kind of joking around and all that kind of stuff. I made a comment to Toni. I said, 'I can't believe they're here and acting like nothing has even happened, like it's just another drill.' They acted like it was no big deal."

Said Toni, "When we left [to take a break], the doctors and nurses were busily working, trying to get the cots set up and get the IVs set up. When we got back, the news media was there and I was upset about the fact that they were not giving the true body count.

"I was being interviewed by a lady from TBN [Trinity Broadcasting Network]. I told her that I was highly upset because the news media and the information they were being given was not accurate information. There were many more bodies than what they were saying on the news media and releasing at the time. I had tagged over 120 bodies myself during the day. I told her I was very distressed over that because I felt like the public had a right to know exactly what took place up there.

"When the interview was over, we entered the building and I noticed that most of the doctors and nurses who had been there before were gone. We hadn't been away more than twenty minutes or so."

During the twenty minutes that Toni and Earl had been on their break, a change in mood had occurred at the triage center. Earl continued the narrative at this point.

"There was just a different atmosphere," said Mr. Garrett. "There was nobody helping anyone. Before, there were people bringing in food and medical supplies—just everything. When we came back in, there was a cold, callous atmosphere. I found out later that the FBI had taken over. That changed everything.

"They [the FBI] didn't like that Toni was being interviewed by the media. An agent walked up to me and said, 'Do you know her?' I said, 'Yes, she's my wife.' He said, 'What is she doing?' I said, 'She's kind of upset because they're trying to keep the body count a secret.'

“The man turned around and walked away from me. I found out later that they were federal officials. They then spoke to my wife. The FBI told TBN to shut their cameras off. The gentleman was questioning me at the same time that Toni was being interviewed [by TBN].

“I saw these two men walk up to her, and they had been talking to the agent who had been talking to me. Another agent came back up to me and said, ‘Do you know her?’ pointing to Toni. I said, ‘Yes, she’s my wife.’ He



PHOTO BY JOHN JENKINS

At ground level in Satellite City, this is all of the building that could be seen. Inside the fence is the Feed the Children dispensary. In the upper left hand corner is one of many surveillance cameras in the area, this one keeping an eye on the media area.

said, 'What is she?' I said, 'Well, she's been down here all day trying to get people out of this building and help people.' He turned around to his friends and said, 'Well, we need to get her out of here.'

"Toni then told me that the agents had told her that the FBI was taking over and all of us could get out. They told us to keep our mouths shut."

Nurse Garrett continued the statement at this point. "I had had no dealings with the FBI, ATE, or Secret Service prior to the bombing. I had a friend who worked in the Secret Service department who was killed in the building, and she was a wonderful person. But this was my first encounter with actual agents.

"When they came over to me, one of the agents was very pompous and arrogant about asking me who I was, what I was doing there, if I was a civilian, where I worked, and what my name was. I didn't feel like any of that pertained to what was going on that day or what had happened that day, and he wanted to know everything about me. Since I didn't feel that it was important, I just told him that I had been down there all day and had done what needed to be done. It was just hard for me to be down there and see what went on, knowing what went on, and none of it was portrayed accurately by the media.

"He said, 'Well, *we're* down here now, and we're taking over the building. It would be advisable and recommendable that you keep your mouth shut.'"

The questions raised by the Garretts concerning the inaccurate body count remain unanswered to this day. No explanation has ever been given for the FBI's insistence that the Garretts keep their mouths shut about the issue. In addition, there has never been any move on the part of the Medical Examiner's Office to increase the official death toll to include the eighty-plus remaining body parts and tissue samples held in storage. And the full disclosure of the circumstances surrounding the exhumation of the body of victim Lakeshia Levy to remove one of the legs that had been buried with her and replace it with what had become known as the Mystery Leg—a situation that changed the official death toll months after the bombing—is a matter for close examination in another volume of this narrative.

Suffice it to say that on April 19 the death toll was still climbing; the number determined by members of the medical community involved in the body count was over four times the number officially released by the Medical Examiner's Office; and the FBI was telling medical personnel to keep their mouths shut about what they knew.

The incorrect body count was but one inaccuracy of many that day—deliberate or otherwise. Of all of the mainstream broadcast media, only ABC News had released a death toll different from the Medical Examiner's official number. As the national media began to take over the airwaves during the dinner hour, the seeds of disinformation that had been planted by

federal authorities at the five o'clock press conference took root and became the sprouts of the official story, which would now be presented as absolute fact to an unsuspecting and uninformed public.

### *Connie Chung*

ABC News was not the only national syndicate to make a spectacle of itself. CBS News began an encounter with the citizens of Oklahoma City that to this day is still spoken of with disgust. This incident has become a byword whenever anyone wishes to refer to someone who insults from a position of arrogance and ignorance. This situation began with the arrival of a limousine in Satellite City, from which emerged none other than Connie Chung, then co-anchor with Dan Rather of *CBS Evening News*.

During her live broadcast, Ms. Chung managed to alienate and anger the entire city. If she had simply experienced a momentary lapse of poise, all would have been forgiven and the incident would never have acquired the notoriety it soon achieved. If she had simply misspoken, no one would have been upset. But four times during the CBS evening broadcast of April 19, Chung put her foot firmly in her mouth and chewed vigorously. In each instance, the officials to whom Ms. Chung was speaking felt obligated to politely cover for her obvious lack of understanding of what had occurred in Oklahoma City that day.

To the people of the city it appeared that Chung was decidedly lacking in manners, and they applauded the courteous responses given by our local officials to her thoughtless questions and the discreet manner in which they tried to divert attention away from her public display of ignorance.

To Mayor Ron Norick, Chung asked, "Tell me, Mr. Mayor, is your city able to handle this? I mean, it's an extraordinary event."

Mayor Norick replied, "We *are* handling it. We have a very well-trained police and fire department, and we have trained for emergencies such as this, hoping that you never have to use it. We have a very good medical system here, and it came together very, very quickly. We have a lot of fire personnel that are still in the building. It's a very dangerous situation because the nine floors are collapsed down, basically down like an accordion, to the bottom. They are trying to go through the rubble to make sure that the building itself doesn't collapse and catch some of the rescue workers. But yes, I think we're well-trained, and I appreciate the support we're getting from all around the country. We've had many, many calls from a lot of mayors and people in emergency services wanting to help."

To Assistant Fire Chief Jon Hansen, Chung remarked, "Can you handle this? Can this fire department handle this? I know you're doing a great job, but it's extraordinarily difficult."

Jon Hansen patiently explained, "We've got our friends from all over this state—fire, emergency medical, state police are in here helping us. It's a



team effort. It's not just the Oklahoma City Fire Department. It's the metropolitan area fire departments. We've got fire-department people here from Tulsa, Stillwater, Oklahoma ... so, with their help, we're able to rotate people and pretty well take care of the whole week. We're limited on how many people we can put in the building because of the weight of the rescue equipment that we bring in and because of the building itself."

In a somewhat condescending, lecturing tone, Ms. Chung continued, "But it also occurred to me you have to have these investigators, these bomb investigators, sifting through everything, and if you have rescue workers moving critical evidence away, isn't that part of the problem?"

"Oh yes, ma'am," replied Hansen. "We're not moving anything that the FBI or the ATF believe to be evidence. We'll find another way around that. With the team effort inside, we have firefighters, we have the FBI, ATF, bomb-squad people. We're going in together in kind of a unified search so those representatives can take care of those things those individuals need to, all systematically, all working together."

Not seeming to know when to quit, Chung continued her pedantic lecturing. "As you well know, in bomb investigations there is a signature. If you can find just a little morsel of information, of metal here, a shard there, that can be critical."

With only a hint of impatience, Jon Hansen answered, "Yes, ma'am. That's why we're being very cautious in our rescue efforts to preserve the scene and not move anything that our friends of the FBI or the ATF would need to convict the people who did this."

Later in that same interview with Assistant Chief Hansen, Chung asked, "Do you know if your hospitals are able to handle all of those who are injured?"

Ever long-suffering, Hansen explained, "Yes, ma'am. Our hospitals, their emergency plans were tested today. They worked very well. And again, in Oklahoma City we've got a number of very competent hospitals in close proximity to the downtown area and their emergency rooms were able to handle the number of people."

As if she were not content with the answers given by Oklahoma City's mayor and assistant fire chief, Chung interviewed Dr. Tom Coniglione, the Medical Director for St. Anthony Hospital, asking, "How are you able to handle this onslaught of injuries? I mean, you said that you handled more than a hundred of them!"

Dr. Coniglione replied, "Well, because of the location of the hospital and because so many doctors in Oklahoma trained at this hospital, they knew, when they heard of the location of the blast, that our hospital would be receiving a lot of injuries."

Chung asked incredulously, "You mean, they just came from all over the state?"



"They just came. They came from all over," said Dr. Coniglione. "At one point I had a hundred doctors in that area and three times as many nurses and emergency medical technicians, and every injured patient had his own doctor or team of doctors. It was the most amazing outpouring of support that I have ever seen for any occasion."

Chung could only respond, "That is extraordinary."

All agreed that the emergency response had been extraordinary—not just in terms of the implementation of interdepartmental plans that had already been established and rehearsed, but also because of the hundreds of civilian volunteers who appeared from all over the state to assist. For everybody, it was simply the right thing to do. In that respect, perhaps it was not so very extraordinary after all. It was a natural response that stemmed simply from the kind of people that we are. Chung's questions and comments were viewed as something of a personal insult to the entire state.

It was never known if Chung had imagined Oklahoma City as a town of rutted red-dirt roads, swinging saloon doors, clapboard houses, sod-roofed schools and cattle meandering along metropolitan-area streets. But the impression made upon the citizens of Oklahoma City was that she must have considered us a primitive, uneducated, and unsophisticated lot, and might have been somewhat shocked when she did not find mule-drawn fire wagons or doctors treating the injured with leeches and magical amulets.

Needless to say, all were highly offended. During the days that followed, the public outcry against what appeared to be blatant arrogance grew in intensity. T-shirts began appearing throughout the city with anti-Connie Chung slogans, anti-CBS slogans, and the inevitable photograph of Ms. Chung over which was superimposed the universal "No" symbol.

Assistant Fire Chief Jon Hansen wrote about what became known as "The Chung Incident" in his book, *Oklahoma Rescue*: "[When Connie Chung asked, 'Can you handle this?'] my initial reaction was certainly surprise because that's exactly what we'd been doing, and doing well, since 9:02 a.m. I had done dozens of interviews by that time and no other member of the press had questioned our ability to deal with the crisis. I didn't really take offense. I simply answered what seemed to be a silly question as politely as possible."

After all the community had endured with the bombing itself, and after pulling resources and personnel together to meet an overwhelming need, this high-handed treatment by Ms. Chung was intolerable. Letters to the editor of the local newspapers raged at her elitism and lack of compassion. All remarked that if there had been the slightest indication that the manpower, equipment, and facilities available had been inadequate to deal with the tragedy, local authorities would most certainly have been the first to address that situation and remedy it without delay.

Assistant Chief Hansen wrote, "I had no idea at the time that her doubts about our department would so deeply offend many of my fellow Oklahomans and even the rest of the nation ... Citizens here have always felt a pride of ownership in the fire department, and after watching the rescuers at work all day on April 19, they interpreted her remark as degrading and frankly ridiculous ... The anti-Connie Chung T-shirts that showed up on the streets downtown sent a message to CBS that the problem wasn't going to go away easily ... Apparently she felt it was her responsibility to ask me what she believed were tough questions. I saw the public get tough as they responded to her question with a huge outpouring of support and respect for the firefighters searching for survivors."

Although CBS arranged another televised interview during which Connie Chung spoke once more with Assistant Chief Jon Hansen and apologetically tried to put the matter to rest, the resentment ran too deep to be wiped away by this awkwardly staged and obviously contrived reconciliation. On Saturday, May 20, 1995, Connie Chung's contract as co-anchor of the *CBS Evening News* was terminated.

There was much speculation about the ouster of Ms. Chung, and many questioned just how much the Chung Incident had contributed to her removal from the CBS news staff. But frankly, the reasons mattered little to most members of the Oklahoma City community. Their dignity and pride had been injured, and they felt they had been treated with arrogance and condescension. Chung had completely miscalculated the kind of people we are, and even at the time of this writing there are still some who will declare that her termination was appropriate and deserved.

Assistant Fire Chief Jon Hansen, in concluding his comments about the Chung Incident, wrote, "Was her question insensitive? That is a question the American public answered for us all, and I was deeply touched by their answer."

Columnist for the *Daily Oklahoman* Robert E. Lee devoted his column of Wednesday, April 26, 1995, to the Chung Incident. Wrote Mr. Lee:

"I doubt that Connie meant her question to be a put-down of us Oklahomans. It simply came out that way when she asked it without a cue card.

"Jon [Hansen] kept his cool, explaining patiently to Connie and her national audience that indeed, Oklahoma had a disaster plan, had put it into effect, and it was working as expected.

"I might not have been so calm in answering as was Jon. I might have told Connie: 'Get real, Connie! This is not the East Coast, this is Oklahoma. This is the Heartland, a name you Easterners gave us.

"Yes, we *can* handle this tragedy. It isn't easy losing friends and loved ones, especially in such a needless fashion. But we're sticking together, Connie. We're not just Oklahomans. We're family.



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“We may fuss at each other, laugh behind our backs at each other, even get really mad at each other. But when the chips are down, we’re family.

“As the world watches us cope with this disaster—our personal hell—we are showing them how much we truly are family.

“Can we handle this disaster, Connie? Of course we can. After all, we’re family. And that’s all that matters—family.”

*Whenever a thing changes and quits its proper limits,  
this change is at once  
the death of that which was before.*

— Lucretius

*On the Nature of Things* (First Century B.C.), translated by H.A.J. Munro





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## SURGING TOWARD THE BARS

### *Preparing the Initial Report*

I was never so happy to be home! As I expected, my husband already had every recording device in operation—cassette decks, boom boxes, and VCRs—attached to every available monitoring device: AM radios, scanner, shortwave, and television. When I walked in the door he was seated at the computer receiving press credentials by fax from William Cooper. Although we already held Citizens Agency for Joint Intelligence (CAJI) News Service press passes for *Veritas* newspaper, we lacked official authorizing documents that might be required in covering the bombing because of the tight restrictions placed upon the release of official information. Those documents were being transmitted at that moment.

The answering machine held several messages for me from Bill, who had telephoned during the afternoon. Each one asked me to contact him with a report at the first available moment. This *was* the first available moment, so I picked up the telephone and called Arizona.

Off the top of my head, it didn't seem that there was much to report that was new. I had been living this event so intensely and intimately throughout the day that it seemed impossible that others might not know what had happened here with the same degree of detail. Somehow I imagined that everything that had been reported in Oklahoma City had also been transmitted throughout the world. That was a silly assumption of course, but I was decompressing from a long and very wearing day and was still focused on the local perspective. I had not yet considered what people might have heard about the bombing if their only source of information was CNN.

In my brief conversation with Cooper, I rapidly gave a verbal synopsis of events and developments and told him I would fax a report to the Research Center as quickly as I could. I glanced at the clock. It was almost 7:00 p.m. I was going to have to pull myself together right away if there was going to be a completed report transmitted to Arizona in time for that night's broadcast of "The Hour of the Time." The program was scheduled to air at 11:00 p.m. CDT on shortwave station WWCR, 5.065 MHz.

Piling every little scrap of paper in front of me on which I had scribbled notes all day, I settled at the computer and began the first of what would eventually become hundreds of reports on the bombing and its subsequent investigation. These would all be submitted to Cooper as the Commanding Officer for the Intelligence Service of the Second Continental Army of the Republic.

*CBS Evening News*, which had been delayed that night, was in progress as I began typing the initial report. The national news media had solidified for the world every piece of the official story as it existed at that moment. From that time forward—until federal officials changed their minds about certain aspects of the story—the statements made by the national media were considered undeniable fact, not because they were documented, but because they were reported on television:

"A U.S. government source has told CBS News that it has Middle East terrorism written all over it."

"It was obviously the work of terrorists."

"These people are fleeing after being told that a second bomb was found in the building. Luckily, the report was untrue."

"If this cowardly bomb was designed to send a message that no one, no place, is safe, it sadly succeeded."

"There is great worry that this may have been planned overseas."

"There are no suspects."

"There was a car bomb, perhaps two car bombs."

"I saw a chassis, or actually an axle, two blocks to the east from the bomb site that was the car that was carrying the device."

"There was no second or third device."

"Just fifteen minutes after the explosion rocked Oklahoma City, federal law-enforcement agencies here learned that that was no accident. One of their very best bomb experts, in fact, was just two blocks from the scene. He rushed there and called back that it had all the earmarks of a car bomb."

"We are told now that the FBI has received claims for this attack from at least eight organizations, seven of them from the Middle East."

"I'm not sure, if they're trying to send a message, what it is. But perhaps the message is: 'America, you don't only have to worry about New York and

Washington D.C. You have to worry about Springfield and Omaha and Minneapolis, trying to spread fear throughout the entire country.”

It was difficult to concentrate with so many information sources active simultaneously. Squinting at the computer screen—as if that would help shut out some of the noise—I began the first report, which would be read over the air four hours later on “The Hour of the Time.”

### *Daina’s Dramatic Rescue*

While I was working, KWTW Channel 9 reported that a young woman had been found pinned under a huge pillar of concrete in the area of the building that had come to be known as “the Pit.” The woman was alive but in shock. We were later to learn that the name of the survivor was Daina Bradley. I had initially heard of this rescue while in my car on the interstate. A Dr. Cornelison had given a curbside interview to one of the KTOK Radio AM 1000 reporters. Although we had heard news of several amputations performed inside the Murrah Building that day, Daina Bradley’s dramatic rescue received maximum media coverage.

Police Sergeant Dan Helmuth described the conditions of “the Pit” in the official commemorative volume about the Oklahoma City bombing, *In Their Name*, edited by Clive Irving: “A cavelike area had been formed when a large slab of concrete from the floor above fell on two separate piles of rubble, ten to fifteen feet apart. More rubble had then fallen on top of the slab. At the cave opening, the roof was about five feet high. It then sloped downward to meet the lower floor, making the cave twenty to thirty feet deep.”

When a fire department captain first discovered Ms. Bradley, extrication plans were immediately the main focus of attention in that cramped and dangerous place where she was trapped. Wrote Police Sergeant Kevin G. Thompson, “I could now hear this lady talking to us. She was very calm and did not sound as if she was in pain. I bent down and looked, but could only see a small part of her lower back. I looked at what was on top of her—tons and tons of concrete covered almost all of her ... As I looked up, I could see that about ten feet above us was a ten-by-twenty-foot slab of concrete hanging by only a couple of two-inch pieces of rebar. I knew that if it fell, we would die.”

KWTW Channel 9 reporter Tammy Payne provided the first televised information about Bradley’s rescue: “We have a report about a girl whose leg was amputated. It was successful. Our producer talked with one of the surgeons who was there. He was too upset to come on the air with us, but he said it was a successful amputation. She has been taken away from the carnage and taken to a hospital.”

Co-anchor Jenifer Reynolds continued, “Let’s pass along some information we got from a caller about this amputation. Apparently there was a person

in the basement of the building, and there was water in the basement. One leg was amputated, and there were three doctors who helped with this amputation. They deserve kudos from the community because they stayed in there through the several bomb threats when many people left the building. They stayed with her and continued to work. They were belly-deep in water and they were able to save her life and get her out of there, and she is at the hospital now and is stable.”

Concluded co-anchor Kelly Ogle: “Our prayers go out for her, and she is certainly a brave young woman, twenty years old, to go through that without any anesthesia.”

Ms. Bradley had been inextricably pinned beneath the concrete, her right leg crushed below the knee. Only her left leg, left arm, and upper chest were free. Three surgeons, Dr. Gary Massad, Dr. Andy Sullivan, and Dr. David Tuggle, were brought into “the Pit” area to assess Bradley’s medical condition and to devise a means of rescue. It was determined that the only course of action was to amputate the right leg through the knee. After Bradley was removed from the rubble, doctors discovered that she also suffered a collapsed lung, with blood in the lung cavity.

The surgeons performed this difficult but successful amputation in a narrow crevice where the victim was trapped in about eighteen inches of water. Said Dr. Massad: “When I arrived it was fairly chaotic and security was very high. They had moved the triage units several times before I arrived, so we weren’t real sure where they needed us at the time. We checked two different triage positions which had been moved to NW 5<sup>th</sup> and Harrison. Then as we moved toward the front of the Federal Building, security checks allowed us to proceed through, knowing that we were medical personnel and had the proper ID. They just kind of escorted us to the front of the building and said, ‘Go down in the hole, take a look, and see what you can do.’ We went down.

“The one thing that I was particularly involved in was Daina, the twenty-year-old black female who was in the basement [and] whose right leg was trapped by the debris and concrete blocks. She was lying in water and had been, I guess, since the accident. It was a very narrow space where she was trapped. She had lost a lot of blood, a lot of fluid. Her arteries and veins had collapsed and we were unable to start IVs on her.

“Dr. Sullivan had been in earlier but they wouldn’t allow him access to her because the debris in the building wasn’t secure. So we called him and he came back down and said, ‘What are we going to do?’ He said, ‘I can’t cut her. The rebar is on top of her. I can’t even get to her.’ We were on our hands and knees. She was in a foot-and-a-half of water. So we backed off and said, ‘If you can clear the rebar and stabilize the field we can work.’

“I decided to put a chest rope around her and made sure we had a pulley to pull her out of there once the leg was removed so that the firemen

wouldn't have to be in cramped quarters. If something fell, they would be trapped there. They weren't real sure about the stability of the concrete slabs around the victim and therefore that kind of hampered and delayed the rescue effort substantially.

"On two occasions, as we were trying to assess our ability to remove her and possibly have Dr. Sullivan perform the amputation, they made us come back and leave the building because of vibrations that one of the firemen said might cause a collapse. Eventually, though, there was a whole rescue effort. The firemen were supportive and marvelous in their work. They were very professional. There was nothing that we asked for that they didn't provide—from a harness and a rope to put around her chest so we could pull her out, to being able to take an arc welder and remove the rebar above her to prepare a field for the surgeon.

"The surgical instruments came down and then Dr. Sullivan was on his hands and knees—really on his stomach—in water, trying to amputate the leg. We had to be removed twice, so we used hemostats and things to block off the arteries and veins that were bleeding. Then Dr. Sullivan would go back in and saw some more and come back out until finally the leg was removed.

"If we hadn't been taken twice from the scene by the fire department because the building had moved, the whole process from start to finish would have been about fifteen or twenty minutes. But it took a little longer.

"It was a remarkable effort on Dr. Sullivan's part and Dr. Tuggle's part. I helped participate, but I can't tell you how much admiration I have for Andy Sullivan for being able to do that under those conditions. There was no artery, no veins for IVs, so therefore we were not allowed to give her any fluids to help assist her, and she was awake during the amputation. It was done right there on the scene.

"We had to perform the surgery without general anesthesia. I know she had a lot of pain during the amputation. She had 2 mg of Versed right before the operation and that's it. A local anesthetic. She was miraculously brave. Outside of a war zone I never expected to have to do such a medical procedure, certainly not in Oklahoma City, Oklahoma.

"My greatest fear was to leave the young lady because we didn't know if the building was going to cave in on us. We just knew that if we didn't amputate the leg and remove her she was going to die—she would die knowing that we were outside right next to her and couldn't help her. I think that would be a tragedy."

Dr. Andy Sullivan told his story in *In Their Name*: "Only one person at a time could be in the space. We were told that if we felt any movement at all, we were to immediately crawl out ... I cut two strands of nylon rope and gradually made a tourniquet by working both of them under her right leg,

digging through the rubble with my hands to gain enough room ... We had the firemen position a harness under her chest so that once the amputation was complete, we could pull her rapidly out onto a spine board. I discussed the choice with the patient. While tearful, she understood. I was fearful she might not survive much longer. She was already hypothermic, hypotensive, and having difficulty breathing ...

"We selected a dose of Versed, and Dr. Tuggle crawled in and administered the anesthetic intramuscularly. Although we had some Demerol, we were afraid that it would suppress her respiration and stop her breathing. Versed had the advantage of being hypnotic and amnesic. Lying on top of Daina, I twisted the two nylon ropes with a stick to cut off remaining circulation to the leg."

Although the extrication of Ms. Bradley took several hours to complete, the amputation itself took only about fifteen minutes. Said Dr. Massad, "You cut, pull back, clamp. Cut, pull back, clamp. I'll never forget the sound of it."

Dr. Sullivan reported, "Using disposable blades and eventually an amputation knife, I was gradually able to work my way through the knee. Once the ligaments, tendons, and muscles had been cut, I cut through the remaining arteries, veins, and nerves at the back of the knee. The tourniquets worked so that she was not at risk of bleeding to death. We were then able to crawl out. The firemen were able to get on the harness and pull her out onto the spine board."

Reporting live from downtown, Jack Bowen interviewed the man who first discovered Daina Bradley trapped in the basement: "Awful as what happened today is, when the worst happens in Oklahoma it always brings out some of the best in Oklahomans. One of the ordinary people who became a hero today was a volunteer, a man named Bill Bay."

When Bowen told Mr. Bay that Daina was alive, had been rescued and taken safely to the hospital, Bay burst into tears. He had assisted Daina for three hours until the surgeons could perform the amputation that saved her life and had a large emotional stake in her situation. His heroism was rewarded that night.

When he was again able to speak, Bay said, "That news makes it all worth it. I never realized what type of position I was putting myself in. The building could have come caving in on me at any point in time, but I never gave that one thought. All I wanted to do was help this one lady. She wanted help and I was there for her."

Daina Bradley was thus rescued from the rubble of the Murrah Building and was taken to an area hospital, where she recovered and was eventually fitted with a prosthesis so that she could walk again. She did, however, lose her two children and her mother in the explosions. The community observed Daina's progressive recovery with great interest by way of many media reports, and gradually she faded from public view and resumed her

private life to quietly deal with her personal loss, grief, and rehabilitation. Her story had a happy ending. Daina married and on the day before the one-year anniversary of the bombing, gave birth to a healthy baby boy.

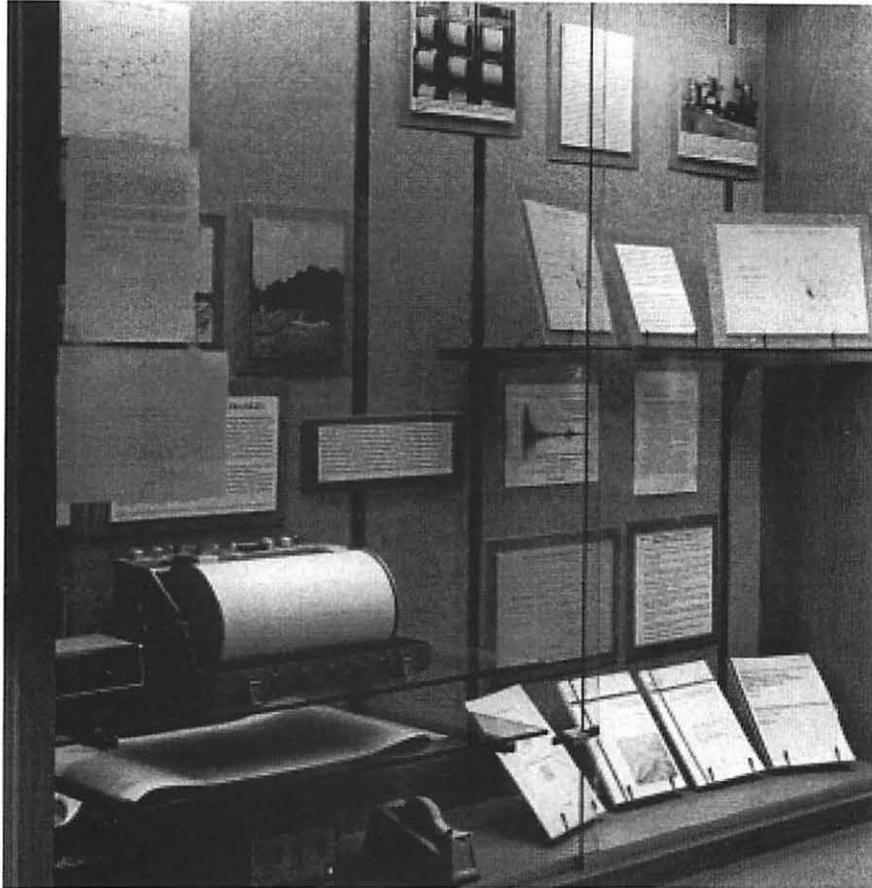


PHOTO BY JOHN JENKINS

Display case in the reception area of the offices of the Oklahoma Geological Survey in Sarkeys Energy Center, University of Oklahoma, Norman. On the front of the glass case above the seismometer is a copy of the original OUGS seismogram from April 19, 1995. Above that record is the official OUGS report on the initial interpretations of that seismogram. Copies of these two documents were available to anyone who requested them. All mainstream media outlets acquired copies within the first two days after the bombing; yet almost a week passed before they publicly corrected the time of the event from the earliest estimate of 9:04 a.m. to the actual time, 9:02 a.m.—information that was in their possession for six days prior to reporting it.

### ***Seismic Rumors***

The initial report for William Cooper was completed almost twelve hours after the multiple explosions had destroyed the Murrah Building. In a cursory review, it seems that we knew very little that first day, so soon after

the blasts. But upon more careful scrutiny, it appears that many of the most critical pieces of the puzzle were right before us from the earliest moments.

In this instance, the media was both a help and a hindrance. Minutes after the Murrah Building had been destroyed, reports had been made on radio of witnesses having heard two explosions. Those earliest reports were never again repeated on the day of the bombing. It would be a full twenty-four hours before that memory surfaced again because of the saturation of information that followed.

In the course of our investigation of this matter, my husband would acquire from the University of Oklahoma Geological Survey offices and the Omniplex Science Museum copies of the only two seismic records that exist of the bombing. A copy of the original Omniplex record was made by a sharp-witted Omniplex employee only two days before the FBI seized the original seismogram. The employee made copies for himself, for his co-workers, and for us. With that evidence in hand, we began extensive interviews of both scientists and civilians, all witnesses of one kind or another, who could confirm that one tiny but vital piece of information.

In November 1995 new rumors circulated about the Omniplex seismogram. For several weeks it was speculated that the Omniplex record had been altered by federal authorities after it had been seized. Because the Omniplex seismometer was so near the blast site (within five miles), the intensity of the signals caused the recording needle to jump off the scale, leaving only dots on the paper where it bounced during the strong vibrations of both explosions. The rumor-mongers stated that this was positive proof federal authorities had erased the details from the seismogram in an attempt to alter the evidence.

The rumor began when Dr. Raymon Brown (See Appendix B) of the Oklahoma Geological Survey released a copy of the Omniplex seismogram on which he had tried to connect the dots to see what the record *might have shown* had the needle not been wildly bouncing. In discussing his drawing, Dr. Brown explained that he had drawn the connecting lines himself. Nevertheless, the ill-informed believed Dr. Brown's *speculative drawing* was the real record and the actual Omniplex seismogram was an altered document.

The rumor is absolutely false. In this one instance federal authorities were wrongly accused. The copy of the Omniplex seismogram published in *Veritas* newspaper, Issue No. 3, page 14, is the actual record obtained by the Intelligence Service from the Omniplex employee. That copy was made by the employee *prior* to the FBI's arrival at the museum. No alterations could have been made to the seismogram simply because *no federal agents had even seen it at the time our copy was made from the original*.

Rumors such as the Omniplex-alteration story are easily disproved. One has only to consider the fact that the FBI made no effort to alter the Oklahoma

Geological Survey record. In a situation such as this in which only two seismic records exist, it would not be difficult to alter, remove, or destroy both of them if it was perceived a necessary objective. The Geological Survey seismogram would have been much easier to alter as the distance from the blast site was greater and thus the recorded signal smaller.

The Omniplex-alteration rumor was simply a case of the uninformed failing to document their conclusions. One telephone call to the Omniplex to determine the time the employee copied the original seismogram and the time the FBI seized the record would have settled the matter completely before the rumor started. When my husband and I confronted some of the people spreading the rumor, they were not particularly interested in documenting anything. It was more exciting to accuse federal agencies of tampering with the evidence than determining the truth of the matter.

While federal tampering did occur in other situations, that was not the case in this instance. The seismic records were publicly disclosed immediately after the bombing and have since been published in their original form innumerable times. In spite of their damning evidence, the seismograms cannot be quietly altered by anyone. Too many people already know the truth.

For several days after the bombing officials and the media were still reporting that the explosions had occurred at 9:04 a.m. It was only after consulting with the seismologists that it was determined that the blasts had actually occurred at 9:02 a.m. When six days later we saw Bernard Shaw on CNN making the time correction for the nation and holding up for the camera the official statement released by the Geological Survey, we knew that he had seen the seismic records—yet no mention was ever made of the evidence of the secondary blast(s).

Additionally, at the time my husband conducted his first interviews at the University of Oklahoma Geological Survey offices, the receptionist stated that she had spoken over the telephone with representatives from ABC national news as well as all of the local media outlets. All of these broadcasters had received the same information we received, yet not one of them corrected the time of the explosions until almost a week later. It would be months before any of them ever made mention of the indications of the secondary explosion(s). This we considered a severe dereliction of duty on the part of the media concerning their assignments, which dealt with evidence available to the general public.

By comparison, in the Intelligence Service of the Second Continental Army of the Republic, there are at all times two records being compiled simultaneously. Into one is fit all of the pieces that can be documented as the true account or state of whatever subject is being investigated. Into the second is fit all of the documentable pieces of the deception, if there is one. These two jigsaw puzzles are in various states of completion. Between them sit all the pieces of every investigation that do not yet fit into either category.

There they remain until they can be placed with surety into either the record of truth or the record of deception. Nothing is ever thrown away, and nothing is ever discounted as being too insignificant.

In the case of the investigation into the Oklahoma City bombing, there were bits of information that we knew quite early in the process, but their significance was not known until weeks or months later. It was in documenting evidence and tracing back information to its source that I gradually came to realize that in spite of the complexities and deliberate muddying of the waters that took place in the months that followed, most of the solid evidence—and almost all of the solid leads—had been available to the general public during the first thirty-six hours after the bombing.

What happened to that evidence? Much of it is presented here in this first volume, which deals only with April 19, 1995. Some of the evidence cannot yet be disclosed pending final confirmation, which we require from *at least two and preferably three independent, unrelated sources*. Some witnesses have been successfully intimidated by federal agents and are now cautious about speaking publicly of what they know. Other confirmed evidence must be withheld, because to reveal it would identify the witnesses, and such revelations would endanger their lives. Some additional information will be disclosed during the trials of the bombing suspects that we cannot reveal at the time of this writing. And of course, much additional information will be provided in the second volume as the narrative moves forward in time.

### ***“The Hour of the Time”***

At this stage it is useful to look back and consider how sketchy our initial information was on April 19, compared to the detail we now know to be documented fact. It is a remarkable gauge of the work of the members of the Intelligence Service and the Citizens Agency for Joint Intelligence—all of whom are volunteers. At 11:00 p.m., two hours after I faxed the first report to Arizona, William Cooper broadcast the following informative program to his worldwide shortwave audience of approximately ten million listeners:

“You’re listening to ‘The Hour of the Time.’ I’m William Cooper.

“Today is the second anniversary of the Waco Massacre. And I don’t want anyone out there to forget it, ever. A thousand years from now, I want patriots somewhere—and I mean patriots to principles of ideals of liberty and freedom—to remember the Waco Massacre. Unfortunately, it appears someone is using this anniversary to promote an agenda, and we will be discussing that.

“This morning, just moments after most of the workers had entered the federal office building in Oklahoma City and prepared for their daily routine, an explosion occurred. No one was prepared for this, ladies and gentlemen,

least of all those inside the building who found themselves suddenly falling, tumbling through the air. Many of them were buried beneath tons of debris.

“As usual, the Intelligence Service has all of the facts that are available at this time, and you will find these facts have not been reported in their entirety anywhere else in the world, including the major media in the United States. As usual, we have our people on scene with press passes in hand, and they have given us a preliminary report, which I will now relay to you.

“It is important that you listen carefully, ladies and gentlemen, because rumors always abound, and we have heard every rumor and every possible solution to this. What you are going to get now are the facts. Then we will discuss some of the reports, erroneous and otherwise.

“There is an agenda here. And if you will remember, I told you that this would happen. I told you on this broadcast that incidents of terrorism within the United States will escalate to the point undreamed-of by the American people. What is the agenda? Well, you’re going to find out.

“Our Station Chief was in Oklahoma City all day. Most of the facts that are available have been scantily reported on the local news in Oklahoma City only. The national news reports—especially on ABC—are completely off-base and out of line.

“As you might expect, the body count keeps going up, but as far as actual on-the-scenes reporting goes, at 4:30 p.m. this afternoon, Oklahoma time, only twenty-two were confirmed dead, seventeen of them children from the day-care center. Washington is reporting eighty-one dead, but no one on the scene has yet confirmed any numbers that even approach that number. The number confirmed at 4:30 p.m. was twenty-two dead, seventeen of them children. The Washington D.C., figure may have more to do with government workers there who cannot be reached by phone.

“At this time, ladies and gentlemen, only thirty percent of the Federal Building has been searched because of the danger of the rest of the building collapsing, and search-and-rescue has been hampered by some intermittent but heavy rain. Temperatures have been falling rapidly in the Oklahoma City area. There are certainly enough people still missing to easily exceed the Washington death estimate, but at this time their numbers cannot be considered as fact.

“There are parts of the building which seem held together only by the grace of God. You can look right through the building in several places.

“As our Station Chief drove through the Oklahoma City area, she saw glass damage from the explosive concussion as far away as NW 23<sup>rd</sup> Street, which is approximately two miles north of the Federal Building, and as far west as Pennsylvania Avenue, which is about three miles west.



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"Her brother-in-law heard the explosion in his office in Edmond, about fifteen miles north of Oklahoma City. Her sister-in-law is at this hour still on duty at Children's Hospital, where she works as a nurse. She has been on duty since 7 a.m. this morning and expects to have to continue working throughout the night.

"Immediately after the explosion, ladies and gentlemen, the shopping mall at NW 50<sup>th</sup> and Penn was evacuated because it houses an office of the Federal Bureau of Investigation. No mention was made of sealing off any areas in Norman, which is seventeen miles south of Oklahoma City—in particular the office of the FBI, which is located about four blocks from the front door of one of our operatives.

"Tinker Air Force Base was put on emergency alert, and for several hours no one was admitted on or off the base. Later in the day base personnel were allowed onto the base, but everyone entering was subjected to a total identification check, and some were searched.

"The entire Oklahoma Capitol Complex was evacuated about two hours after the explosion so the building could be swept for explosives. Army personnel and bomb-sniffing dogs were brought in from Ft. Sill to search out anything that could be found in the Capitol Complex and at the bomb scene. There have been no further local reports about that investigation since about 4:00 p.m.

"Mayor Ron Norick has stated that there were approximately 590 federal employees in the building on the job when the bomb exploded, and there may have been an additional 200 to 400 citizens conducting business in the building at that time. So there could have been, ladies and gentlemen, somewhere around 1000 people in that building. The total figure at this moment is unknown.

"The total number of persons reported admitted to area hospitals because of this incident at approximately 4:30 this afternoon, Oklahoma City time, were just under 300. Many persons are believed still buried in the rubble, and the few living that have been rescued were suffering from crush injuries, lacerations from flying glass, and other injuries associated with explosions.

"One woman buried in the parking garage had to have her leg amputated before she could be removed. According to Dr. Cornelison, who made the initial report, she would not have lived had the amputation not been performed. There have been many such spur-of-the-moment street-corner surgeries performed while rescue vehicles made their way to the scene to remove the injured and the dead.

"Reports have been heard on radio of 200 adult-sized body bags being brought to the scene in anticipation of the number of bodies yet to be recovered from the building, and unless a tent has been recently erected on



the side of the street, the bodies are still being held in a semi truck, which is serving as a temporary morgue.

“Huge floodlights have been brought in by an oil-field-equipment company, and large heaters are also being provided to the scene as rescue work continues into the cold of the night.

“Police and firefighters on the scanner report that they have heard no other moans or cries for help from any of the already-searched areas for the last two hours. No one can begin to estimate what the situation may be in the remaining seventy percent of the building.

“Only a few hours ago firefighters began working on the second story of the building, searching for anyone or anything. There are nine stories total which must be sifted carefully, and the work, ladies and gentlemen, is painstakingly slow because of the dangerous condition of the remaining structure. A lot of heroics have manifested on the part of the rescue workers.

“A special investigative team from Phoenix has arrived to assist in the search for survivors, and it is reported that they have special sound equipment which can detect the tiny sounds of breathing beneath rubble and debris. They are at work now.

“All roads leading into the main downtown area have been closed off and are being guarded by police and National Guard troops. FEMA is conducting a practice exercise. They have seized the moment, and the Federal Communications Commission is going through their routine of clearing the frequencies for the use of the Federal Emergency Management Agency.

“Our Station Chief drove south on Walker from NW 23d Street, trying to get closer, but was turned aside by guarded roadblocks. She tried entering the area from several different possible backroads routes, but there are simply too many police, National Guard, highway patrol, and sheriff’s deputies to get anywhere near the scene, despite the fact that she possesses a valid press pass representing the CAJI News Service and *Veritas* newspaper. Every little alleyway and gravel half-road that she tried to access was fully guarded and sealed. The perimeter is solid.

“And I can assure you, if there was a way to get on the scene, our people would have done it. And in fact, one has, but until that person comes out again, we cannot get a report, for there are no communications out of the area unless you have access to the emergency communications equipment of the officials on the scene.

“Representatives from Oklahoma Natural Gas were allowed through the roadblocks to get to their damaged building because they are in the process of cutting off all gas lines leading into the downtown area until the total damage can be assessed. All customer calls have been routed to the Tulsa office.

"The only other people being allowed through the roadblocks are medical personnel who can flash medical cards. No one else is being allowed into the area, regardless of the reason.

"No members of the local press who were not on the scene within the first hour have been allowed in since the rumor spread of, first, a second and then a third possible bomb. At that time, everyone in the downtown area who didn't have a medical, fire, or police function was moved back away from the Federal Building area a distance of five blocks.

"There is a media center for the press set up at 7<sup>th</sup> and Harvey, which is within walking distance of the location of the press conference which was held earlier today.

"Because of the general chaos, ladies and gentlemen, no information of any real substance is coming out of the area. Earlier reports were made of three possible suspects in a brown pickup truck with tinted windows, two of Middle Eastern appearance between the age of 25 and 35, and a third male, no description given, who supposedly was driving this pickup truck.

"Nothing was said about why they were suspects. But I question this, and so do our agents on the scene, for there is a large population of Middle Eastern Muslims in Oklahoma City, Edmond, and Norman, and the University of Oklahoma has several large Islamic student/community groups. Unless the three men actually did something suspicious, there should have been nothing out of the ordinary about their presence. Many such individuals live and work in this area, especially in that part of downtown Oklahoma City, which houses so many offices for Middle Eastern businesses.

"These are some of the rumors and erroneous reports and guesses and speculations that have been broadcast around the world today. Now remember, these are rumors—speculations.

"A local television station in Oklahoma City received a call from an unidentified male, reportedly speaking with a foreign accent, who stated that the Nation of Islam claimed responsibility for the bombing.

"On another broadcast Dave McCurdy, former Democratic Congressman, promptly came on television and repeated the same unsubstantiated rumor.

"An hour later an alleged official from the Nation of Islam telephoned KTOK Radio from Chicago to deny any responsibility for the bombing.

"On one station, an explosives expert being interviewed stated that all neo-Nazi groups, right-wing extremist political organizations, and fundamentalist religious groups would naturally be suspect because of their supposed hatred of the government.

"And early on, a political science professor from OCU suggested that the bombing might be the result of disgruntled tax protestors.

"A second explosives expert, ladies and gentlemen, was interviewed who stated that the type of bomb that might have been used (since no one

knows at this time) was not of the sort that a small, local group could assemble, and that it was more likely that the bombing was the work of an organization with much funding and international ties. He suggested that investigators check to see what major drug trials might be going on at this time, and noted that there were similarities between the Federal Building bombing here and that of the World Trade Center two years ago. He also remarked about the fact that the courthouse building is located right behind the Federal Building, but nothing further was said about that.

“And I have to say, ladies and gentlemen, that if this second explosives expert is right, he has pinned the Central Intelligence Agency.

“Another report from the scene stated that firefighters going through the rubble of the Federal Building discovered other explosive devices and plastic, which had been allegedly kept in the offices of the ATF located in the Federal Building—that’s the Alcohol, Tobacco and Firearms. That particular report—unlike all of the others heard today—was never reported again. We have also not heard it mentioned further on the scanner. It was either another untrue rumor, or if it was true, was quickly squashed.

“A later radio report made mention of a rocket launcher being found in the debris which was supposed to have also been in the Bureau of Alcohol, Tobacco and Firearms office. That report has never been repeated by the media.

“At 3:00 p.m. Oklahoma City time, the statement was made on radio that the only persons who might plant a bomb beside a day-care center (which was located in the second floor of the Federal Building) would be people who had lost children themselves because of the government’s actions, and thus we should all suspect survivors of the Branch Davidians. This was immediately pooh-poohed by the KTOK news anchor, who may have more sense than anyone previously thought. But this will surface again, I assure you.

“A later report tied Bob Ricks into the situation because of his involvement in the Waco Massacre. His office is in Oklahoma City. When questioned at the 5 p.m. press conference about the possibility of a link between the Branch Davidians and today’s bombing, Ricks said merely that nothing is being ruled out and nobody knows anything yet. Very noncommittal as he shifted uncomfortably from side to side.

“Intelligence Service members have recorded some very interesting conversations from the scanner. One such conversation was being held with a nurse on the scene. She was telling a friend of her experience on the bomb scene and mentioned that as she assisted a policeman with the removal of one of the victims from the rubble, he said, ‘We’re going to go to war over this.’ The majority of rescue workers are completely stressed out at this time, tempers are short, and all patience has been exhausted. They are liable to say anything. You can hear it in every voice on the scanner. Most emergency personnel who have been interviewed on radio and television



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seem completely shocked, and it is evident that they were totally unprepared for the sheer scope of the carnage and the devastation.

“The First Christian Church near the scene has been turned into a counseling center for people on the scene who are too upset to function, as well as for family members of the injured and the dead. The church has staffed the building with psychologists, psychiatrists, and anyone with any counseling training to deal with the people who are in extreme emotional shock. And ladies and gentlemen, I have to tell you that there are so, so many such people. A call went out over the radio this afternoon asking for more trained counselors and medical personnel to come and help.

“The Post Office building has been turned into a temporary hospital. Several triage centers have also been established on several nearby streets. Don’t expect to get any mail from Oklahoma City on time.

“Many local restaurateurs, in coordination with the Feed the Children organization, are providing food for the emergency personnel at the scene, and indeed for anyone who comes along who needs it.

“The Red Cross has been taking blood donations all day long and have put out state-wide calls for donors of type O blood. The Blood Institute on North Lincoln Blvd. is still taking donors at this time, and the wait after arrival is now about an hour. People are parking wherever they can—on the grass, the sidewalks, along the streets where traffic normally flows, desperately searching for friends and loved ones.

“Our Station Chief has been monitoring the search-and-rescue situation all day in her car, and as soon as her husband got home, he began audio taping off of the scanner while simultaneously videotaping from the television set.

“At around 5:30 p.m. our Washington people began meeting with the governor in the governor’s mansion, supposedly to get coordinated with the federal investigators sent in by Janet Reno. The governor has announced that the entire investigation is now in the hands of the Federal Bureau of Investigation.

“Should we cheer? The last time anyone’s lives were in the hands of the Federal Bureau of Investigation, they were burned crisp, and the ATF wore T-shirts hailing their Texas barbecue. So forgive me if I’m not thrilled that the investigation is now in the hands of the Federal Bureau of Investigation.

“The most accurate information is coming off the scanner, and we are taping constantly all around the area. There is no transmission being made that escapes our agents.

“The FBI and ATF have now set up an operational headquarters at 11 NE 6<sup>th</sup> Street.

“At 7 p.m. Oklahoma time, a call over the scanner reported packages discovered at the Medallion Hotel, and a request was made for a bomb dog to be

taken to the hotel. If anything transpires on that, we will of course let you know.

“Things are constantly continuing to happen. There is a tremendous amount of danger connected to that building, and no one really knows what is holding the rest of it up. When they tell you that half of the building was blown away, that is not quite the truth. Half the building was indeed blown away, ladies and gentlemen, but the only thing that remains is a shell of the other half, for the entire inside of the building was gutted.

“We have people on the scene, and we have people in every aspect of public service reporting to us constantly. As you have heard tonight, this is the only complete and factual report that has occurred through any media all day long. And that is due to the people who have dedicated their resources and their lives and have taken an oath as officers and men and women of the Intelligence Service of the Second Continental Army of the Republic. Thank them.

“What happened in Oklahoma City only too conveniently overshadows Waco two years ago. [sound of an explosion] Memorize that sound, ladies and gentlemen. You will hear it more and more in America—not because I want it, and believe me, I have nothing whatsoever to do with it.

“It is a part of the agenda of the emerging one-world, totalitarian, socialist state. It is furthering the agenda of the disarmament of the American people and indeed, the people of the nations of the world. It is a deceit. It is a lie. It is a manipulation.

“Hezbollah has no truck with April the 19<sup>th</sup>. No patriot in this country would ever attack our government without being attacked by this government first—that I can assure you.

“No fundamentalist religious organization has any reason to bomb any building in Oklahoma City. We all know in our hearts why this was done and whose agenda it furthers. We must never, ever in our lives or in our children’s lives or in our grandchildren’s lives, or their children and grandchildren’s lives forget what happened in Waco, Texas, on April 19, 1993.

“I urge you to phone this number and tell them that their scam doesn’t work. We remember Waco and we will hold them accountable. And eventually the real perpetrators of this crime that occurred in Oklahoma City will be found and we will also hold them accountable. The number is 1-800-546-3224. It is the number of the Justice Department.

“We remember Waco. We will hold the perpetrators responsible ultimately under the law. The fax number is (202) 616-9898.

“Insist upon a complete investigation of the Waco Massacre. Insist upon a complete and thorough investigation of the bombing of the Federal Building in Oklahoma City. And insist upon an independent criminal

investigation that does not involve the Federal Bureau of Investigation or the Bureau of Alcohol, Tobacco, and Firearms.

“Remember the sound of that explosion. You will hear it again in America. And again, and again, until they realize their goal of their utopian, totalitarian, socialist world government. What is happening furthers an agenda.

“It is not our agenda. It is the agenda, ladies and gentlemen, of world totalitarian socialism, and don't you ever in your wildest dreams forget it. It will come again.

“Good night, and God bless you all.”

*The thing I am most aware of is my limits.  
And this is natural; for I never,  
or almost never,  
occupy the middle of my cage;  
my whole being surges toward the bars.*

— Andres Gide

*Journals*, August 4, 1930, translated by Justin O'Brien



## HOPE IS NECESSARY

### *The Last Survivors*

As we approached the nine-o'clock hour when the evening finally turned into night, the weather situation in the Oklahoma City area became critical. More heavy rains passed through the city in combination with extremely high winds, dangerous lightning, and very cold temperatures. All televised newscasts were being interrupted with increasing frequency by urgent warnings for the communities southwest of Oklahoma City, where tornadoes had been spotted on the ground. These storms were traveling to the northeast, headed directly for the metro area at speeds of fifty miles an hour.

There was something about the chill, the darkness, and the dangerous weather that amplified anxieties and cast an even greater sensation of gloom over the city. Tensions were running high, and some people were reaching a breaking point. For the next two hours the community found itself riding a roller coaster of emotional extremes, unable to stabilize or direct its course.

During a live update televised by KWTW Channel 9 from the First Christian Church Family Crisis Assistance Center, reporter Robin Marsh was suddenly confronted by a situation that quickly escalated into violence. A man at the Center had apparently endured all the frustration he could handle. In a fit of grief, uncertainty, fear, and anger, he began demanding answers and solutions from people who had no answers. As his protests became more animated and hostile, he was quickly surrounded by sheriff's deputies.

A scuffle ensued during which chairs were overturned, and grieving family members backed away, huddling together for safety. The overwrought man





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was taken down to the floor beneath a table and restrained by law-enforcement officers. He was then removed from the Family Crisis Assistance Center, but apparently was not placed under arrest. He was calmed and counseled, and the situation at the Center was again settled.

Everyone seemed to recognize that we were all just a hair's breadth away from snapping because of the frustration and tension brought about by the day's events. This emotional incident caused many to take a deep breath and hold tighter to their composure. Matters surely did not need to be made worse than they already were.

Shortly after the outburst at the First Christian Church, the community received both good and bad news all at once. At approximately 8:35 p.m. the Fire Department reported that they had just rescued three more survivors. There was no information yet available about their identity or condition other than that they were, miraculously, alive. No information was given about the location in the building where the victims had been found. The survivors were removed from the scene by ambulance and taken to area hospitals for treatment.

The reaction of rescuers to this discovery was ecstatic and electric. Enthusiasm poured over the downtown area as the word spread from person to person, until it finally reached the media representatives stationed at Satellite City.

Cynthia Gunn reported from the scene, "The excitement here is that three survivors have been brought out tonight, and that has re-ignited the excitement of all the rescue teams that are in there trying to find the people.

"They have only been through about thirty or forty percent of this building, so they still have a good portion of places that they haven't even been able to check yet. So they are inspired by this new discovery of three survivors and the successful removal of them to the hospitals.

"They are certainly still in there tonight, still digging and still looking with dogs and heat-detection devices, trying to determine where people could be in that building, then trying to figure out a way to get them out—get them out alive and safely."

At the Family Crisis Assistance Center, this news came as a breath of fresh air after the stress of the previous eleven-and-a-half hours. Peggy Pringle, a minister from the Bethany area in northwest Oklahoma City, was asked how they were dealing with the emotional extremes of the day. Said Ms. Pringle, "You just have to ask the Lord to guide you in whatever you say. You have to encourage the families not to lose the hope and to keep praying."

Said Charla Rhodes, an employee in the public relations department at Baptist Medical Center, "I tell people: God is with you and He will comfort you. He will find a way to get you through this. Through individuals like those in Oklahoma City, He will comfort you."





As word of the rescue spread throughout the city, prayers of thanksgiving were offered in area churches, synagogues, and mosques where numerous prayer services had been scheduled that night. Many were still in progress.

In private homes, family members hearing the news on television stopped what they were doing, gathered their loved ones around them, and prayed in concert with the city. It would be one of the few remaining joyous moments in the many days to come. Although no one knew it at that time, only one additional survivor would be found inside the Murrah Federal Building, and after that there would be no more.

In tandem with the announcements about the rescued survivors came the distressing news about the weather situation downtown. Conditions were deteriorating rapidly, and the danger for anyone in or near the building was greatly increased. Reporter Randy Renner offered a live update from Satellite City.

"The wind has picked up down here," he said. "It is pouring down rain. The wind is blowing and you can see things falling off the building. There you can see huge chunks flying away. A large piece of concrete came off the side of that building just now.

"What is perhaps a twenty-mile-an-hour wind everywhere else can become thirty and forty miles an hour as it sweeps through the concrete canyons of downtown Oklahoma City. This is turning into an extremely dangerous situation now for people who are still alive inside that building and for the people trying to rescue them. The people on the ground just below the building are also in danger, as these chunks of concrete, glass, tables, and chairs could be falling out from inside the building there.

"Lightning is flashing in the distance. Some low clouds are sweeping overhead. The wind is wildly whistling through the building because the windows are out on all sides and material is whipping across the side of the building. This is absolutely the last thing we need here."

This report was cut short by another tornado warning for the communities southwest of Ardmore, Oklahoma. It was then learned that the wind gusts now hitting the downtown area were outflow winds from the storms that had just passed to the east of the city. The winds, blowing concrete off the building and bringing debris down upon the rescuers below, had reached downtown at a speed of 45 miles an hour and had then been whipped to much more dangerous speeds by the tall buildings. Meteorologists reported that these outflow winds would be decreasing for a while, but all should be alert to the severe storms moving in rapidly from the southwest.

Before anyone had time to settle into their anguished concern about the weather, the roller coaster hit another peak as new word reached the public of yet another survivor found inside the Murrah Building.

From KWTU reporter Cynthia Gunn we received this information: "I have to tell you there is some more encouraging news here tonight. I have spoken



with one of the rescue workers who has just come out of the Federal Building. He says that there is one woman who is in the basement. She is pinned in there, and they can hear her, they can talk to her. She tells them that there are two other people that are also in the basement with her. She doesn't know if they are dead or alive. Rescuers are right now working on trying to devise a plan to get her out, but it is going to take some time, they say.

"Not only did we have those successful three rescues earlier this evening, but we have one woman who is talking with rescue workers. She is alert, alive, and they are trying to devise a plan now to get her out.

"I have absolutely no doubt that water in the basement area may be causing a problem here. And the fact that they said she is pinned in there leads me to believe that there must be some kind of a piling on her. We saw the granite pieces that were broken apart earlier, and perhaps a big granite piling is on top of her. We don't know at this point. But the fact remains that she is alive and the crews are right now with her working to get her out.

"There are about twenty-four rescue workers inside the Federal Building right now, teams of four, and they are going floor to floor. The strategy at first was to go floor to floor and look in the easy-to-look places, and now they are trying to go in and look behind huge pilings and hard-to-get-to nooks and crannies to try to find people who may not be able to cry out for help."

Governor Keating was downtown for most of the night, being briefed moment by moment by rescuers of the progress being made in the building. Upon learning of the discovery of this survivor, he said, "This is fabulous news. If we can find two or three more, just two or three more, incrementally, find some people in pockets, that's a miracle if we can do it. All night, everybody's going to work here. Hopefully the weather will stop. I just wish it wouldn't rain anymore. But two or three, that's great! We have great people here. If God is good, we'll get some more folks out."

The now-familiar holding pattern set in as we waited for news of this survivor's rescue. In the meantime word reached us that changed the information previously available about the vehicle thought to have been driven by the perpetrators of the bombing. In explaining this alteration, KWTV co-anchor Mitch Jelniker said, "We told you before it was a late model brown Chevy pickup. There may also be—or instead of that—a small blue GM car. These are now the vehicles which may be the getaway cars for the culprits in this tragedy today."

We never heard any additional explanation about this blue vehicle. Although Police Sgt. Kim Hughes reported in the newspaper the next day that the bomb vehicle was believed to have been a blue National Car Rental minivan with Texas license plates, this was the only other mention of a blue vehicle associated in any way with the bombing. At the time of this writing,

it has never been determined why this information was released, to what vehicle it referred, or why there were never any additional details available about it. The small blue GM car simply vanished from future reports.

Shortly after I faxed the sketchy initial report to William Cooper at about 9:00 p.m., a police source told reporters that the FBI had claimed the discovery of the axle of the bomb vehicle two blocks from the bomb site.

Prior to this announcement Mitch Jelniker had made a statement both historic and prophetic: "We've talked about the very small pieces of evidence found, and we remember the World Trade Center bombing. In that case the FBI found a small piece of metal that had a vehicle identification number on it. So you think when you look at that scene that they can't find anything, yet they really can—even the slightest bit, a chunk of glass, a piece of metal—can provide the clues leading to the perpetrators."

Within thirty minutes of these remarks, the discovery of the axle was announced.

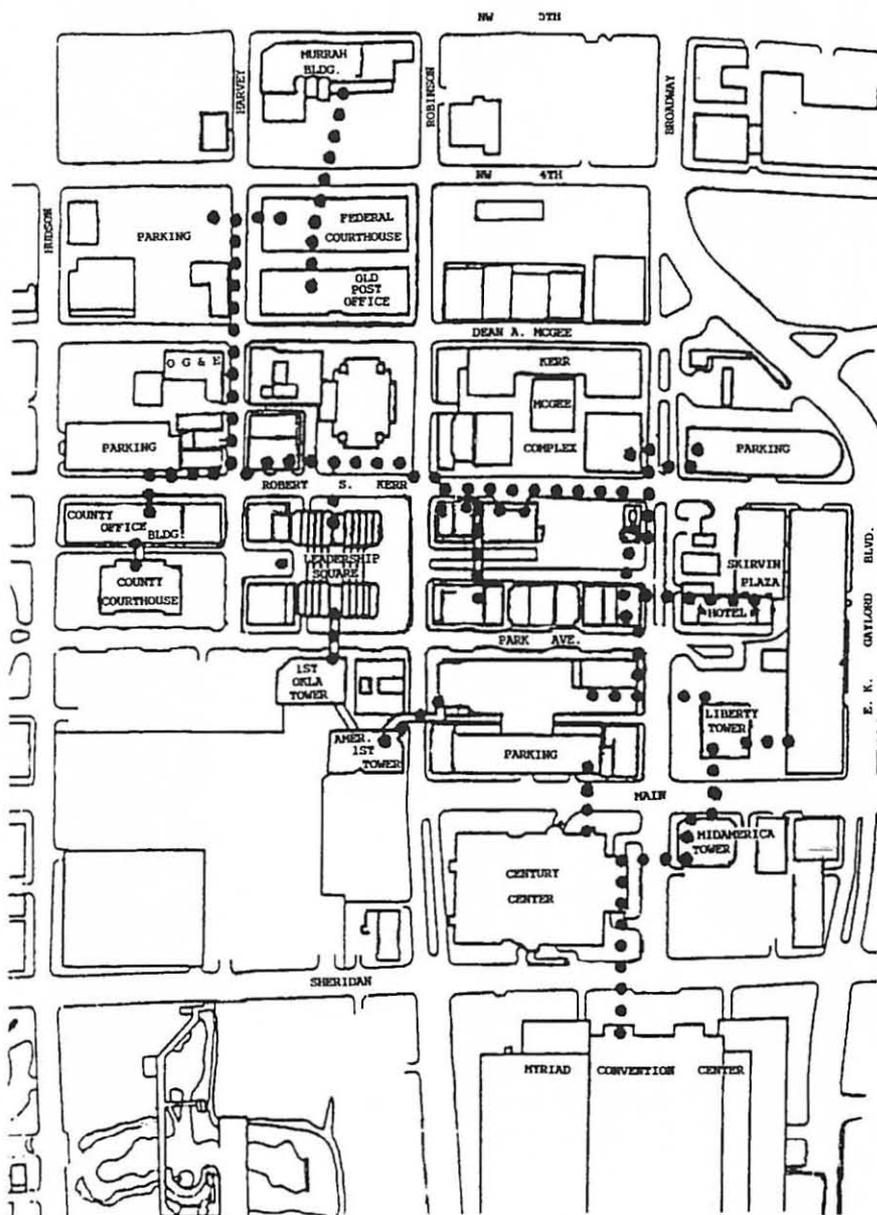
How interesting it was to compare the World Trade Center bombing with the incident in Oklahoma City. The similarities were so very striking. This exact same search procedure produced the discovery of the exact same automotive part from a vehicle rented from the exact same rental company containing the exact same identifying information, and this would break this case wide open for federal authorities—or so they said. It gave us all momentary pause to reflect on the direction the investigation was taking. For many, this was the reason they began taking a good, hard second look at the federal investigation and to question its accuracy, validity, and agenda.

### *The Conncourse*

At about 9:00 p.m. new information was finally released about an issue that had concerned many for a good part of the day. Dave Balut was the first reporter to investigate the underground Conncourse in Oklahoma City. Local media representatives had questioned Fire Chief Gary Marrs about the condition of the Conncourse during the 5:00 p.m. press conference, but Marrs' response had centered on the earlier problem with broken water mains under the Murrah Building.

The Metro Conncourse (deliberately misspelled to honor Jack Conn, one of the early supporters of the project) is like an underground shopping mall. From Oklahoma City's earliest days, many underground tunnels had been built—for reasons unknown—that connected different businesses and residences in the downtown area. Over many years most of these interconnecting tunnels had fallen into disrepair and had become dangerously unstable.

Two decades earlier the City Council had decided to renovate some of those tunnels and turn them into what they hoped would be an underground shopping area which might encourage business development and



Map: Underground Metro Concourse





economic growth. The newly renovated tunnels became known as the Conncourse. It is not known how many other tunnels remain in disrepair beneath Oklahoma City, or how extensive those tunnels may be.

To the people who work downtown, the Conncourse has provided increased convenience in many ways. The use of the Conncourse meant an easier and more comfortable walk to area businesses, the post office, parking garages, banks, or restaurants, regardless of the ever-changing Oklahoma weather.

The Conncourse in its present state can be accessed through the basement areas of approximately thirty-three different downtown businesses (and in some locations from street-level entrances), beginning at the south end beneath the Myriad Convention Center and meandering northward until it ends at the former Murrah Building location. The Conncourse stretches over a seven-block area north to south, and extends east and west almost five blocks.

In the early planning stages for the revitalization of Oklahoma City—when the downtown area was dying a slow death as a result of the development of suburban shopping malls and large suburban discount department stores—the city planners sought the advice of the Urban Land Institute. However, this national advisory group's recommendations for the development of downtown Oklahoma City included such ridiculous suggestions as sidewalk cafes. These absentee experts failed to take into consideration the climatic realities of Oklahoma City, which have always included unexpected torrential rainfall, high winds, occasional dust storms, sweltering heat and humidity in summer, and below-zero wind chills in winter. The pipe-dream Parisian ambience imagined by the Urban Land Institute was completely out of touch with real life in Oklahoma City. City planners wisely ignored the recommendations of the Urban Land Institute.

In post-bomb Oklahoma City, great plans were set forth and funding measures passed to again attempt to revitalize the downtown area. And again the advice of the Urban Land Institute was sought. This time however the Urban Land Institute recommended closing down the Conncourse completely to force aboveground business activity in developing areas such as Bricktown. Jay Porter, writer for the *Oklahoma Gazette*, remarked about this new plan, "The ULI report, despite being quite good overall, seems to envision all of downtown as some sort of Disneyesque Downtownland."

It made no sense whatsoever to destroy an underground business district for the prospect of herding diversion-seeking crowds to areas imagined as tourist attractions when the majority of the people who spend at least forty hours a week in the downtown area were perfectly content to support those businesses presently located in the Conncourse. There seemed to be no legitimate economic reasoning behind this unexpected recommendation.





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Many have questioned possible alternative uses and purposes for the Conncourse, particularly entrances beneath the Myriad Convention Center that are so large that one can drive a military tank through it. Others have questioned certain tunnel end points within the Conncourse. Speculation has always been high about the other undeveloped tunnels that exist beneath the city.

Because of the bomb crater on the north side of the Murrah Building, there was some concern about damage to the Conncourse. Later some would question what role might have been played by the Conncourse itself in the bombing—especially when an independent investigation of the crater was deliberately prevented by the filling of the crater prior to the defense team's investigation of the bomb site.

In addition, when independent lab work performed on samples retrieved from the bomb site revealed no nitrate residue or trace isotopes; when defense attorney Stephen Jones stated that a surveillance video of the front of the Murrah Building did not indicate the presence of his client; and when an eyewitness who had been present in front of the building four minutes before the initial blast reported seeing no large trucks of any kind on the north side of the Murrah Building, some independent investigators began questioning if perhaps the exterior explosion had actually originated within the Conncourse itself. These investigators, however, were uncertain whether the Conncourse extended far enough north of the Murrah Building to enable a mad bomber to plant his explosives just below ground level but fifteen to twenty feet in front of the building.

These questions and any conclusions one might draw from the situation remain well within the realm of speculation at this time. The only true and verifiable statements that can be made with regard to the underground Conncourse is that it exists, it runs beneath both the Federal Courthouse and the former Murrah Building, and if any official investigation has ever been made of that portion of the Conncourse, no information has been released to the public.

Dave Balut offered this report to television viewers: "Unless you're downtown all the time, most folks don't know about this, but there's a huge tunnel system which connects most of the downtown buildings. There are a lot of restaurants down there that are open for lunch, some shops, hair salons, that kind of thing.

"I got to walk through part of the tunnel network today near Liberty Bank and the Park Avenue area near the Oklahoma County Courthouse. I was not able to get near the Federal Courthouse. The doors were locked. All of that was blocked off. It is going to be interesting to see, though, because the Murrah Building and the Federal Courthouse are connected to that tunnel system, and obviously if there was a twenty-foot crater in front of the building, I suspect that the tunnel system there is going to be affected as well."



Dave Balut was right. It *will* be interesting to see—someday. At the time of this writing, a year after the bombing, the Conncourse from the Federal Courthouse north to the former Murrah Federal Building is still sealed off from the public and access is denied.

Independent investigators continue to search for information about the Conncourse and its role, if any, in the bombing. One startling account was told by a rescue worker, David Sterling, when he addressed a group of approximately 100 Sunday School class members at Windsor Hills Baptist Church in Oklahoma City. The remarks made by the rescuer were disclosed in a letter to this author:

“The rescue worker was one of the first on the scene. He said that they were making great progress pulling out people yet alive. As soon as FEMA and the rest [of the federal agencies] got there, they threw everybody out. The rescuers had a woman half dug out and were about to free her. The feds didn’t care—out they went. They would not let the same people back in. It was almost as though they wanted as many people to die as possible. The new rescuers had to start from scratch, not knowing where the previous crew had left off. This caused a great waste of valuable time, not to mention suffering.

“The rescue worker went on to say that after a certain time they stopped work completely. This guy and a group of friends found a way to access the underground tunnel under the building, sneak up and get people out. They quietly carried the victims through the tunnel to a hidden vehicle and then [took them] to a hospital. They were very afraid of getting caught rescuing people in this way.”

Until other witnesses to this action within the Conncourse reveal their participation in or knowledge of the incident, it remains under investigation. It is hoped that by publishing this account, those other witnesses will come forward with confirmation and additional details. Their identities will be protected. The important issues are: what really happened in the Conncourse and what evidence was in the Conncourse which has never been revealed to the public?

### ***Brandi Liggons***

As I thought about these things, I glanced up at the clock on my mantle. It was almost ten o’clock at night. In another hour William Cooper’s short-wave program would be broadcasting worldwide. There had been nothing on television or radio all day but news of the bombing—no regular programming, no commercial interruptions, nothing. My internal clock felt like it was time to turn on the late-night news, yet there was nothing on television *but* the news. The media coverage of the bombing was the most complete saturation effort by the media of any event in our nation’s history.



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It was getting colder, and it was beginning to drizzle a slow, miserable rain. The air was heavy and damp, and from my back window I could see the lightning in the southwest silhouetting the outlines of the building storm clouds moving toward us. I pulled a sweater out of winter storage to try to warm myself. It was time to make some coffee. This was obviously going to be a very long night.

Right before "The Hour of the Time" broadcast began at 11:00 p.m., reporter Heidi Browning provided the long-awaited update about the girl who had been discovered trapped in the basement of the Murrah Building: "Update on the rescue efforts down here. We have been talking this evening about the girl who was found alive in the basement. We have now found out she was fifteen years old. It took about an hour for them to get her out, and just a short time ago she was taken to the hospital. We understand she has very serious injuries."

We would later learn that this young lady had been present in the Murrah Building that morning to acquire a Social Security Card. She had been found in "the Pit" area, less than fifteen feet south and five feet east of where Daina Bradley had been rescued earlier that day. Tons of shattered and collapsed concrete separated the two women, and Brandi's rescue was quite miraculous.

Bob Burton, volunteer fireman from Choctaw, Oklahoma, reported: "At about 7:00 p.m. we found Brandi Liggons. We were in the collapsed area near 'the Pit' and someone thought he heard a moan. When we were able to isolate the cry we found a young woman buried."

When Burton and his assistants had removed enough debris that they could reach Miss Liggons, they asked her name. She told rescuers her name, her age, and stated that she had a heart murmur and suffered from asthma. Said Burton, "Eventually I freed her hand and she grasped mine and would not let go."

It took almost two hours to cut through plumbing and clear enough debris so that better access could be achieved, and at approximately 9:15 p.m. firefighters arrived in Liggons' location with a shoring team and other rescuers to relieve the team that had first found her.

In the commemorative volume *In Their Name*, Bob Burton wrote: "The area was very unstable and isolated ... I told Brandi we would see her again soon on the outside, but it was very difficult to transfer her clenching hand to her new caretaker, Dr. Rick Nelson."

Assistant Fire Chief Jon Hansen told the story of the firefighters' involvement in the rescue of Brandi Liggons in his book *Oklahoma Rescue*: "Excitement raced through the building so quickly when, at 9:15 p.m., firefighters found a survivor, Brandi Liggons. It had been twelve long hours since the bomb exploded, seven hours since workers had removed the





*Hope Is Necessary* ♣ 293

previous survivor, Daina Bradley. Hope was renewed in the heart of every person in America.

“Brandi’s condition prevented her from calling out, so we never heard a sound ... Rescuers realized Brandi was alive when they shone their flashlights on her and she opened her eyes. It took forty-five minutes to free her, and shortly before 10:00 p.m. she was safely transported to an ambulance and sent to a nearby hospital.”

Brandi Liggons was the last survivor.

***Hope is necessary in every condition.  
The miseries of poverty, sickness, of captivity,  
would, without this comfort,  
be insupportable.***

— Samuel Johnson  
*The Rambler* (1750-52)





PHOTO BY JOHN JENKINS

The empty remains of the Murrah Building after most of the bodies (except for three) were removed.





## ❧ EPILOGUE ❧

There would be no sleep that night. Already there was an immense amount of information to try to remember, digest, and assimilate into some kind of sense. After only the first day, I felt at the limits of my ability to cope.

Long into the hours of the night and into the next morning, my husband and I talked, prayed, cried, and talked again. There would be no easy solution to this incident. Maybe there would never be any solution at all.

A year later, I still feel that way about the Oklahoma City bombing.

Some might find it strange to read this first volume and find no mention of Timothy McVeigh, Terry Nichols, Michael Fortier, or John Doe Nos. 2, 3, 4, 5, or 6. There are several reasons for this deliberate omission.

In keeping with the chronology of events, this volume deals only with April 19, 1995, and the subsequent situations that developed directly from issues that arose on that day. The suspects in the Oklahoma City bombing were not known by name publicly until Friday, April 21, 1995—the same day that the media began their smear campaign against the legitimately organized militias and patriots of this country.

The circumstances that brought about that situation and the conditions under which it could be made palatable for, and believable by, an uninformed and essentially sleeping public were still, on April 19, two days into the future.

In Volume Two, the chronology and details of the investigation into the Oklahoma City bombing—both official and independent—will be moved forward considerably in time. In that volume I hope to set before the reader the information and evidence that lead me to believe firmly that:

- ❖ Terry Nichols played no direct role in the bombing of the Murrah Federal Building;
- ❖ there is no independent overseas connection—whether Middle Eastern or neo-Nazi—that is not *first and foremost* intimately connected to the highest circles of power in our own country;
- ❖ there are no Middle Eastern terrorists involved in the event, but rather Arabic-speaking members of the American military operating under a command that originates in this country;
- ❖ militia groups—no matter how extremist they may be portrayed by the media—played no direct part in the bombing; “evidence”



against them has been, and will continue to be, deliberately fabricated in order to achieve a political agenda;

- ❖ many alternative plans were simultaneously being played out that day;
- ❖ there were definitely two and possibly three yellow Ryder rental trucks involved in the plan to bomb the Murrah Federal Building observed by independent witnesses at the scene;
- ❖ the plan to ultimately lay the blame for the bombing at the feet of patriot groups in America was a long-standing objective, the specific groundwork for which was laid as early as autumn of the previous year by government-affiliated operatives;
- ❖ conditions exist to suggest that the plan to bomb the Murrah Federal Building was in place as early as 1988 or 1989, and involved foreknowledge at that time on the part of Governor Keating and political power brokers then living in the western half of the State of Oklahoma;
- ❖ there are in fact several “McVeighs” who participated in the bombing—but none as the true planners or brains behind the operation; and
- ❖ members of the United States intelligence community are operating in and through the media to preserve and protect the official story, which is at once both the most complex and the most transparent of any deception ever perpetrated against the American people.

To deal comprehensively and conclusively with these issues—regardless of the outcome of any trial (should the accused be allowed to live to stand trial)—is an assignment demanding its own volume.

For far too long we have all been completely oversaturated with supposed “facts” and “conclusions” regarding this case, and these are so endlessly repeated that we are in danger of accepting them without question. This volume gives the reader enough details to think about for the present.

This book is but the beginning of a very long story ...

***“For there is nothing hid, which shall not be manifested;  
neither was any thing kept secret, but that it should come  
abroad.***

***“If any man have ears to hear, let him hear.”***

—Mark 4:22, 23

# APPENDIX A: BIOGRAPHICAL INFORMATION

## In Alphabetical Order

### **Mitchel Anthony Burns, President, CEO Ryder Rental Systems**

Mitchel Anthony Burns, transportation services company executive, was born in Las Vegas, Nevada, on November 1, 1942. He is the son of Mitchel and Zella (Pulsipher) Burns. On November 14, 1962, he married Joyce Jordan and they have three children, Jill, Mike, and Shauna.

#### **EDUCATION**

B.S. Business Management, Brigham Young University, 1964

M.B.A. in Finance, University of California at Berkeley, 1965

Honorary Doctorate, Florida International University, 1989

#### **EMPLOYMENT**

Mobil Oil Corporation, New York City, 1965-74

Controller, 1970-72

Cost of Living Coordinator, 1973

Financial Analysis Manager, 1973-74

Ryder Systems, Inc., Miami, Florida, 1974

Executive Vice President, CFO, 1978-79

President, COO, 1979-83

President, CEO, 1983-85

Chairman of the Board, President, CEO, 1985

Ryder Truck Rental, Inc., 1980-81

Board of Directors, Executive Vice President, CFO and President

#### **MEMBERSHIPS**

Member of the Club of 300, The Trilateral Commission (North America),  
345 East 46<sup>th</sup> Street, Suite 711, New York, NY 10017

On the Board of Directors for J. C. Penney Co., Inc.; Pfizer, Inc.; Chase Manhattan Corp.

Member of the National Advisory Counsel for Scholarship Management for Brigham Young University, 1981 to present

Trustee of the University of Miami, 1984 to present

Member of the Board of Visitors, Graduate School of Business Administration, University of North Carolina, Chapel Hill, NC, 1988 to present

Board of Overseers, Wharton School, 1989 to present

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Associate Trustee of the University of Pennsylvania, 1989 to present  
Board of Directors and Trustee of the United Way of Dade County, Florida,  
1981 to present  
Chairman of United Way of Dade County, Florida 1981 to present  
Dade County Campaign, 1988  
Board of Governors, Chairman of Southeast Region of the United Way of  
America  
Trustee, Vice Chairman and past Chairman of the National Urban League

**AWARDS**

Marketer of the Year by the Academy of Marketing Sciences, 1983  
Business Leader of the Year by the *Miami News*, 1985  
Ricks College, Business Leader of the Century, 1989  
*Financial World*, CEO of the Decade in Transportation, Freight and Leasing,  
1989  
*Financial World*, CEO of the Year, 1984, 1985, 1987  
Business Leadership Hall of Fame, 1987  
Americanism Award from the Anti-Defamation League, 1984  
B'nai Yisroel Award by the Greater Miami Jewish Federation, 1989  
Silver Medallion Award by the National Conference of Christians and Jews,  
1988  
Community Service Award by the Advertising Federation of Greater Miami,  
1987  
Joseph Wharton Business Statesman Award by the Wharton School Club,  
1987  
Jesse Knight Industrial Citizenship Award by Brigham Young University,  
1988  
Robert W. Laidlaw Humanitarian Award by the Epilepsy Foundation of  
Southern Florida, 1989  
Good Scout Award by the Boy Scouts of America, 1990  
Sand in My Shoes Award by the Greater Miami Chamber of Commerce, 1991  
Equal Opportunity Award by the National Urban League, 1992  
Humanitarian of the Year Award by the American Red Cross, 1993  
Member of the Business Council, business roundtable; policy committee  
business of Higher Education Forum

**OFFICE**

Ryder Systems, Inc.  
3600 NW 82<sup>nd</sup> Ave.  
Miami, FL 33166-6623

**Sam Cohen\***

**Assisted in the Development of the Neutron Bomb**

Dr. Cohen is retired after a forty-year career in the nuclear weapons issue. During World War II he was assigned to the Manhattan Project at Los Alamos, New Mexico. After the war he joined the RAND Corporation as a nuclear weapons analyst. In the course of his work he developed the technical aspect of the military concept of the neutron bomb in 1958 and consulted with the Los Alamos and Livermore Nuclear Weapons Laboratory, U.S. Air Force and Office of the Secretary of Defense.

He has authored numerous articles and books over the years dealing with nuclear issues. Some of them are:

“Whither the Neutron Bomb? A Moral Offense of Nuclear Radiation Weapons,” *Parameters* (U.S. Army) June 1981.

“A New Nuclear Strategy,” *New York Times Magazine*, January 24, 1982.

“Arms Limits from Open Skies to Open Spies,” *Wall Street Journal*, June 29, 1983.

Some of the books Mr. Cohen has authored are:

*The Truth About the Neutron Bomb: Cohen, The Author Speaks Out*, New York: William Morrow and Company, 1983.

*We Can Prevent World War III*, Ottawa, Illinois: Jameson Books, 1985.

*Checkmate on War*, Paris: Editions Copernic, 1980.

\*See his report in Appendix C.

**William Cooper**

**Commanding Officer, Intelligence Service  
Second Continental Army of the Republic**

William Cooper served in the United States Air Force in the Strategic Air Command and the United States Navy aboard the USS Tiru (SS-416), USS Tombigbee (AOG-11), USS Charles Berry (DD-1035), USS Oriskany (CVA-34), as a river patrol boat captain with the Dong Ha River Security Group at Cua Viet, RVN, in Naval Security and Intelligence (ONI), and on the Intelligence Briefing Team of Admiral Bernard Clarey, Commander-in-Chief Pacific Fleet (CINCPACFLT).

He is the recipient of many medals and honors, including two with the V for valor.

Mr. Cooper is the author of *Behold a Pale Horse*, which for over five years has been an underground best seller, and is officially known as “the most-often stolen book” by Barnes and Noble bookstores.

He is an internationally acclaimed speaker and lecturer and is one of the few, other than popes, kings, and queens, who has appeared at Wembley Hall in London.

He has produced several videos on such subjects as the Kennedy assassination, the secret technology developed by the United States in black budget projects, and Mystery School symbology.

William Cooper is the former Chairman of the Constitution Party. He is the Director of the Citizens Agency Joint Intelligence (CAJI) and the Intelligence Service, the world's largest and most successful civilian intelligence-gathering organizations.

Mr. Cooper is the managing editor of *Veritas*, the fastest-growing national newspaper in the nation's history. Each issue is delivered at his expense by special messenger to everyone of importance in Washington, D.C.

William Cooper is the host of "The Hour of the Time," broadcast worldwide on WWCR 5.065 MHz, Satellite Galaxy 6 (G-2) transponder 14 audio 7.56, KDNO FM Delano, California, which covers one-third of the State of California, and 630 low-power FM stations nationwide, 9 p.m. Pacific, 10 p.m. Mountain, 11 p.m. Central, and midnight Eastern.

**Stephen Jones**  
**Defense Attorney for Timothy McVeigh**

Stephen Jones, lawyer, was born in Lafayette, Louisiana, on July 1, 1940. He is the son of Leslie William and Gladys A. (Williams) Jones. He married Virginia Hadden with whom he had one son, John Chapman Jones. The marriage ended in divorce, and on December 27, 1973, Jones married Sherrell Alice Stephens.

**EDUCATION**

St. Andrew Student, University of Texas, 1960-63

LL.B., University of Oklahoma, 1966

**EMPLOYMENT**

Secretary of Republican Minority Conference, Texas House of Representatives, 1963

Personal Assistant to Richard M. Nixon, New York City, 1964

Administrative Assistant to Congressman Paul Findley, 1966-69

Legal Counsel to Governor of Oklahoma, 1967

Special Assistant to U.S. Senator Charles H. Percy and U.S. Representative Donald Rumsfeld, 1968

Member of the U.S. Delegation to the North Atlantic Assembly NATO, 1968

Staff Counsel Censure Task Force, House of Representative Impeachment Inquiry, 1974

Special Prosecutor, Special Assistant District Attorney, State of Oklahoma,  
1977

Special U.S. Attorney, Northern District of Oklahoma, 1979

Civil Jury Instructions Committee, Oklahoma Supreme Court, 1979-81

Advisory Committee of Court Rules, Oklahoma Court of Criminal Appeals,  
1980

Judge of the Oklahoma Court of Appeals, 1982

Now managing partner of Jones & Wyatt, Enid, Oklahoma

### APPOINTMENTS

Adjunct Professor, University of Oklahoma, 1973-76

Republican nominee, Oklahoma Attorney General, 1974

Instructor at Phillips University, 1982 to the present

Acting Chairman of the Republican State Committee of Oklahoma, 1982

Counsel for Phillips University at Japan; Board of Directors of the Council  
on the National Interest Foundation

Board of Directors for the Council on National Interest Foundation

U.S. nominee for the Senate, 1990

### MEMBERSHIPS

Member of the Vestry, St. Matthews Episcopal Church, 1974  
Senior Warden, 1983-94; 1989-90

Member American Bar Association, Oklahoma Bar Association

Garfield County Bar Association

Beacon Club

Petroleum Club (Oklahoma City)

Oakwood Country Club in Enid

Tulsa Club

### PUBLISHED WORKS

Author: *Oklahoma and Politics in State and Nation: 1907-1962*

Co-author: *France and China: The First Ten Years, 1964-1974*, published in  
1991

Contributed articles to various journals.

### OFFICE

Jones and Wyatt  
P.O. Box 472  
Enid, OK 73702-0472  
Tel. (405) 242-5500  
Fax (405) 242-4556

**Frank Anthony Keating, II**  
**Governor of the State of Oklahoma**

**OFFICIAL RESUME**

**Summary of Experience**

Since 1981, I have been nominated by the President and confirmed by the Senate for four senior management/legal positions in the U.S. Government. As General Counsel at HUD, I supervised the work of over 240 attorneys. As the Associate Attorney General of the United States, I supervised or coordinated all of the law enforcement and criminal justice issues of the Department. As Assistant Secretary of the Treasury (Enforcement), I coordinated all of the law-enforcement bureaus of the Treasury Department and developed and implemented positions on treasury law and trade enforcement issues. As United States Attorney, I managed the work of full-time professional attorneys and tried numerous jury cases to successful conclusions. As a member of the House of representatives and State Senate of my state, I was elected to leadership positions by my colleagues and developed and passed a reform agenda for state government.

**Professional Experience**

**January 20, 1993 to present—Governor of the State of Oklahoma**

**1989 to January 20, 1993—Acting Deputy Secretary and General Counsel, Department of Housing and Urban Development**

The Deputy Secretary is the department's second ranking position and the chief operating officer of the department. The General Counsel is the third ranking management position at HUD. It supervises the work of over 240 attorneys in dozens of program areas including community and economic development, assisted housing, homeless programs, mortgage and loan insurance and regulatory issues. As Secretary [Jack] Kemp's primary legal and policy advisor, I chaired HUD's comprehensive legislative, administrative reform program and established HUD's Ethics, Anti-Drug, and Real Estate Settlement Procedures offices. I conceived and implemented HUD's "clean-up" agenda in response to the scandals under the previous administration.

**1988 to 1989, Associate Attorney General of the United States, Washington, D.C.**

The Associate Attorney General is the third ranking official in the U.S. Department of Justice. The Department of Justice is the law firm of the U.S. Government consisting of over 75,000 employees. The Associate Attorney General directly manages the Immigration and Naturalization Service, the

U.S. Marshals Service, the U.S. Bureau of Prisons, the U.S. Parole Commission, the Pardon Attorney, the Criminal Division, Interpol, Office of Justice Programs and the 94 United States Attorneys and their staffs. The Associate provides policy guidance to 60,000 of the department's employees.

As Associate Attorney General, I:

Reconstituted an effective Organized Crime Drug Enforcement Task Force Program in the thirteen core cities.

Laid the foundation for upgrading the professional standards of U.S. Attorneys by planning for advanced in-service training.

Established direct lines of communication with the components under my supervision to assure that in all instances policies and priorities implemented were those of the Department of Justice.

**1985 through 1988, Assistant Secretary of the Treasury (Enforcement), Washington, D.C.**

The Assistant Secretary of the Treasury (Enforcement) supervises the U.S. Customs Service; the U.S. Secret Service; the Bureau of Alcohol, Tobacco and Firearms; and coordinates all Treasury-wide law enforcement and trade enforcement issues.

As Assistant Secretary, I:

Created Operation Alliance, the ongoing interdiction effort along the 2,000 mile southwest border to stem the flow of narcotics and contraband from Mexico. This initiative required the creative transfer of jurisdiction from one law-enforcement agency to another and the organization of numerous bureaus and agencies from Federal, State, county and local governments to work toward a common law-enforcement mission.

Created the first financial enforcement of the Treasury Department to attack the crime of money-laundering.

Created an enforcement presence within the Office of Foreign Assets Control to enforce U.S. embargoes against certain countries such as South Africa, Cuba, Vietnam and Libya.

Created an Office of Financial Enforcement to broaden compliance from financial institutions with the Bank Secrecy Act.

**1981 to 1984—United States Attorney, Northern District of Oklahoma, Tulsa, Oklahoma**

The United States Attorney supervises the civil and criminal case load of ten Assistant United States Attorneys. As U.S. Attorney, I tried numerous felony jury trials and civil proceedings including public corruption, narcotics trafficking and assorted civil claims on behalf of the United States.

During my tenure, I:

Created the first narcotics task force established in Tulsa.

Chaired a nationwide effort by U.S. Attorneys to collect delinquent accounts owed the United States.

**1974 to 1981—Member of the Oklahoma State Senate**

**1972 to 1974—Member of the Oklahoma House of Representatives**

From 1974 to 1981, as a member of the Oklahoma legislature and Minority Leader of the Oklahoma State Senate, I was five times recognized as one of the top ten legislators in Oklahoma by the *Oklahoma Observer* and served as vice-chairman of the Senate Committee on Criminal Jurisprudence, and member of the Judiciary, Mental Health and Appropriations Committees.

Author of Oklahoma's Mental Health Bill of Rights, Juvenile Justice and Criminal Law Reform, including toughening penalties for firearms and narcotics offenses.

Author of the Alcohol Services Act, Ad Valorem Tax Reform, Circuit Breaker and Double Homestead Exemption legislation for senior citizens and Income Tax Reform.

**1971 to 1972—Assistant District Attorney for Tulsa County, Tulsa, Oklahoma**

**1969 to 1971—Special Agent for the Federal Bureau of Investigation, Washington, D.C.**

**1972 to 1981—Associate and member of the firm of Blackstock, Joyce, Pollard, Blackstock and Montgomery, Tulsa, Oklahoma**

**1984 to 1985—Member of the firm of Pray, Waler, Jackman, Williamson & Marlar, Tulsa, Oklahoma**

Represented white collar defendants in criminal matters.

Represented much of the hotel and restaurant industry in Tulsa in general practice areas.

Chaired the real estate department at the Pray, Walker, Jackson, Williamson & Marlar law firm.

Handled general civil practice matters such as employment disputes, arbitration, oil and gas, civil litigation, banking, administration and regulatory issues.

Martin Hubbell Rated: AV

**Education**

Georgetown University, Washington, D.C.  
A.B. History, 1966

University of Oklahoma, College of Law, Norman, Oklahoma  
J.D., 1969

**Professional**

Admitted to practice before the United States Supreme Court, by U.S.Tenth Circuit Court of Appeals, U.S. District Court, Eastern and Northern District of Oklahoma.

Member of the Oklahoma Bar Association.

**Civic Activities**

1985—State Counsel, Oklahoma Chapter, National Association for the Advancement of Colored People (NAACP)

1985—Chairman, Professional Division Tulsa Area, United Way Campaign

1985—Member, Board of Directors, First Oklahoma Savings Bank, Tulsa, Oklahoma

1984-1985—Counsel, Arthritis Foundation of Northeast Oklahoma

1983-1984—Member, Board of Directors, Family Mental Health Center, Tulsa, Oklahoma

1980-1983—Member, Board of Directors, Arts and Humanities Council of Tulsa

1978—Member, Board of Directors, Oklahoma Association of Retarded Citizens, Oklahoma City, Oklahoma

1977-1980—Member and Vice-Chairman, Metropolitan Tulsa Transit Authority

1977-1980—Member, Associates Board, Hillcrest Hospital, Tulsa, Oklahoma

**Religious Affiliation**

Roman Catholic

NAMED KNIGHT COMMANDER OF THE HOLY SEPULCHRE BY POPE JOHN PAUL II, 1988

**Family and Personal**

Age: 52

Health: Excellent

Wife: Catherine Heller Keating

Children: Carissa (Carrie) Herndon Keating, age 21

Kelly Martin Keating, age 19

Anthony F (Chip) Keating, III, age 15

**Hobbies**

Tennis, hunting, jogging, reading and family

—From the Office of Governor Frank Keating  
State of Oklahoma  
State Capitol Building  
Oklahoma City, OK 73105

**GOVERNOR KEATING BIO**

**(Provided by the Office of the Governor)**

In 1994, Frank Keating won the Republican nomination for Governor and was elected to the office, in a three way race, winning by an overwhelming margin of 17 percentage points.

Frank Keating was born on February 10, 1944, in St. Louis, Missouri. Before he was six months old, his family moved to Tulsa, Oklahoma. He was graduated from Cascia Hall High School in 1962. He received a B.A. in History from Georgetown University in 1966 and earned a J.D. degree from the University of Oklahoma College of Law in 1969.

Keating's distinguished public service career began as an FBI agent, where he investigated new left terrorist activities, bombings, and bank robberies on the West Coast.

Then continuing his crusade against crime, Frank returned to his hometown of Tulsa to work as Assistant District Attorney.

From 1972 to 1974 he served in the Oklahoma House of Representatives. From 1974 to 1981 he served in the Oklahoma Senate and was unanimously elected as Republican leader of the Oklahoma Senate. During his legislative tenure, Keating was widely recognized as a reformer and a tough advocate of strong law-enforcement policies.

From 1981 to 1983 Keating served as the U.S. Attorney for the Northern District of Oklahoma and as National Chair of the United States Attorneys.

In 1986 he was asked by President Reagan and, subsequently, by President Bush to serve as the highest ranking Oklahoman in both administrations.

During his stay in Washington, Frank supervised over 100,000 employees while he served in three important posts—first as Assistant Secretary of the United States Treasury (1986-1988), where he supervised the U.S. Customs Service, the Secret Service, the Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center; then, as the Associate Attorney General (1988-1989), where he presided over the U.S. Prison System, the U.S. Marshals, the Immigration and Naturalization Service, Interpol, and all 94 U.S. Attorneys; and Frank also served as Acting Deputy Secretary and General Counsel of the Department of Housing and Urban Development

(1990–January 20, 1993) under Secretary Jack Kemp, where he spearheaded the widely praised clean-up of HUD.

Three months after his inauguration, Governor Keating faced the greatest challenge of his career when a terrorist bombing of the Murrah Federal Building in Oklahoma City claimed 168 lives, injured more than 600 and caused hundreds of millions of dollars in damage. His firm and compassionate leadership throughout the crisis earned him and Oklahoma favorable national attention. Governor Keating continues to devote much of his time to coordinating more than four million dollars toward scholarships for children of bombing victims.

Governor Keating and his wife, Cathy, are the parents of three children, Carrie, Kelly, and Chip.

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### OATH OF THE KNIGHTS OF THE HOLY SEPULCHRE

I, \_\_\_\_\_, in the name of the high and undivided Trinity, do promise and vow to keep and conceal the high mysteries of this noble and invincible Order of Knights of the Holy Sepulchre, from all but such as are ready and willing to serve the church of Christ, by acts of valor and charity; and that as far as in me lies, I will defend the church of the Holy Sepulchre from pillage and violence, and guard and protect pilgrims on their way to and from the Holy Land; and if I perform not this vow, to the best of my abilities, let me become inanimata [dead].

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### Frank Keating and the Knights of Malta

Having been named Knight Commander of the Holy Sepulchre by Pope John Paul II in 1988, Keating is an honored and high-ranking member of the Knights of Malta. His membership in this secret society has a great influence on his political actions, plans, and ambitions.

This has virtually *nothing* to do with the Roman Catholic religion. No American Catholic owes any allegiance to any foreign power or Pope through any blood oath of any kind whatsoever, nor do American Catholics carry diplomatic passports from a foreign nation, as do members of the Sovereign Military Order of Malta. Membership in the Sovereign Military Order of Malta (SMOM) has everything to do with being a participant in one of the four major player-organizations for world domination—those players being British Freemasonry, French Freemasonry, International Zionism, and the Vatican.

The “Knight of Malta” is one of the high degrees of Freemasonry. Freemasons descend from the Knights Templar. The degree of Knight of Malta is conferred in the United States as “an appendant Order” in a Commandery of Knights Templar. There is a ritual attached to the degree, but very few are in

possession of it, and it is generally communicated after the candidate has been created a Knights Templar.

The Knights of Malta were successfully taken over by the Knights Templar during the Peasants Revolt as an act of revenge. For the Templars, vengeance was required when the Knights of Malta accepted the property of the Templars after the Pope, on orders from King Philip of France, destroyed the Templars. Consequently the Templars have sworn revenge against all Christians and nations. Their goal is to establish a one-world government and one-world religion over the ashes of all existing religions and nations.

The Vatican, which controls the Knights of Malta, was infiltrated and taken over by the "Propaganda 2" (P2) Lodge of Freemasonry. The P2 Lodge was launched in partnership by the CIA and the Mafia to serve as an intelligence source and provide for the control of European leaders after World War II. The Mafia, as the underworld arm of Freemasonry, was formed from Italian street gangs by Guiseppe Mazzini. Mazzini was in direct communication and partnership with General Christopher Albert Pike, who established the 33<sup>rd</sup> degree of Freemasonry and was the father of the judicial code of the Knights of the Ku Klux Klan.

After World War II many of the elite of Europe joined the P2 Lodge. Enrico Fermi was hung under Black Friar's Bridge in a ritual Masonic murder for violating his blood oath after the P2 Lodge raped the Vatican bank. Piers Compton documents the infiltration and takeover of the Vatican by the "Propaganda 2" Lodge of Freemasonry in his book *The Broken Cross*.

To this day, the Knights of Malta are the militia of the Pope and are sworn to total obedience by a blood oath, which is taken extremely seriously and to the death. In times when the Pope is threatened, the Swiss mercenaries that guard the Vatican are dismissed and the Knights of Malta take station as the elite Militia and guardians of the Pope. The Knights are also sworn to instantly forsake everything and everyone and hasten to the aid of the Pope should they be called. They are sworn to absolute obedience to the Pope, forsaking all other allegiances, duties, or obligations whatsoever.

The Pope, as the head of the Vatican, is the head of a foreign national power. Membership in the Sovereign and Military Order of Malta (SMOM) denotes an allegiance to that foreign power in the form of the nation of Malta and the Pope. The SMOM headquarters in Rome covers a sizable piece of real estate. It is recognized as a sovereign nation by all nations and by the United Nations.

All members of the SMOM are issued and carry a *diplomatic passport* which exempts them from prosecution under the laws of all nations save Malta. The passport also denotes an official of a foreign government who is performing in the interest of Malta first and foremost.

By virtue of the blood oath of obedience to the Pope, members are required to support to the death the desires of the head of the Order of the Knights

of Malta—in this case, Pope John Paul II—over and above any other allegiance to any other loyalty—such as a loyalty to the Constitution for the united States of America. The Pope is openly calling for a world government and has stated that he will be the head of that government by the year 2007.

Those who are presently members of the Knights of Malta must, on penalty of death, support those policies advocated by the Vatican. It is not hard for them to do this. They *believe* in these policies and principles. The policies espoused and proclaimed by Pope John Paul II are as follows:

End of sovereignty for all nations, including the United States.

End of absolute property rights.

End of all gun ownership rights.

The new international economic order (world government).

The redistribution of wealth and jobs.

Calls for nations to trust the United Nations.

Total disarmament.

Promote the United Nations as the hope for peace.

Promote UNESCO, the deadly educational and cultural arm of the United Nations.

Promote interdependence.

Support sanctions honoring Father Pierre Teilhard de Chardin—the New Age humanist priest.

Support the belief that the economic principle of traditional Christian or Catholic social doctrine is the economic principle of communism.

Promote the Pope as the acting go-between for the United States and the Soviet Union.

[Sources: Baigent, Michael, Richard Leigh, and Henry Lincoln, *Holy Blood, Holy Grail*, Delacorte Press, New York, 1982.

— — —, *The Messianic Legacy*, Dell Publishing, New York, 1989.

Compton, Piers, *The Broken Cross*.

Hogbert, Gene H., *The Plain Truth*, Nov/Dec 1989.

Mantooth, Don, *The Mantooth Report*, (newsletter), November 1989, New Haven, Indiana

Mills, Betty J., *Col. North, William Casey, & The Knights of Malta*, New Haven, Indiana, 1989.]

The secret-society members in the high levels of political and economic power, particularly if they are not the actual decision-makers, are *owned* by others. They are compromised by the surrender of their will. They chose to believe what they believe. Keating is a member in service to that Order and under complete and total obedience to the Vatican's political ambitions.

### Other Famous Knights of Malta

- Marty Anderson—author of *Revolution*, Member of the Board of the President's Foreign Intelligence Advisory Board
- Andrew Bertie—78<sup>th</sup> Prince and Grand Master of the Sovereign Order of Malta
- Patrick Buchanan—Journalist, presidential candidate
- George Bush—Former President of the United States
- William Casey—Former Director of the Central Intelligence Agency, former member of the Council on Foreign Relations, former head of the Securities and Exchange Commission, former head of Ronald Reagan's political campaign, head of the Export-Import Bank during the Nixon administration
- J. Peter Grace—U.S. President of Knights of Malta, Chairman of W. R. Grace Company
- Alexander Haig—Former Secretary of State
- Clare Booth Luce—Dame of the Knights of Malta
- John McCone—Envoy to the Vatican for President John F. Kennedy, Director of the Central Intelligence Agency
- Thomas Melledy—Ambassador to the Vatican under President George Bush, former Ambassador to Uganda and Berembi, former President of Sacred Heart University in Bridgeport, Connecticut
- John D. J. Moore—Member of the W. R. Grace Board, Ambassador to Ireland under Presidents Nixon and Ford
- Lt. Col. Oliver North—Defendant in Iran-Contra Affair
- John J. Raskob—Founding Member of the U.S. branch of the Knights of Malta, former Chairman of the Board for GM, former Treasurer of the Knights of Malta
- Frank Shakespeare—U.S. Ambassador to the Vatican, former Ambassador to the Republic of Portugal, President of CBS Television Services, CBS Incorporated, New York (1950–69), Director of the United States Information Agency (1969–1973), Executive Vice President of Westinghouse, New York (1973–1975), Vice Chairman of RKO General Inc., New York (1975), Chairman of the Board for International Broadcasting (1981–1985), Chairman of the Board of Trustees of the Heritage Foundation
- Martin F. Shey—Executive Vice President of Morgan Bank
- Myron Taylor—Envoy to the Vatican for Roosevelt
- Robert Wagner—Former Mayor of New York City, Envoy to the Vatican for President Jimmy Carter

Vernon Walters—Former Director of the Central Intelligence Agency, chief diplomatic troubleshooter, succeeded Jean Kirkpatrick as U.S. Ambassador to the United Nations

Paul Weyrick—Founder of the Heritage Foundation and Committee for the Survival of a Free Congress

William Wilson—First U.S. Ambassador to the Vatican

**Dr. Charles John Mankin**  
**University of Oklahoma Geological Survey**

Charles John Mankin, geology educator, was born in Dallas, Texas, on January 15, 1932. He is the son of Green & Myla Carolyn (Bohmert) Mankin. On September 6, 1953, Mankin married Mildred Helen Hahn with whom he had three children, Sally Carol, Helen Frances, and Laura Kay.

**EDUCATION**

Student, University of New Mexico, 1949-50

B.S., University of Texas at Austin, 1954

M.A., 1955

Ph.D., 1958

**EMPLOYMENT**

Assistant Professor of Geology at California Institute of Technology, 1958-59

Assistant Professor of Geology at the University of Oklahoma, 1959-63

Associate Professor, University of Oklahoma, 1963-64

Professor, University of Oklahoma, 1964 to the present

**APPOINTMENTS**

Director of the School of Geology and Geophysics, 1963-77

Director of the Energy Resources Institute, 1978-87

Member U.S. National Commission on Geology, 1977-80

Director of the Oklahoma Geological Survey, 1967 to present

Former Chairman of Board of Mineral and Energy Resources

Former member of Commission on Physical Science, Math and Resources,  
National Academy of Sciences

Former Commissioner of Commission of Fiscal Accountability of the  
Nation's Energy Resources

Former Chairman of the Royalty and Management Advisory Committee,  
Department of the Interior

Board of Directors for the Environmental Institute for Waste Management  
Studies at the University of Alabama

## **PUBLICATIONS**

Contributed articles to professional journals

## **AWARDS**

Conservation Service Award, Department of Interior, 1983

Fellow Geological Society of America (Co-project leader North America Geology)

Former counselor, Chairman of the Foundation, Mineral Society of America

Member American Association of Petroleum Geologists (Public Service Award, 1988)

American Institute of Professional Geologists (vice president; past president; Martin Van Couvering Memorial Award, 1988; member of foundation)

Clay Mineral Society

Geo-Chem Society

American Association for the Advancement of Science

Association of American State Geologists (past president)

American Geological Institute (past president, Ian Campbell Medal in 1987)

Society of Economic Paleontologists and Mineralogists (past president, mid-continent section)

Sigma Gamma Epsilon, National Secretary-Treasurer

Home address:

2220 Forister Court  
Norman, OK 73069-5120

## **OFFICE**

Oklahoma Geological Survey  
Sarkeys Energy Center  
100 E. Boyd St., Rm. 131N  
Norman, OK 73019

### **Ronald J. Norick Mayor of Oklahoma City, Oklahoma**

Ronald J. Norick, mayor of Oklahoma City, was born in Oklahoma City on September 5, 1941. He is married to Carolyn Norick with whom he has two children, Allyson and Lance.

## **EDUCATION**

B.S., Management, Oklahoma City University  
L.H.D., honorary, 1990

**BUSINESS**

President of Norick Bros. Inc., 1981-92  
Mayor of the City of Oklahoma City, 1987 to present  
General partner of Norick Investment, Inc.

**POSITIONS AND APPOINTMENTS**

Former chairman of board, Norick Software, Inc.  
Trustee of Community Church of the Redeemer  
Member Central Oklahoma Transportation and Parking Authority  
Oklahoma City Utilities Trust  
Myriad Gardens Authority  
Board of Directors of the Oklahoma State Fair  
Member of McGee Creek Authority  
Board of Directors, Oklahoma Philharmonic  
Member of the Executive Committee of Oklahoma City University  
Allied Arts Foundation  
Member of National League of Cities  
U.S. Conference of Mayors  
Oklahoma Municipal League  
Board of Directors, Oklahoma City Chamber of Commerce  
Board of Directors, South Oklahoma City Chamber  
Economic Club of Oklahoma  
Men's Dinner Club  
Rotary Club

**ADDRESS**

Office of the Mayor  
City Hall  
200 N. Walker Ave.  
Oklahoma City, OK 73102-2247

**Brig. Gen. Benton K. Partin**

Thirty-one years active duty in the Air Force. Progressively responsible executive, scientific and technical assignments directing organizations engaged in research development, testing, analysis, requirements generation

and acquisition management of weapons systems. Assignments from laboratory to the Office of the Secretary of Defense.

Personal contributions made in the fields of research and development management, weapon system concepts, guided weapons technology, target acquisition aids, focused energy weapons, operations research and joint service harmonization of requirements. Retired as a Brigadier General.

White House appointed Special Assistant to the Administrator, Federal Aviation Administration. Personally designated to prepare the *White Paper on the Federal Aviation Administration for the 1989 Presidential Transition Team*. This included development of policy initiatives on FAA/USAF joint use of the Global Positioning System (GPS), operational life for commercial aircraft, anti-terrorism, airport and airway capacity, requirements in the FAA acquisition process and FAA leadership and management development.

Military Command Pilot and Command Missileman with 4000 hours (37 combat)

#### EDUCATION

B.S., Chemical Engineering

M.S., Aeronautical Engineering

Ph.D. Candidate, Operations Research & Statistics (Academics Completed)

#### PUBLICATIONS

Sino-Soviet Conflict, Competition and Cooperation: Risks in Force Structure Planning

A Reduced Upper Limit for Sequential Test Truncation Error

*Bomb Damage Analysis of Alfred P. Murrah Federal Building, Oklahoma City, Oklahoma—July 30, 1995*

Frequent TV talk shows on the Voice of Freedom

#### HONORS

Distinguished Service Medal, Legion of Merit, three times Distinguished Graduate of the Air War College

#### COMMUNITY AFFAIRS

Chairman, United States Defense Committee

Member of the Board, In Touch Missions International

Member of the Board, Front Line Fellowship

Founding Chairman of the School Board, Engleside Christian School

Washington Representative for the Association of Christian Schools International (1981-83)



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Chairman Fairfax County Republican Party (1982-96)

Lifelong professional challenge: Continuing studies and analyses to anticipate and forecast the future course of world military/political/economic transforming process.

**ADDRESS**

8908 Captains Row  
Alexandria, VA 22308  
(703) 780-7652



## APPENDIX B: SEISMIC RECORDS AND STATEMENTS

### First Report Re: Dr. Ken Luza

DATE: 04/21/95

TO: William Cooper

RE: Secondary Explosion Confirmed

The report of two seismological events consistent with large explosions on the morning of April 19, 1995 IS CONFIRMED!!

At 1:20 p.m. today (4/21/95) I spoke with Dr. Luza at the Oklahoma Geological Survey, which is located in the Sarkeys Energy Building on the University of Oklahoma campus.

Dr. Luza showed me the seismograph recordings made on that morning, showing two separate seismological disturbances, the first occurring at 9:02:04 a.m. and the second occurring at 9:02:14 a.m. He said the two events were approximately ten seconds apart, give or take a few milliseconds.

He showed me charts that illustrated what a train looks like on a seismograph. Also, what heavy traffic on the freeway would look like, and then he gave me a copy of the seismograph readings, which I have here at this time.

The two events are approximately the same in magnitude, and the peaks and the spaces between the peaks are consistent with what Dr. Luza said they refer to as a "quarry blast."

Dr. Luza said he could not confirm the actual location of the seismological events from the seismographic record except that both events were in the Oklahoma City area. He stated that there have been no reports as to where the second event may have occurred that are consistent with what the government has reported as a single blast. As far as the actual seismographic record is concerned, there were definitely two events, and they both took place in the Oklahoma City area within ten seconds of each other.

Dr. Luza stated that the Oklahoma Geological Survey has sensors placed all over the state, and the time between when the sensors first record an event and the time the event arrives at their headquarters allows them to determine the approximate location of the event.

Dr. Luza's secretary [receptionist] stated that ABC News representatives were in their offices this morning. Four or five different newspapers have also asked similar questions to mine.

That's it for now.

**Official Notice of the Oklahoma Geological Survey**

April 26, 1995

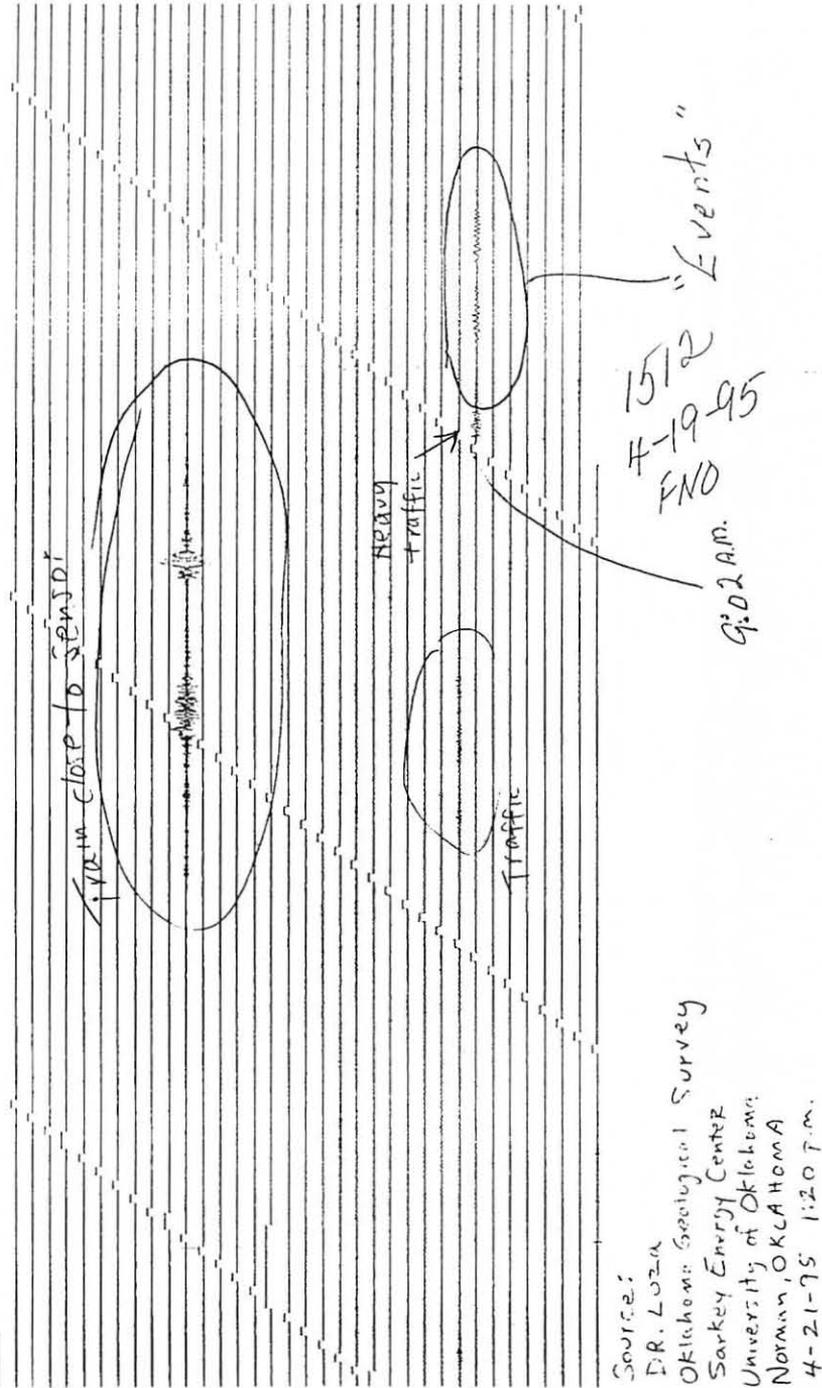
On April 19, 1995, the Oklahoma Geological Survey's seismograph station in Norman, Oklahoma, recorded a Lg surface-wave "train" at 9:02 and 13 seconds a.m. (140213 UTC) shortly after the explosion at the Murrah Federal Building in Oklahoma City, Oklahoma. The seismometer is located approximately 4 miles north of Norman and 16 miles from downtown Oklahoma City. A second Lg surface-wave was recorded at 9:02 and 23 seconds a.m. (140223). The location and source of the second surface-wave recording is unknown. Detailed investigations at the building site may offer an explanation as to the cause and origin of the second event.

The record is read from top to bottom and from left to right. The small vertical offsets or the horizontal lines are minute marks. Hour marks are twice as long as the minute marks. Date and time is UTC, which refers to Coordinated Universal Time, formerly Greenwich Mean Time.

The Richter Magnitude cannot be defined for surface and/or near surface explosions. Therefore, none is reported.

A copy of this record can be obtained by writing the Oklahoma Geological Survey.

Oklahoma Geological Survey  
100 East Boyd  
Norman, OK 73019-0628



Seismogram from April 19, 1995, Oklahoma Geological Survey

**Second Report Re: Dr. Ken Luza**

DATE: 04/28/95—1100  
TO: William Cooper  
RE: Morning Interview with Dr. Luza

This conversation I am reporting is also on tape. At 10:20 a.m. this morning I met with Dr. Luza again at the Oklahoma Geological Survey Office in the Sarkeys Energy Building on the OU campus.

The seismograph chart from the morning of 4/19/95 is still on display in the glass case of the lobby area, along with a bit more detailed explanation of what happened. But the report of the two "events" is still essentially the same as it was when I first interviewed Dr. Luza on 4/21/95.

In my interview, Dr. Luza's story of the two nearly identical events separated by ten seconds has NOT changed. He told me exactly what he told me before and we now have it on tape.

I told him Channel 6 News in Tulsa was reporting that he was denying that there were two events. Dr. Luza said that he DID speak with Channel 6 News, but he was very surprised to hear that they said he was denying the seismograph report. Dr. Luza did not tell me what he told Channel 6 News, but he has stuck by his original statement that there were two separate events.

The events were further defined to me today as "surface waves," which are events that originate on the surface rather than underneath the surface of the earth.

Dr. Luza's secretary [receptionist] told me this morning that there have been "... many, many ..." phone calls to their offices asking about the seismograph report. She did not specify what networks or papers had been calling, but she did say that they were definitely media rep calls, and many of them were terrifically rude over the phone. She said they want her to tell them everything right then and there, they never say "please" or "thank you," and they do not seem to understand that she is only the secretary and they need to speak with Dr. Luza if they want an expert opinion.

That's about it. If there is a cover-up going on, it is NOT originating with Dr. Luza. I have a tape of my interview with him if you want it. Michele can transcribe it sometime this weekend.

**Transcript of Second Meeting with Dr. Ken Luza**

DATE: 04/29/95—0915 CDT

TO: William Cooper

FROM: Michele Moore

RE: Luza material is on its way—transcript of same here

Dear Bill:

The Luza tape (microcassette) was shipped out yesterday late afternoon by Fed Ex and should be delivered to the Commercial Street address today—morning, I think.

The short interview is on Side A, and the contents are:

A fairly long section of tape while my husband waited in the lobby and occasionally chatted with Dr. Luza's secretary [receptionist].

Dr. Luza comes out of his office and chats. During this conversation, my husband tells him about what Channel 6 said. Luza confirms that he spoke with Channel 6 and says he told them what he had previously told CAJI. Luza then attributes the Channel 6 problem to something being "lost in the translation." Luza is thanked and he leaves.

A short section of tape while CAJI stands in the lobby area by the glass display case looking at the official announcement of the two "events" and reads parts of the typed explanation of the seismographic record which is posted in the glass case.

Dr. Luza comes out of his office on his way somewhere else, and stops to chat briefly with CAJI beside the glass case.

Taped material ends.

To assist you in your work, here is a transcript of the tape. The unedited running time is just shy of eight minutes.

C = CAJI      S = Secretary      L = Dr. Luza

C: [Enters the building and approaches the secretary's desk] Hi.  
How are you?

S: Oh, good!

C: Is Dr. Luza in?

S: Um-hm. Um-hm. Um-hm.

C: Thanks.

S: I think.

[CAJI sits down to wait in the lobby area and there are sounds of the secretary speaking with other people.]

S: And ... and ... I remember you were here a couple of ...

C: Yeah. He met with me last Friday.

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S: Yes. Uh, last Friday. Arizona, wasn't it?

C: Um-hm.

S: From Arizona?

C: You have a good memory.

L: [From inside his office] Close the door.

S: [To Dr. Luza] Okay. Thanks. Uh-huh. [To CAJI:] He'll be out in a minute.

C: Thank you very much. Have y'all had a lot of people in pestering you?

S: Not in, but they've definitely been calling.

C: Calling? Yeah.

S: And I have one guy, just this morning, bless his heart, he had called to ... to call. [Laughter]

C: Oh. Well, I guess that's a nice thing to do.

S: I said, "Well, I sure do appreciate the thought."

C: Right.

S: "But you're still calling." But he said, "I know you all probably get too many phone calls and ... and things like that." I said, "Yeah."

C: Yeah.

S: Yeah, we have. And he just kept talking. I said, [indiscernible] was running.

C: Well, it's a nice thought anyway, I guess.

S: Yeah. I appreciated it 'cause some of them have been ... more than the plague out here.

C: Oh, yeah?

S: They want you to answer the question right now when you're telling them, "I know nothing," you know.

C: Right.

S: It's almost like, well, why don't I?

C: Hm.

S: I don't wanta. That's why I know nothing.

C: Yeah. Sometimes I think I don't want to, either.

S: Oh, well, bless your heart. [laughter]

[Telephone rings, secretary returns to business.]

[Secretary continues working. Dr. Luza comes out of his office.]

S: [To Dr. Luza] Getting ready to get out of here?

L: Yep.

S: Okay.

L: Oh, I hope. [Dr. Luza approaches CAJI in the waiting area, CAJI rises to shake his hand.]

C: There he is. Hi, Dr. Luza.

L: Dr. Luza. Hi.

C: You were kind enough to speak with me last Friday ...

L: Um-hm.

C: ...when you, when you gave me a copy of the chart over there.

L: Um-hm.

C: Channel 6 News in Tulsa reported last night that they contacted you ...

L: Um-hm.

C: ...and that you, uh, told them that the two events never occurred. Is that true?

L: No.

C: Well, I'm running down what they say. I have no idea why they said that, but that's what they reported. And I couldn't ...

L: Well, I talked to them yesterday and we went over the record and I ... we explained to them what we had recorded, and what we can interpret from the record.

C: Right.

L: And if you had the record by itself, you could not determine where the source of the origin of those two waves ...

C: Right.

L: Now, I don't know what ...

C: I could hardly believe my ears.

L: Well, it's ...

C: So, I had to hot-foot it over here and talk to the man ...

L: That's just something that got lost in the translation.

C: Really?

L: Okay.

C: Okay. Well, that's all.

L: Okay.

C: Thanks for your time.

L: All right. [chuckle]

C: I just wanted to speak directly to you. Thank you.

### Report from the Omniplex

DATE: 04/30/95  
TO: William Cooper  
FROM: Michele Moore  
RE: Seismograph from Omniplex: GOT IT!!!

I hustled on home and sent my husband to the city. While I was trying to meet with the photographer, he had telephoned the Omniplex. The gal at the museum said that the seismograph had been running on the day of the bombing, and that they had "pictures" (the word she used), but they were not on display. When he asked her why not, she said she didn't know why they were not displayed because several people had inquired about any records the Omniplex might have of the event.

We hope to at least see the records even if we can't get copies, and CAJI will be wired for sound, so we'll know something about that when he gets back, and I won't FAX this to you until he is home.

5:45 p.m. CDT: CAJI has returned from the Omniplex with a Xeroxed copy of their seismograph readings. The Kirkpatrick Center, located at 50<sup>th</sup> & Martin Luther King Blvd. (you probably remember MLK Blvd. as "Eastern Avenue"), is approximately four miles northeast of the Federal Building (as the crow flies).

We were VERY fortunate to get a copy of the seismograph record. The FBI seized the original records last Friday. It just happened that one particular museum employee had been sharp enough to make a copy for himself and his coworkers on the day of the bombing—BEFORE the original was taken—and he also just happened to be working at the Omniplex today, so CAJI obtained a copy from the employee.

Unlike Dr. Luza's records, which show two almost identical squiggles ten seconds apart, the Omniplex record shows two spots in the graph where the needle was shaken completely off the paper, separated by what looks like a ten-second interval but is probably less due to the near proximity of the seismometer. There are barely discernible marks at the top of the graph where the needle was bouncing around off the graph during the two "events."

When my husband asked the Omniplex employee about the two blanks in the record, he was told that that was where the needle went off the scale. The geophone is buried ten feet below ground outside the museum and it's very sensitive, so the "events" downtown shook that recording pen right off the scale as the paper continued to roll on the drum.

Because the seismograph equipment at the Omniplex is just part of the science museum and is more for the public curiosity than for scientific investigation, there is no one at the museum who is trained in reading



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seismograms. The fellow who made the Xeroxed copy for himself described the graph as showing a “double peak.”

The employee said, “We don’t have anyone on staff who is really qualified to interpret these. One of our technicians has to change the roll, basically.”

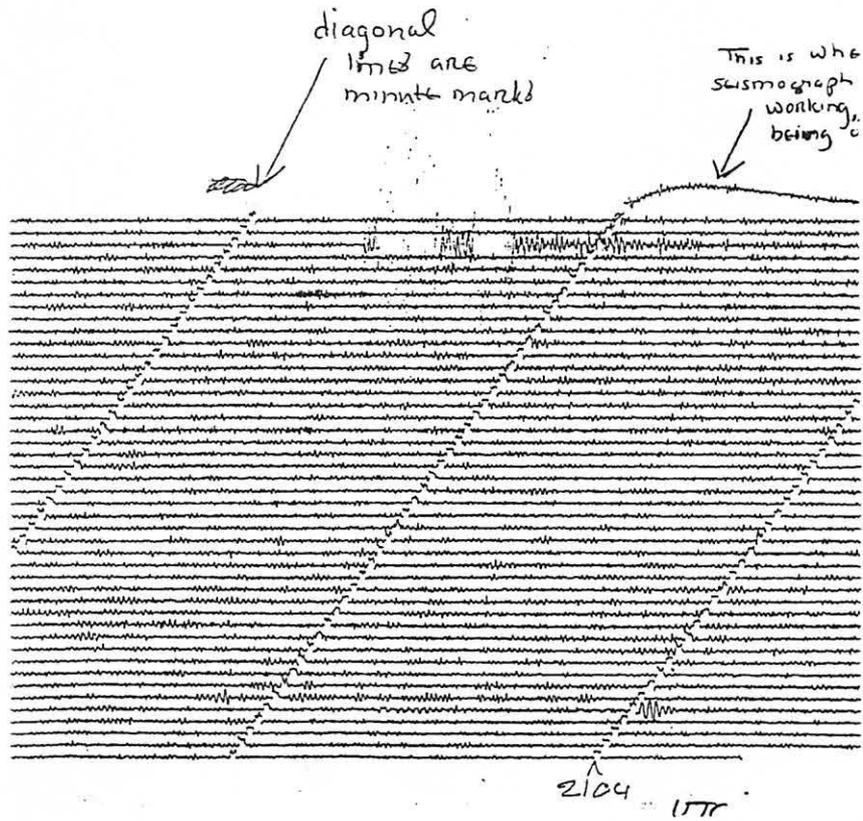
The Omniplex also said: “The Geological Survey offices at OU gets all of our stuff.”

Dr. Luza has said that the OU records aren’t conclusive because you have to have records from two or three different sensor locations to determine the actual location of the “events.” This leads me to believe that Dr. Luza is not telling all he knows, maybe because no one has asked him. But he probably has seismographic readings from both locations and just isn’t saying a word ... wisely, too, I might add, given the present conditions.

The fellow who finally gave us a copy of the Omniplex records said it was miraculous that the Omniplex had any records at all because the seismograph had not been working up until 40 minutes prior to the explosions. He also mentioned that, “It takes 20 minutes to get all the way around the drum.”

I strongly suggest taking the OU record and the Omniplex record to someone in Arizona who knows how to read seismograms and get a professional opinion about these things. If Luza is clamming up, we’re not likely to get straight info from him, and the people at the Omniplex are not trained and can only give us good guesses. A good guess isn’t gonna cut it.

— Michele



Seismogram from April 19, 1995, Omniplex Museum



OKLAHOMA  
GEOLOGICAL SURVEY  
Charles J. Markin, Director

May 24, 1995

**INFORMATION RELEASE**

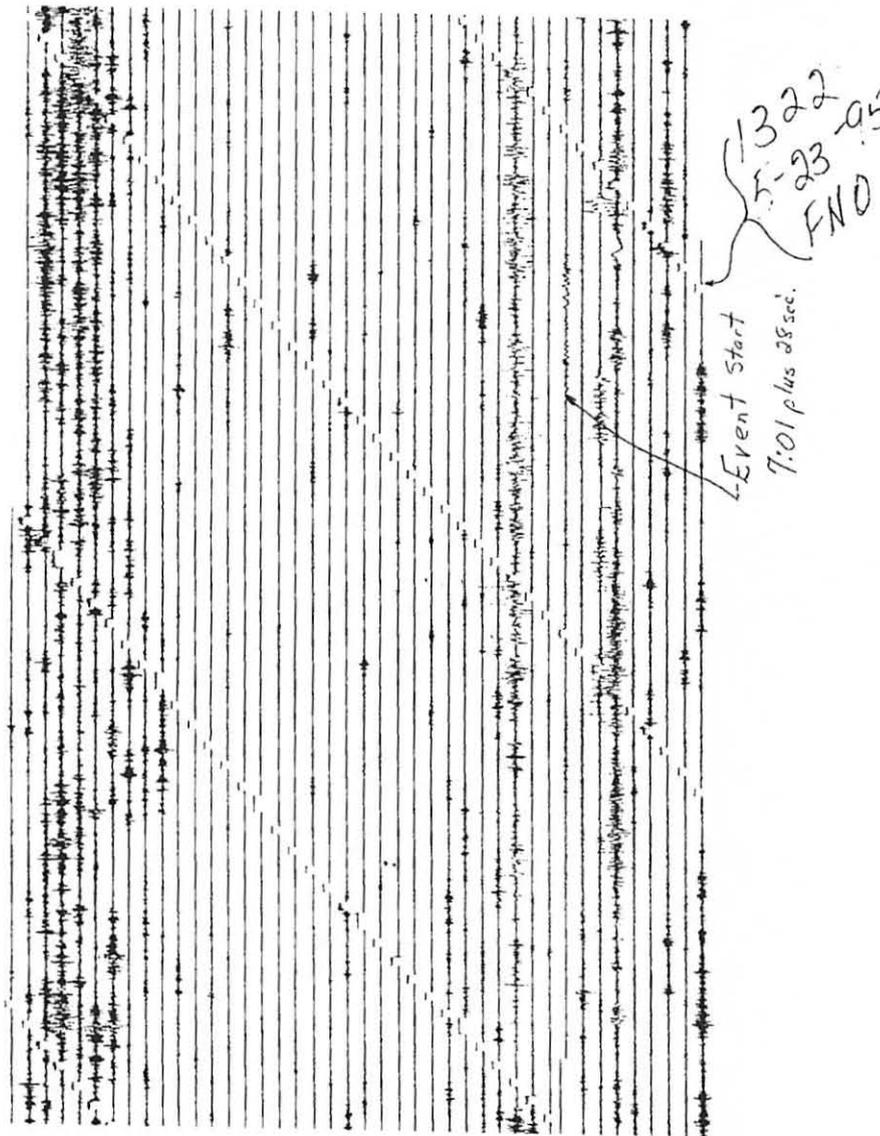
On May 23 at 7:01 a.m. plus 28 seconds the Oklahoma Geological Survey's seismograph station FND recorded an event that we interpret to be the result of the destruction of the Alfred P. Murrah Federal Building in Oklahoma City. The appended seismogram shows the beginning of the event at 7:01:28.4. The signal is interrupted by high-frequency noise in two places. The "noise" is attributed to wind action on the antenna used to transmit the signal from the seismograph to the recorder at Sarkeys Energy Center on the campus of the University of Oklahoma. Note that the record contains numerous high-frequency signals, some of which are attributed to local "noise" such as vehicles and trains.

If the assumption is correct that this event is from the demolition of the federal building, then the signal was initiated at the site at 7:01 plus 19 seconds. Further analysis of data from this event is ongoing.

ENERGY CENTER  
100 E. BOYD, ROOM N-131

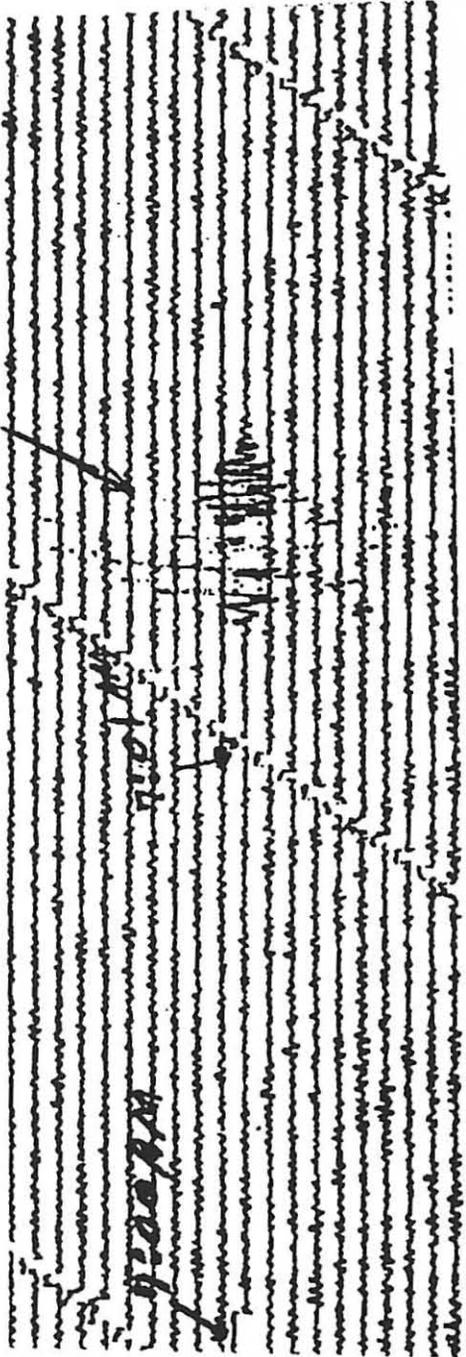
NORMAN, OKLAHOMA 73019-0628

Phone: (405) 325-3831 Fax: (405) 325-7889



Seismogram from May 23, 1995, Oklahoma Geological Survey:  
Demolition of Murrah Building Remains

DEMOLITION  
5/23/95  
/ SIGNAL



Seismogram from May 23, 1995, Omniplex Museum:  
Demolition of Murrah Building Remains

**Transcript of Meeting with Dr. Charles Mankin\***

\*See biographical information in Appendix A

DATE: 05/23/95  
TO: William Cooper  
FROM: Michele Moore  
RE: Transcript of Interview with Dr. Mankin at OUGS  
Following the Implosion of the Murrah Building

S = Secretary

O = Office Worker

C = CAJI

M = Dr. Mankin with OU Geological Survey

[CAJI waits in lobby area. Secretary talks on the phone.]

S: All right.

C: Hello, again.

S: How are you?

C: I'm fine. How are you?

S: Well, great. What can I do for you today?

C: Did your seismometers pick anything up from the building falling down today?

S: They picked up something today. You probably would need to speak with Dr. Mankin.

C: Okay.

S: I'll see if anybody is in his office. It wasn't anything as, you know, as big as the explosion.

C: Right.

[She leaves; CAJI waits.]

S: Okay. It's going to be a few minutes.

C: Okay.

S: He has someone in his office, if you don't mind waiting for a few.

C: No.

S: Okay.

C: Am I one of a zillion people asking you the same thing today?

S: No, in fact, it has been rather quiet. I don't know whether or not that's ... how shall I put it ... out of respect of what happened or what, but people have been pretty quiet today.

C: Well, that's good.

S: Yeah.

[CAJI waits.]

O: You doing okay?

C: Oh, I'm doing fine. How are you?

O: Pretty good.

C: Oh. Dr. Mankin.

M: Hi, how are you?

C: I'm fine. My name's \_\_\_\_\_.

M: Have a seat.

C: I met with Dr. Luza a couple of times previously.

M: Yeah. Uh-huh.

C: I thought I'd come by and see if your seismometers had picked up anything of the building falling down today.

M: It did indeed. We have a ... well, let me say, we have a record that we assume is the building falling down.

C: Um-hm.

M: It comes in at the right time.

C: Right.

M: It's ... it's quite different from the original one we saw, and we have some other seismometers that have been set around. USGS has been here and they've added ...

C: Oh, yeah?

M: They've added ... we've put ... USGS put two accelerometers on pretty close to the building and one a short distance away.

C: Okay.

M: They measure ground acceleration and direction and motion. And then they installed, I think, two portable seismic units to record data as well. And they're ... one of my staff members, Ray Brown, and their geologists from USGS are out at the moment retrieving the equipment and the records.

C: Right.

M: We have pulled our record and I've sent it into our cartographic graphing section to photograph. I want to get a permanent photographic record of it.

C: Right.

M: So we should have a copy of that available ... I don't know if I can get it done this afternoon, but certainly by in the morning we'll have some copies.

- C: Okay.
- M: It's a ... the record looks different than what we saw before. It's got higher frequency. It's a lower amplitude and higher frequency up front. And then it goes from low, which looks much more like what one might see in a quarry blast. In a quarry blast, normally what you see in the blast is the falling of the rock because the blast itself is a fairly low charge, like they saw. We didn't see the charges, and we didn't ... the amount of explosives they used to bring the building down were small. So we didn't see ... I'm sure we didn't see that.
- C: Right.
- M: What we did see is the falling of the building, and its signature. I ... and again, let me, you know, you have to understand, we're interpreting this to be that because there's nothing in there, that record, that says this was a ... you know, this was the building falling, and this was the bomb blast.
- C: Right.
- M: It's an interpretation of what we see.
- C: Right.
- M: But you know, it's the only rational conclusion because the timing is precise. It came in at about seven or eight seconds. It's, you know, on the record. We'll be able to see it when we look at the photographic record and get a much more accurate arrival time. But it looks like, if you calculate it back to the origin, it's going to be in the neighborhood of six to eight seconds after the detonation ...
- C: Right.
- M: ...which would make sense for the time that it takes for the building to fall and generally, a building that size probably, for argument, you know, if you just looked at time, yourself, and timed it when you see the blast at normal speed, it looked like about five or six seconds. And that's about what we would anticipate, and that's about what it looks like on the arrival time.
- C: Yeah.
- M: And so the record itself looks very different from the last one.
- C: Well, I know that's what a lot of people are curious about.
- M: Sure.
- C: So many people were saying that that second event that occurred on the 19<sup>th</sup> was either an echo or showing the floors falling down and pancaking on top of each other.

- M: Well, it wasn't ... it wasn't the building falling. Of that, of that I'm ... I guess I can ... I'm pretty confident of that interpretation. It's not the building.
- C: Yeah.
- M: What it is, I still don't know. Our problem is that there's nothing in the signature of a record that says, "This is a blast." What we get is we get ... we got a Rayleigh wave ... two Rayleigh waves that came in ten seconds apart.
- C: Rayleigh waves?
- M: Yeah. That's a surface wave.
- C: Okay. Right.
- M: We saw the two surface waves that came in ten seconds apart.
- C: Yeah.
- M: And we have interpreted it—and it's important to note that we have INTERPRETED the first one to be the bomb blast, and it's consistent with the time. And ... and it is in part by process of elimination that says we look at everything else and we don't see anything that could have caused it. Because if it had been an earthquake ... if it had been an earthquake, then an earthquake has to be ... is a deep-seated event, and it should have been picked up by some of our other seismometers in the state. And it wasn't. The only two seismometers that recorded those two events was this one and the one at the Omniplex.
- C: Right. Yeah, I was at the Omniplex a few days after I was here.
- M: Uh-huh.
- C: And fortunately found somebody that had made a copy of it before all the originals disappeared.
- M: Huh? Well, that's ...
- C: Were there any comments or conclusions that you could reach comparing what the Omniplex recorded and what you had recorded here on the 19<sup>th</sup>?
- M: Oh, not really because I didn't spend that much time looking at the Omniplex record. I looked at them. One of my ... one of my staff members who is a theoretical seismologist, who got his Ph.D. at M.I.T. in theoretical seismology, is very good at this sort of thing. Now, he's looked at those records, and some of his colleagues at other institutions. These records are being examined by some colleagues at Cal Tech and some at the University of Texas and other places. So a lot of people are looking at these records to ... so that we're not by ourselves in this process. And we're not ... our interest is to learn what we can from this,

because one of the things we look at is we can interpret the first event—and it is an interpretation—and we can relate that, and we feel pretty comfortable relating that to the bomb blast. We don't have any easy thing to relate the second one to because I wasn't there, and you know, there have been various accounts of whether there was one or two blasts, or what there was. We had originally heard there were two. That was what came over the radio.

C: Right.

M: And so when we heard there were two and we saw these two events, the logical conclusion is to say, well, the first one looks about right for the time, and so apparently the second one relates to the second blast. Well, then ... then none of the eyewitness accounts, at least that I've heard, and all I know is what I read in the newspapers or hear on television or listen, you know ... and I had heard no one say that they heard a second blast. This friend of mine was up there, and in fact, happened to be within ... fortunately, he was to the south or he wouldn't be here today. But he was about two blocks away to the south and when the blast went, and he said it moved his van. He was stopped at a stoplight and he said it picked up his van and moved it. It was kind of a startling event. But he's a very capable guy and he said he has no recollection of the second event, the second blast. And I ... I guess I have to accept the fact that while I can't explain the second event, it's hard for me to imagine that with all the people that were there that they would not have heard a second blast ten seconds later. You know. Now, if it were three seconds or something, I'd say, well, maybe that's possible in the confusion, but ten seconds is a long time.

C: I spoke with a number of people in the area. Many of the people that were closest to the building, a lot of them didn't hear a thing.

M: Yeah.

C: All they knew is one minute they're on one side of the room and a second later, they're on the other side.

M: Oh, yeah. If you're too close in the first place, the blast ... I am really surprised, considering the magnitude of that blast, that more people didn't suffer severe hearing damage from that. That was a hell of a blast!

C: Well, I spoke to one guy that worked at Fred Jones Ford who was standing in front of a window when it blew right in his face. And of course, they were, I believe, about five blocks to the south.

M: Yeah.

- C: And he said his ears rang all day long.
- M: Well, I'm sure. Absolutely.
- C: And one of his drivers out in the parking lot was outside when it happened, and he was almost deaf for two or three days.
- M: Yeah. I'm not surprised. I'm really not surprised, because that would be a ... you know, I'm really surprised of the people that got out of that building, that more of them haven't had exploded ear drums, ear drums destroyed.
- C: I know.
- M: Because the air pressure, the instant pressure was so huge that it would be like suddenly finding yourself at 100 feet underwater with no—you know, instantly, with no protection.
- C: The other things that I have found out were from people that were anywhere from ten to twenty blocks away. And there were a number of people that heard two blasts ...
- M: Did they?
- C: ... that were that far away.
- M: Uh-huh.
- C: The people that were closest to it either didn't hear anything, or they heard one thing and then, you know. Your body just panics after that.
- M: I can't ... I can't either confirm or deny because I wasn't there, and all I can tell you is that there were two events. They look very similar. We've tried ... we've done every analysis we can think of. We know it's not the air blast. There's no question about that. The time is dead wrong.
- C: Right.
- M: Sound travels at, well, let's say 1100 feet per second. And it's, you know, a third the speed of what [indiscernible] the earth, so we calculate the distance from the center to our seismometer. If it were the air blast that affected the seismometer, which it didn't this far south, but even if it had, it should have come in at about 30 seconds late. And so it can't be the air blast. We know that. I mean, everybody is agreed to that. We cannot ... while we can't rule out a refraction, everybody that has looked at the signal has said that would really be strange because there's absolutely no loss of energy. I mean, the same amplitude.
- C: Right.
- M: So if you get a refraction, a refracted wave, you're going to get loss of energy.

- C: Would that be like an echo coming off of a building or something like that?
- M: Yeah. Yeah. And you'll lose, you know, you'll lose a part of the energy in the process.
- C: Right.
- M: See, if you have a perfect mirror, a surface mirror—you shine a beam of light on it and you get the reflection back, you measure the lumens, you'll get a loss of energy because even the most perfect one you can create still loses energy because there's ... it's ... there's an absorption of energy at that interface. And that's the reason things go "pop," because part of that energy goes into that.
- C: Right.
- M: And so this incoherent scattering means that you lose some energy. And so when you reflect something, it's going to be less intense than the original thing. It's a basic law of physics. And so, those same principles hold true for seismic waves. So when you reflect a seismic wave, it is going to lose intensity—reflected or refracted. Either principle.
- C: Right.
- M: And so the fact that the two are of equal intensity suggests either ... you know, that makes it difficult. Secondly, the arrival time is wrong for a refracted wave because there's nothing ... you're going to have to take it off the mantle or something like that, or you're going to have to take it off of basement rocks or something. The problem with the shallow section of the earth's crust between here and Oklahoma City is that we've got a pile of rather discontinuous sandstone and shale, a big delta, called the Garber delta. That's what we get our water out of.
- C: Right. There's a big aquifer right under here.
- M: That's right. That's right. That's where we get our water, and it's a big delta, and the delta consists of channels of sand that go from east to west, and they're irregularly scattered through this pile of material. And there aren't coherent layers from which you could get a reflection ...
- C: Right.
- M: ...until you get some depth. And if you try to calculate the travel time down and back up, the time is wrong. So you'd have to get it really deep to get a ten-second layer because the arrival time, if you figure travel time, if you do the distance ... let's say something is 10,000 feet, the arrival time just quits.

C: And then it still wouldn't be the same intensity.

M: And It wouldn't be the same intensity.

C: Right.

M: So we've ruled out reflections, refractions, the air blast, and the thing I can't rule out is that there could have been fortuitously an earthquake somewhere. You see, the problem we have when you try to calculate this thing ...

C: Here. Have some paper.

M: [Dr. Mankin begins to make a drawing of what he is describing] ... is that what we have is we have a seismometer located right here. And we get a record from it and it says that we've picked up an event at some point in time. And all we can say is that if we know the travel time of a surface wave, which we do pretty well, all we can tell you, in fact, is that somewhere out here on that circle there was an event occurred that caused that signal to arrive at this station at this time. We can calculate the travel time back to its origin.

Now, that's all we can tell you. Well, that's not very much with one station. And normally, if it were an earthquake, we would say, well, that's all we can tell you. Now, what happened is, then we looked at all ... you know, if it's an earthquake, however, it's deep-seated, these Rayleigh waves travel some distance. And so we thought, well, we'll check all of our other seismometers around the state and see.

And normally what we would have, we'd have another seismometer over here and have a travel time, and we'd pick up something that looks like that, and so we'd say, well, it's either here or here. And then if you have a third one over here somewhere, and it picks up here, then you say, well, that's the origin of it. But it generally takes three seismometers, simple single orientation or single full seismometers to get a determination like that. Now, what we can do with the fancier units now we have over at the observatory, these broad-band, three-component digital units, is that we can get a phase contrast on their travel time between the three components and we can get an azimuth and we can, you know, it's not precise, but it's pretty close. So we can ... would generally with two seismometers like that, you can get a pretty good fix on an earthquake.

But what we did in this instance, in the absence of ... These didn't pick up anything, so we said, well, it's a local phenomenon. And since it's a local phenomenon, a surface wave, it was a fairly small one. It wasn't going to travel very far. You see, what would

happen the way this occurs ... Let's assume this is an earthquake, and it's, say, estimate it at, say, maybe ten miles down or something. What you do is you get energy coming in a cone out from that. And so this thing would come out and we'd pick up a surface wave and this would pick up a surface wave, and this would pick up a surface wave, and so on, on its depth, because the energy would come up, hit the surface, and then go out like this.

C: Right.

M: Okay. So that's why you pick up—from an earthquake—you pick up surface waves some distance away. But here, this particular event, all we did, we knew the building was blasted. We knew where it was. We had the seismometer. We got this record. We said, okay. If it were this building, then this first event would have occurred at 9:02-plus-four seconds. And if you look at the signal, it looks very much like a quarry blast, very much like some of the information you expect. So our interpretation of this event, absent this other information, is that that was the building being blown up. And so that's how we arrived at this ... And this is an interpretation.

Now, that was confirmed in an indirect way by the Omniplex sitting up here. It picked up two events. Unfortunately, their clock was malfunctioning, so we couldn't get an absolute number, but we saw the two events, and we saw the two events here, and we said, this was closer. It should have higher amplitude. It did. There should be two events if we're recording the same thing. It had two events and we had two events. We said, these two ... and looking at that information and looking at this information, we tend to corroborate our interpretation that there were two explosions ...

[Tape ran out.]

**Statement by Dr. Raymon L. Brown, May 9, 1995**

**Seismograms Possibly Associated with the OKC Explosion**

**by Raymon L. Brown  
Oklahoma Geological Survey  
Tuesday, May 9, 1995**

**Two instruments near the explosion in Oklahoma City (OKC)  
recorded signals which appear to be related to the blast.**

**Station FNO—near Norman, Oklahoma—SE of Blast**

The station near Norman, Oklahoma received three signals after 9:02 which could have possibly been associated with the blast. The first of these signals has a high-frequency character very much like traffic noise that is frequently observed on these instruments. This event could potentially be related to the direct P-wave arrival from the event, but the relative amplitude compared to the later arriving Rayleigh (or Lg) waves makes this interpretation unlikely. The second two events have a low-frequency character very much like the signals associated with quarry blasts around the state.

**Omniplex Museum—NE of Blast**

The Omniplex museum has a seismometer on display which records at reduced gain from that used at the Norman station (to reduce the noise from the city). Admittedly, having a seismometer in a noisy environment may not sound like a good idea, but the instrument was placed there so that the general public could see seismic wave trains recorded from large earthquakes.

Two strong seismic signals arrived at the instrument at about the time the operator of the seismometer felt the blast. This is fortunate, since the clock for this instrument was out of sync because of a power failure. However, the recorded signal and the relative timing appear to be in good shape.

In spite of the reduced gain at the Omniplex, the signal amplitude was large enough to cause the loss of the high-amplitude portions of the signal. The heat-sensitive pens were moving so fast that the details of the signal were lost during the highest levels of ground movement. The two large events on the Omniplex recording are represented by the white portions of the record where the signal trace disappears because of the pen movement. The total signal duration at the Omniplex Museum is approximately one minute.

**Initial Interpretation**

Determining the location and origin time of an event, i.e. a source for seismic signals, requires at least four recording stations. The two stations

mentioned above do not allow a unique assignment of the seismic signals to the blast. However, the signals are recorded at about the time of the blast. Thus, even though the exact origin time of the OKC disaster is uncertain at the level of accuracy required for seismic studies, these seismic signals can best be explained as being related to the explosion or explosions responsible for the blast.

### Interpretation of Two Signals

Each of the seismograms has two distinct signals. The simplest explanation of the two signals is the occurrence of two events at the site. Other possible explanations include:

1. The second event represents the collapse of the building.
2. Dispersion acted to cause the Rayleigh wave to split into a low-frequency early phase and a later-arriving Airy phase.
3. Air wave.
4. Air-coupled Rayleigh wave.

(1) The collapse of the building is not likely to cause a shorter duration pulse (observed on the seismogram at the Omniplex) than the direct signal from the explosion.

(2) The difference in frequency between the two signals observed at the station near Norman is not large enough. Dispersion is not the likely explanation of the two signals observed near Norman.

(3) The air wave (a direct wave traveling through the air) is a possible explanation for the second event at the Omniplex. However, it is difficult to describe the second event at the Norman station as an air wave because the speed of travel would far exceed the speed of sound in air (1100 feet/second). Admittedly, the velocity of the air wave must be supersonic for a certain distance away from the explosion. This possibility should be considered in future studies of the blast. Based upon the information at hand, it is unlikely the air wave travels at a velocity much different than the speed of sound in air.

(4) The air-coupled Rayleigh wave is a seismic wave excited in the earth by a large explosion above the surface of the earth. The resultant Rayleigh waves then travel through the earth and appear to have been created by the explosion. These waves travel at the speed of Rayleigh waves (because they are Rayleigh waves) but their arrival time depends upon the nature and distribution of the air waves associated with the explosion. Most of us felt accounts of the explosion were to the north, east, and west of the blast. Few, if any, reports of the blast being felt to the south



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were recorded. The destruction of the city away from the explosion was also predominantly to the north, east, and west, too. Thus, the air wave associated with the blast probably had a south-to-north propagation. This means that the air-coupled Rayleigh waves generated from the air wave would be propagating to the north. Thus, the second signal at the Norman site is not a likely air-coupled Rayleigh wave.

Admittedly, the study of the signals requires more thought. However, at this point in time, the simplest explanation of the seismic signals recorded at the two stations is the occurrence of two events. The Omniplex signal is a nearfield measurement in which many different seismic phases (separate signals) are likely to be arriving. The onset of the large events recorded in the nearfield at the Omniplex are not likely to be representative of the difference in arrival times of the Rayleigh waves observed at the station in Norman. The differences in the relative timing of the two events observed at the Omniplex (approx. 16 secs between events) and the two signals recorded at Norman (approx. 12 secs) can simply be an artifact of the number of waveforms arriving. Since the Norman station is thought to have simple surface waves (Rayleigh waves), the difference in time of approximately 12 seconds is the best estimate of the time difference between the two events. The time between the two large events recorded at the Omniplex is probably complicated by the arrival of many different phases and the relative timing is difficult under these circumstances.

In summary, the two seismic signals observed can be explained by a number of different wave phenomena and/or secondary events. The simplest explanation at this time appears to be the occurrence of two events.

## OKLAHOMA GEOLOGICAL SURVEY

ENERGY CENTER BLDG.-ROOM N-131-100 EAST BOYD STREET • NORMAN, OKLAHOMA 73019 • (405)-325-3031 • FAX: (405)-325-7069

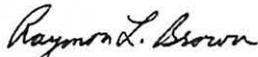
June 27, 1995

State Representative Charles Key  
Oklahoma

Dear Representative Key:

Collapse of the building is not a likely explanation for the high intensity of ground movement recorded during the Oklahoma City explosion. The signals recorded during the demolition of 3/4 of the Federal building clearly indicated a lower energy level of ground movement than that recorded during the destructive blast which involved the collapse of roughly 1/4 of the building. It appears that prolonged explosive energy is the likely explanation for the duration of the signals observed.

Sincerely,



Raymon L. Brown  
Geophysicist

cc: Dr. Charles J. Mankin, Director

Letter from Dr. Raymon L. Brown, June 27, 1995

June 29, 1995

Dear Representative Kay, ①

Attached seismograms from the Omniplex and station FNO near Norman are for both the demolition and the OKC explosion. Note that on the day of the blast, the Omniplex record was saturated, i.e. the instrument went off scale (the white area), for a period of ten seconds. ~~Compare~~ Compare this to the signals from the demolition and collapse of the building. ⇒

Letter from Dr. Raymon L. Brown, June 29, 1995, page 1

None of the signals received <sup>(2)</sup> during the demolition approached the intensity or magnitude of those received during the OKC blast.

The second signal ~~at~~ the Omniplex can potentially be interpreted to be an air blast signal. However, given the present uncertainty of the clock at the Omniplex, even this can be challenged.

Regardless of any subsequent explanation of all the seismic signals in terms of a "single event,"

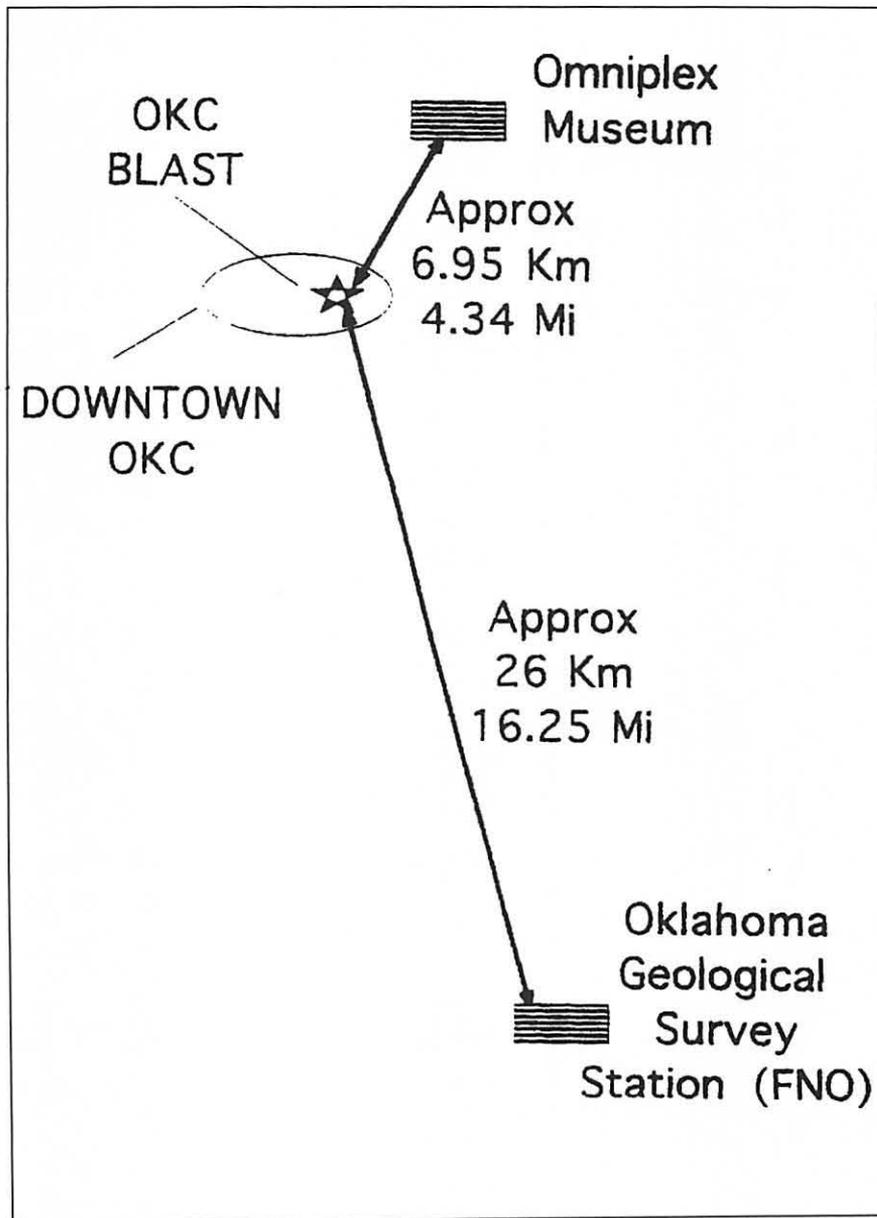
Letter from Dr. Raymon L. Brown, June 29, 1995, page 2

the possibility for multiple <sup>(3)</sup> explosions has to be considered given the long duration (10 sec) of the first strong motion recorded at the Omniplex.

A single explosion is an unlikely explanation for 10 seconds of high intensity ground motion at the Omniplex.

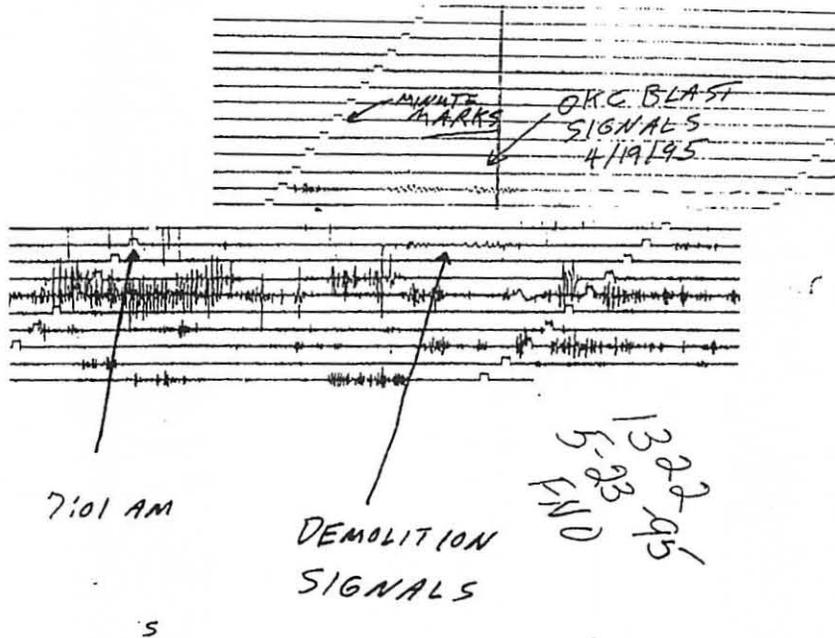
- Raymon L. Brown

Letter from Dr. Raymon L. Brown, June 29, 1995, page 3

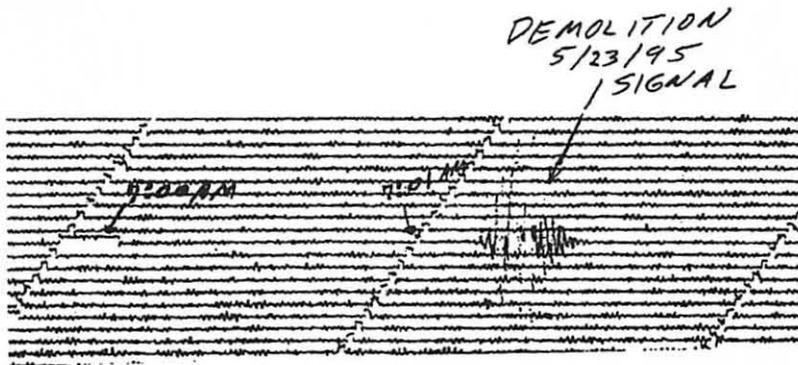
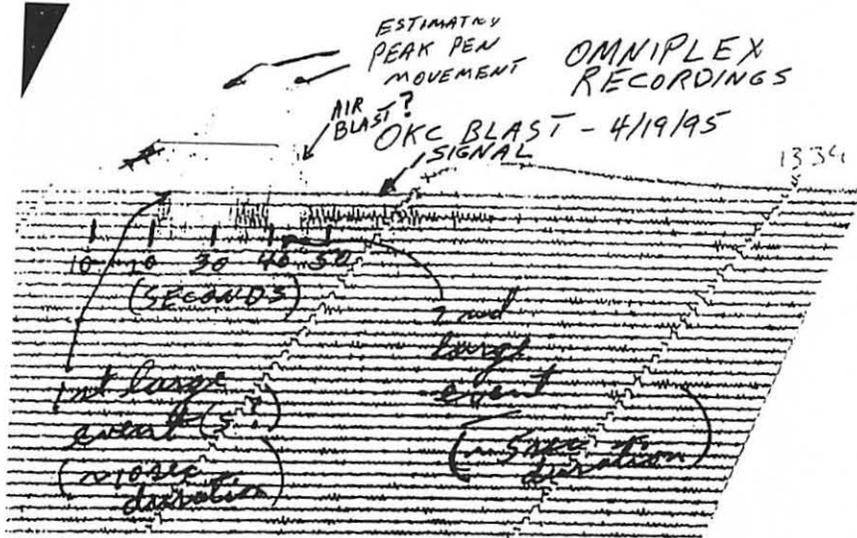


Letter from Dr. Raymon L. Brown, June 29, 1995, page 4

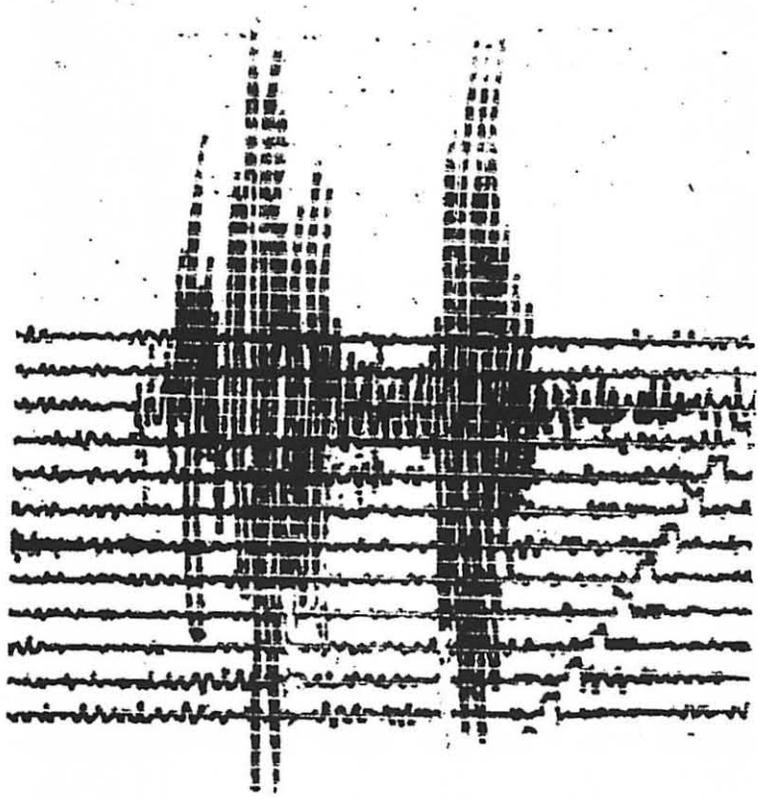
NORMAN STATION  
FNO



Comparative Seismograms—April 19 and May 23, 1995, Oklahoma Geological Survey



Comparative Seismograms—April 19 and May 23, 1995, Omniplex Museum



**Rough Sketch of  
Omniplex Museum Recording  
OKC Explosion**

**Dr. Raymon L. Brown, Rough Sketch of  
Omniplex Museum Recording, OKC Explosion**

## APPENDIX C: EVIDENCE OF INTERNAL EXPLOSIONS

*Relevance*, May 1995, Vol. 1, No. 101, p. 9

"Oklahoma City Bombing: America's Reichstag Fire,"—(excerpts)  
—Philip O'Halloran, editor; and Charles Bennett, associate editor.

It would seem that the risk involved in defusing a bomb is high enough and the act of defusing a bomb is elaborate enough that reports of a bomb having been defused should not come out of nowhere and then disappear. Captain Ken Raus of the Oklahoma City Police Bomb Squad, who was involved at the scene, told *Relevance* "... there were several other bomb technicians working independently and we all funneled our information to the FBI." Bill Martin, the Public Information Officer at the Oklahoma City Police Department, confirmed sketchy reports that several containers of mercury fulminate (an explosive accelerant) were discovered inside the building. He surmised that they may have been used routinely by the ATF in their explosives work ...



### Written Statement of Sam Cohen

[See Appendix A]

DATE: June 29, 1995

Due to circumstances beyond my control regarding the Uni-Bomber [sic] and the conditions at the Los Angeles airport, my flight to Oklahoma City could not be guaranteed. I regret that I will not be able to give this statement in person at the press conference in Oklahoma City Friday, June 30 at 11:00 a.m. Instead, I am issuing this written statement:

"I believe that the demolitions charges in the building were placed inside at certain key concrete columns and did the primary damage to the Murrah Federal Building. It would have been absolutely impossible and against the laws of nature for a truck full of fertilizer and fuel oil—no matter how much of it was used—to bring the building down. I concur with the opinion that an investigation by the Oklahoma State Legislature is absolutely necessary to get at the truth of what actually caused the tragedy in Oklahoma City."

If you should have further questions or wish to obtain more information from Mr. Cohen, you may do so by contacting him at his home:

Mr. Sam Cohen  
13241 Riviera Ranch Road  
Los Angeles, CA 90049  
(310) 454-1804

**Transcript of Press Conference  
(Excerpts Only of the Testimony of Benton K. Partin)\***

\*See biographical information in Appendix A

DATE: Friday, June 30, 1995

TIME: 11:00 a.m. - 1:00 p.m.

PLACE: State Capitol Building, Room 432A  
2300 North Lincoln Blvd.  
Oklahoma City, OK 73105

**PARTICIPANTS IN THIS EXCERPT:**

State Representative Charles Key, District 90  
Brig. Gen. Benton K. Partin (USAF, Retired)  
Members of the Media

**CHARLES KEY:** I appreciate the press being here today. Just by way of introduction, let me introduce myself. My name is Charles Key. I'm a State Representative here in Oklahoma City, representing House District 90. I've served now in the legislature for nine-and-a-half years.

During my first year in office, as many legislators do, one of the first things they do is hire a secretary. And that's what I did. I hired a friend of mine, a lady named Diana Day, and she was a friend of mine and also the sister of one of my closest friends. She worked for a year here in the State Capitol and then went to work for the Department of Housing and Urban Development. She lost her life on April 19, like many other people did, and left grieving family members as so many others did, and also a son. And I know that even though that was an experience that I never have gone through before, the people that actually lost loved ones are the ones that really suffered, and I can't compare to that. But that's how I began to become interested in this situation.

Last night we had a meeting with some of the victims, and we learned that many of those people—probably the majority—on their biggest complaint was the slow response from all of the assistance that's been set up for those individuals. And we heard a lot of angry comments and a lot of requests, and we learned a lot. We didn't know that there were the kind of problems that there are. So we'll be working to try to expedite that process and do anything that we can do.

After the bombing, I, along with others, began to notice inconsistencies in the government's explanations and the investigative units' explanations of what took place at the Murrah Federal

Building. Many of those of course, widely circulated in the media, were being accepted. As time went by, I began to look at some of those ideas and see other sources for some of the explanations for the bombing. I questioned those. I didn't accept them right away.

What I did was, I went to those individuals that have done examinations and analysis of the bombing on April 19, and I talked to those individuals. I looked at their examinations thoroughly. I looked at their credentials, and I found that they were men that had expertise and impeccable credentials in the areas that are necessary to make judgments on an event like took place here in Oklahoma City.

After personally contacting them, I'm convinced that the government has not been forthright about several aspects of what took place on April 19, including the kind of explosion, what kind of bomb, the number of bombs, and other important factors. I believe that it is important that the people of this State, of this nation—in particular, the victims—know what the truth was. These individuals, some of them are with me here this morning and they'll speak in just a moment. You'll have a chance to ask them questions. But let me just briefly tell you what we believe, and also what we're not saying.

We're not saying that there's a conspiracy. I want to make that perfectly clear. We're saying that there is another explanation for what's happened, and what we've been told does not add up to what many, many experts say took place.

We believe that an ammonium nitrate bomb, typically called ANFO in the explosives industry, could not have done that damage to the Murrah Federal Building.

We also believe that the seismographic information clearly shows, according to seismologists and the experts that have knowledge in this area, show more than one event, and that there are witnesses who claim that they clearly heard more than one explosion.

And also, because an ammonium nitrate bomb could not have done that damage alone, or at all, there had to be another explosion—because of the pattern of damage—to bring the building down as it came down.

We have left copies for the press of statements from many of these experts in the back. You can get those and read those and contact those individuals.

I want to introduce to you in just a minute three of the men that I want to talk in great detail about their opinions and their expertise in this area.

Today, there is General Benton Partin here. He will make a presentation about his analysis. He has an extensive background in development of explosives and other types of technology ... .

I'm calling for the Speaker of the House to appoint a Select Committee to investigate what happened here in Oklahoma City. I think we have a right to know what happened. I think we can investigate this to bring about the truth in this incident like the people in this State deserve to know. And I think it's appropriate for those reasons.

It also would not be infringement, or it would not impede the investigation in any way. And the reason for that is because these issues that we're discussing and bringing forward are already in the public domain.

At this time I want to introduce you to General Partin and let him make his presentation ... And then we'll be glad to answer questions, any question that you may have. General Partin ...

**MEDIA #1:** Could we ask you to sit down where Charles was?

**MEDIA #2:** I think to use all the mikes, it's better to sit here.

**BRIG. GEN. BENTON K. PARTIN:** Can everyone see this chart? I reside in Alexandria, Virginia, right by Mount Vernon. And I spent thirty-one years in the Air Force; twenty-five years of that was in research and development in weapons. I went through extensive training, technical training, in the weapons area and all of the associated technologies.

I started out working in the Ballistics Research Laboratories, building the warheads, testing them against all kinds of targets. And I served in the Air Force assistance command level twice, the Air Staff level twice, and in the Office of the Secretary of Defense in this particular area. And I was the first chairman of the Air Commission Requirements and Development Committee which harmonized the requirements for the Army, Navy, Air Force, and the Marine Corps. We were into all of the air weapons that all four services use.

When I saw the damage to the building, and with my knowledge of explosives, demolitions, and what you could do and what you can't do with explosives, I had a problem—a big problem—very quickly. You can't destroy hard targets with blast. It just doesn't work. And reinforced columns in the building are hard targets.

Let me just give you a little case in point. When we were developing the laser-guided bomb, we decided to test it against a moving tank. You've got a tank instrumented on remote control, and we

dropped a Mark 84 laser-guided bomb against that tank. It hit a little behind and a little to the right. It was closer to that tank than that truck bomb was to the closest column to the truck bomb.

If you watch the 35,000 frames-per-second film, you see the blast envelope completely enshroud the tank. All the detonation marks, the fireball, the tank was completely in it. As the tank moved on, you could see it exit from that dust cloud, the smoke cloud, still going, still running. The only thing that happened to the tank was, the antenna was knocked off that gave us remote control. So we didn't have any more control over the tank, and it went on across the field and wound up in a ditch a quarter of a mile away. And if you closely watch that fast-X picture, you see a big black crow exiting from that smoke cloud.

Gentlemen, the human body can withstand about eighty-five pounds per square inch of blast. And the crow, even if he didn't look like he was in too good of a shape, but he was in flight. I don't know how close he was to the actual detonation, but he survived that blast.

Now, I spent much of my career working on precision-guided weapons because I knew what you can do and what you can't do with explosives against hard targets. Now, a twenty-four-inch reinforced concrete column is a hard target. It is a very hard target.

I got all the information I could about the structure of the building, the columns, the layout, and the position—the supposed position—of the truck bomb, and I made a layout and I did some analysis to determine how realistic it was to have brought down the columns in the pattern it was brought down in. Can everyone see this with their cameras?

At first when I did this, I was concerned, and I was preparing a report and a letter to go to the Senate and the House because I felt somebody needed to take an independent investigation, because what was coming out of Oklahoma was not consistent with reality. It just was not consistent with reality.

I distributed a letter to about twenty-five Senators and thirty-five Congressmen—it was fifty-eight, I think, letters that I hand-delivered to all those offices, trying to get them to take some initiative action to see that the proper forensic investigation was done by an independent body before that building was brought down.

At that particular time it was some question about the precise location of the column, about the truck bomb. I said, well, if it was the truck bomb that did the damage, it would have had to have been located somewhere adjacent to this column which I will label A3.



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There are thirteen columns in each row, and there are two in this, and I labeled the columns: this row A, this row B, this row C, and column A, one through eleven, to the other side.

Actually, the truck bomb was just beyond A4, over at this point. But to reach into the building—the building is really relatively symmetrical here with respect to damage. So you would expect symmetry with respect to detonation and with respect to the damage and the detonation.

Now, with the truck bomb over here—and I stated in the letter to the Senate and the House—I said if it was the truck bomb that did the damage in Row B—column row B—then the maximum reach would have been relatively adjacent to B because, if you look at the circles, they're pretty flat reaching back here. That's the constant level of pressure. And you see that they're not too different between B2, B3, and B4. So you would have to consider it marginal if, in fact, that column was brought down by the truck.

But when you move the truck—the bomb—over here to beyond A4 where the center of the crater is, then you would have to have brought down—the maximum reach of that would have been near B4 or B5. And it should have brought B4 down, B5 and on B3. And because of the steep gradient in pressure, you have a big, big difference between the impulses that column B3 saw, and column B4 and B5.

You don't need to go any further than that. That's ipso facto evidence that column B3 had to have had a demolition charge on it. There's just no other explanation. Not in my book. Now, if you'll look at some pictures that ... I'll show you a picture later that shows the stub of column B3 was broken off down below.

Now, across the front of the building was a very large header which [indiscernible] sort of reflected over here to the right. And every other column, every odd column—columns A3, A5, A7, and A9—go from that header to the ground. And the columns under that header are much larger than the columns going up. All of the columns across the front, from the header up, are the twenty-four-inch columns. All of these are the same size. They're all the same size column.

Now, if you had the reach, the ability, to bring down ... and let me just look at the profiles. Ammonium nitrate does not detonate at the velocity of C4. Those explosions are around 20,000 feet per second. That's a quarter of an inch a microsecond. That's the speed of a satellite in orbit.

Ammonium nitrate detonates at a velocity a little more than half, maybe 1400 or 1500 feet per second, which is considerably less.



And when you detonate ammonium nitrate, your detonation pressure is on the order of about a half a million pounds per square inch. And 4800 pounds of ammonium nitrate would give you a ball of—if it was in a sphere—that's the maximum energy you could get out of it if it was a nicely compacted sphere and you detonated it from the inside out, that's the maximum energy you would be able to get out of it. So that's essentially what I did, the maximum that you could possibly do.

You would have had this four-and-a-half foot sphere of ammonium nitrate. Your detonation pressure inside would have been about a half a million pounds per square inch. By the time it reached the first column, you're down in the order of 2300 feet if it was right straight in front of it. But if it was off to the side, you're down to around 600 pounds per square inch. Again, that would have been for A5. It would actually have been more than that because A4 does not go to the ground; so, you would have been considerably farther. You probably would have been up here to the 300 or 500 pounds-per-square-inch region if it were here, and that was the distance over at A5.

But right here, if it were in front of A3, your pressure would have been down to between 300 ... and it would have been somewhere in the region of 300 to 500 pounds per square inch if it were stuck here, and the closest one would have been column A5, not A3.

Now, if you have the ability, and looking at these impulses way out here, from this location out to A7, just beyond A7, you're down to eleven pounds per square inch. Eleven pounds per square inch! You move into the next row in, you're at eighteen pounds per square inch, and here you're at forty.

Now, if you move the truck bomb over here, you say there would be somewhere around in this range here between forty and eighteen pounds, maybe thirty pounds per square inch by that time over here at column A7. Gentlemen, that's not enough to bring down a heavy, reinforced concrete column. If you think it is, you're just kidding yourself.

The yield strength for reinforced concrete is about 3500 pounds per square inch, and compression about 600 pounds per square inch on the backside of a moving column where it's intentioned [indiscernible]. So you're down in the region of the backside breaking point of the back of the beam.

But any time you're loading something with explosives and from a blast, it is so short that the reaction of whatever that blast is going against is primarily inertial. In other words, if you have a column and you hit that column with a blast, there are two things tending

to restrain the blast: the structure itself and the inertia. It's like a baseball bat. Maybe you [hit] a baseball with a bat. It's the inertial force that you feel through that bat handle. It's the same thing with the explosive loading or blast loading. You have the inertial force always, dealing with explosives, far exceeds the structural forces.

Now, in most demolition work, you stick the explosives right against the column or whatever you're trying to bring down so that when that wave of deformation sweeps through the explosives where you have about a half a million pounds per square inch in that detonation weight—if you have that up against a reinforced concrete column, that pressure wave penetrates and sweeps through that reinforced column. And you're so far above the yield strength—maybe a hundred times almost above the yield strength of the concrete—when that wave moves through the concrete, it essentially turns it into dust or sand. It's not a structural failure. It's not a fracture. You just essentially turn that area into sand.

If you're depending on, back of here, where you're dealing with blast pressures and what hits the building is far less than the yield strength of the material, it will fail structurally with you, where you have the explosives in direct contact and that blast, the shock wave from that explosive penetrates the column directly at the very, very high pressure which is above the yield strength.

I hope I'm not getting too technical with you, but you need to understand this to understand the difference between blast loading from a distance and from demolition charges which are put right up against the column. You know, when they brought down the remains of that building, they used less than 200 pounds of explosives, and I don't know ... it's 150, 200 pounds, 200 different little charges, and there they drilled holes into the columns so that that wave of deformation would sweep through the column directly from the explosives. And that's what really tears it up and destroys the structural integrity.

Now, if the bomb ... let's just go back and talk about the truck bomb. Presuming you had a truck bomb, you would have expected it to have been here, but no, it was over here. The most maximum reach would have been to B4 or B5, but B3 is still up. So I don't think anybody can question, if you look at the details and analysis, it had to be a demolition charge on B3.

Now, let's just suppose that you could reach out here and bring down column A7—and you're talking about pressures—if the bomb were right here, you're talking about pressures on the order of between eighteen and fifty pounds per square inch, which is very small. But let's just suppose it did bring that column down. If

it brought that column down, you should have wiped out every column in this row. If you had the strength to bring A7 down, you would have taken out every one in the B row. Every one.

And you would probably have had a little better potential for doing it inside than outside because the shock wave going from here, column A7, would be seeing more of a side-on wave, and your side-on wave pressure is less than your face-on pressure. Your face of the column would have been seeing side-on pressure. This side would have been seeing face-on pressure reaching into the building, but a lot of that would have been bouncing off. So you're in sort of a side-on perspective here instead of a face-on. If the thing had gone off here, you were in a face-on position here and the pressure would have been higher.

So you would have to say if you had brought that column down by the truck bomb, you would have had to have wiped out this row, and it didn't happen. It's just totally incompatible with bringing down this row of columns from the truck bomb and not getting those. The second is that column B3 is not in the right position. Somebody jokingly said they parked the truck in front of the wrong column. Well, you could say they put the demolition charge on the wrong column just as well.

I don't know. I don't know what happened. All I can say is the B column, from an analytical point of view, had to have had a demolition charge on it. It couldn't have been explosives stacked out somewhere in the building unless it was a humongous amount of explosives, which would have done far more damage than was evident in that building because it just wouldn't reach. Because a smaller charge against that column wouldn't have brought column B3 down.

So you have the incompatibility. Either you did this or not. If you did this thing, you should have wiped out this column. And you look at the pressures, you don't have the energy to reach out to those columns down there and bring them down with one blast. Your pressure is just too far off.

I think a lot of people get confused about explosives and what you can do and what you can reach. The pressure falls off and the impulse falls off one over the distance cubed. And that's why it falls off from a half a million pounds here to about eleven pounds per square inch.

And if you look over here on the front of the building, all of the strips of metal in the windows—I guess the glass has all gone out—but those metal strips are all still there. Very light metal. If you had had any type of pressure that was capable of bringing down that



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column, all of that stuff would have been stripped off the front of the building.

Now, let me turn this over to talk about what we see in the actual building, okay? Looking at the damage from the building, this is not a good picture, but the early on ... to see that day. If you look from the top of the floor, from the roof line even, all the way to the ground floor, everything on every floor petals downward. You have the same fault line from the ceiling. It goes all the way to the ground. That tells you one thing. The bottom of those columns were cut off and the whole thing dropped straight down, and your fracture line across the front is consistent all the way to the ground.

And if you look at the other side—the fracture line of the roof line here that sort of dimpled-in—probably it goes back a little further than that. But if you look at this bay here, this bay is held by this wall and this wall. The business here tends to fall down and break along this line. But you're holding this bay, floor, or roof, or whatever on two sides. In this area, this bay area here, it's being held on three sides. This side, this side, and this side. And that's why you have this scalloped area here, a very large scalloped area. The column had the bottom cut out from under it and it just dropped straight down.

Now, if you look at ... this is not the best picture, but ... the area behind this column and this column—the second floor and the third floor are completely out, just like in the Trade Center building bombing. Around this column and this column on the second floor and the third floor, the floor levels are completely removed from the columns. There is nothing around those columns. They are standing there dead. Could I have one of the other charts, pictures there that show the bottoms of those columns?

Now, interesting. If you look at this picture, it's been somewhat cleaned up. All of the petaling stuff is gone. But the columns are twenty-four-inch square reinforced concrete columns. But look—this is the column B3 that has completely gone and disappeared. But this is column A3 and column A4. Now, those columns have furring strips around them and sheet rock around them, and you can see that the sheet rock—the furring strips and the sheet rock—are still around those columns. What's the damage? What kind of pressure did they see?

You know, if you had seen pressures sufficient and inertial force, momentum imparted to have taken out those columns, you would never see the sheet rock still on those columns there. And that was right straight in on both sides. The B column is gone. But the

small demolition charges around the columns don't reach out very far for damage except for right where they're doing the damage.

So I think this proves, from my conclusions ... and let me just go back and refer to this picture again—the header that went across the front and was closest to the bomb truck—because this header, you see it landed across here and across here and across here. It is a humongous column. It is very large. If you look at the column with a magnifying glass—and I've looked at a lot of pictures of that column—and there is no damage on that column. You don't see any latent damage on the column, on that header across there anywhere—none. None. So it was not in a region with sufficient pressure that exceeded the yield strength of the concrete, which is quite low compared to steel and other things. So there's no damage.

But if you look carefully right here at this point, this is the first column. This is the column that goes to the ground, column A3. A3 goes to the ground and you can see it sticking up, and you can see the end of the header on this side—well, you can't see it in this picture. They've got this ramp over it, but I've seen some of the pictures where that ramp is not over it. You have the ends of both of that header is gone and the column has gone down to somewhere between the first and second floor.

If I were going to use demolition charges to bring down this building and reproduce all of the evidence that I see, I would have put a demolition charge at the header of column B3, column B5 and column B7, and I'd have stuck it on the third floor level, right at that header. And you would have separated it at that joint. If you had done that at the top of column B3, column B2 and B4 would come down automatically because there's nothing under them. If you do that at column 5, column 2 [sic (4)] and column 6 would come down. If you do it to column 7, columns 6 and columns 8 would come down with it.

So three demolition charges across the header insure ... would make me think there was a demolition charge at that header. And a demolition charge on column B3, and the truck bomb out front to fuzzi things up and give you a lot of noise, would have done everything you see having been done there.

Now, that's my analysis, and I've looked at many, many bomb-damage assessments against all kinds of things, and from all I see, that's the only way I know you could reproduce the results there.

**MEDIA #1:** General, when you say a demolition charge on this column B3, what kind of charge are you talking about?

**PARTIN:** Well, any ... any high-velocity military explosive would do that.

**MEDIA #1:** How did it get there?

**PARTIN:** I don't know how it got there. I cannot ... I won't get into speculation on what happened. All I'm trying to do is analyze what I see on a damage assessment to what is there.

**MEDIA #2:** Where did you learn how to do these kinds of assessments? Is it your experience? Your test experience?

**PARTIN:** Well, as I said before, I have a degree in chemical engineering, and I have a degree in aeronautical engineering. But [in] aeronautical engineering, I got a master's [degree]. It was eight quarters of armament engineering. Normally, you get a master's with three quarters of work, right? I had an eight-quarter program in armament engineering where you learned explosive train design, all kinds of analysis of explosives, explosive effectiveness, and so forth.

Then I worked in the Ballistic Research Laboratories at Aberdeen Proving Ground. I did the first design development work for the continuous model warhead for the Bomark missile. I had them fabricated, tested, and brought them down to Socorro, New Mexico, and tested them in a range and field we have down there, got my results, went back to BRL and went to another iteration of the design. And I blew up many, many targets.

And I can just give you a point that nobody has mentioned, and let me just make this clear. We've done an experiment looking at a surface-to-air missile warhead against a fighter aircraft, which is a fairly high-density fighter. And we had a big concrete pad, and on that pad we put about a six-inch piece of armor that is about as long as this table and twice as wide—many, many times. And on that we put 500 pounds of an explosive, and we suspended over it between three towers a fighter aircraft fifty feet above it, suspended between those towers, and we set the 500 pounds off to determine the blast damage against an aircraft, okay?

The plane was fifty feet above. You have 500 pounds on the ground, but because of that hard back, you had a perfectly reflected wave. So you had the equivalent of 1000 pounds of explosives, not 500—a thousand pounds of explosives. And the only thing you could see done to the damage of that airplane from the ground, the little, light flimsy ailerons were slightly damaged. The elevator was slightly damaged, and the horizontal stabilizer on one side was canted about five or ten degrees. That was the only witnessable damage to the ground from the implodement of 1000 pounds.

Now, how does that relate here? No one has said anything about this, but when you set off a very large explosive charge close to the

ground, where you backed up with concrete or something hard so you cannot anticipate a lot of energy and it rebounds, the reflected wave catches up with the outgoing wave because you're going through hot gases, and reinforces it fairly quickly. So, it wasn't a perfect back-up like I was using when we did set off that charge against the aircraft, but it was somewhere approaching.

So maybe you weren't quite a factor of two times the 4800 pounds which they said was there. Maybe you were somewhere down around ... maybe instead of two times forty-eight or 9600 pounds, you may have been somewhere in the order of 7000 pounds implodement, because the ground reflects that detonation wave and reinforces the outgoing wave so that you really have the equivalent of more than what they said was in the truck.

Now, if you look at that damage and say, well, what difference does it make whether you had 4800 pounds or 7000 pounds, what you're talking about is in this region that's [indiscernible] at eighteen pounds per square inch, you're maybe having thirty pounds per square inch. Still not adequate to do the job. Okay?

**MEDIA #3:** I have a question. Is this your first trip to Oklahoma City?

**PARTIN:** No. No.

**MEDIA #3:** Have you examined the site?

**PARTIN:** I would love to have examined the site.

**MEDIA #3:** But you didn't examine the site?

**PARTIN:** I did not examine the site. I would have loved to have. The site was not available.

**MEDIA #3:** Well, don't ... wouldn't you agree that a physical examination of the site would have given you a much more thoroughly ...

**PARTIN:** No. No, not really, because the conclusions that I came to, I did not need to see the site. The thing I really wanted to do, and the right thing I felt really should be done, someone should defer or delay bringing that building down until somebody went in there and looked to see where the demolition charges were and how many there were. Because if you could go in and look, you would see everywhere you had a demolition charge, the surface or the residual—the stub of a column, or the column that was coming down, or wherever the demolition charge was—you could very, very easily see a texture that is characteristic of being in contact with the explosive. A very quick, cursory examination would have determined that.

**MEDIA #4:** Other than photographs and media reports, what evidence have you used to compile your study?

**PARTIN:** Nothing. Nothing. I didn't need anything else to come to the conclusions I came to here.

**MEDIA #5:** So, General, the FBI and all their investigators who went through the building are wrong, and you, with all due respect to your expertise, just looking at pictures, are correct and the FBI is wrong.

**PARTIN:** Well, I don't have an FBI report that says specifically what they did and what their analyses were. I don't have that FBI report. I think most people who have had the kind of background I have had could have sat down and done the same analysis that I did and would come to the same conclusions.

Now, if you had the shattering intensity of a blast to have done the kind of damage you're talking about having done here, that big header column shows absolutely no evidence of it. None. You can look at the stub of column A3. Look at the stub of column A3. You don't see that shattering effect either. You can see the reinforcement rods sticking out of the column where it was destroyed. Now, what it was destroyed from? Was it a demolition charge?

See, demolition charges in contact with concrete like that, you can get away with a fairly small charge.

**MEDIA #6:** Well, what do you think happened? I mean, I know you think there was an explosion inside the building as well. What is your scenario? I know you must have thought about that.

**PARTIN:** My scenario is simple. If you look at the letter that I wrote to the Senators and Congressmen, I asked the question, would it have been possible for somebody to have done that from the outside? And I said, why, sure. Those columns are right accessible to the sidewalk, every one of them.

But if you look at the stub there on column A3, it's still standing up there. And if anybody had put a demolition charge on that, they certainly wouldn't have gotten a stepladder and put it up on something halfway up the column. It would have been like ...

**MEDIA #7:** So, you're saying there was an explosion outside and inside simultaneously?

**PARTIN:** Pardon me?

**MEDIA #7:** There were two explosions, one outside and one inside going off at the same time.

**PARTIN:** I would expect anybody who was putting down demolition charges anywhere would have used something like primer cord and run them together and set them all off at one time.

**MEDIA #8:** General, what you're talking about here is ... I know Representative Key has said let's not get into this issue of conspiracy. But

that's not what we're saying. But you are suggesting literally an inside job. In your letter to Senator Nickles, you raised the question: Who stands to profit from this act? And you had a fairly lengthy answer. Can you kind of describe that for us?

**PARTIN:** Well, look. I will get into this. And not one time ... And some gentleman stood up last night and absolutely misquoted me. He misquoted the letter, to say I was blaming something on the government.

**MEDIA #9:** I did not.

**PARTIN:** And you're saying an inside job.

**MEDIA #9:** No. I quoted the letter. I quoted the letter.

**PARTIN:** You misquoted me, sir.

**MEDIA #9:** No, I did not.

**PARTIN:** You were deceptively misquoting me.

**MEDIA #9:** No. No, I did not.

**PARTIN:** You were lying.

**MEDIA #9:** No, I did not.

**PARTIN:** You surely did. You said I said the government did it.

**MEDIA #9:** Well, you want to talk about what's in the letter? I'll ... we can talk about it.

**PARTIN:** I said there was a high probability, a high level of confidence, that you had demolition charges on that column.

**MEDIA #9:** You also said ...

**PARTIN:** I didn't say anything about the government, an inside, or anything. I went to length ... I said in that thing ... I specifically said it could have been orchestrated from anywhere in the world. That's what the letter says. And if you misrepre ... you were lying last night.

**MEDIA #9:** I was not. I resent that.

**PARTIN:** Well, the thing said, I said in the letter that it could have been orchestrated from anywhere in the world. I have watched many things like that that have happened. I quoted in there the assassination of Dr. Gaitain in Bogota, Columbia to upset the Interamerican Defense Corps which was meeting there. It was orchestrated from Moscow through Cuba to Bogota. They had someone—local dupe, a local patsy—assassinate Dr. Gaitain. They immediately killed the assassin. They immediately flooded the country with flyers produced by six different presses and blamed the assassination of Dr. Gaitain, who was a liberal left-eye in Bogota, and blamed it on the conservative government in power. The people started burning

and sacking Bogota and forced the Interamerican Defense Board to flee to a military installation. It was done to precipitate a reaction. And I resent it when people stand up and misquote me, and misrepresent what I said. I didn't say the government did it. I said this could have been orchestrated anywhere in the world, and there are resources in many, many countries to have accomplished that, and they could have done it from somewhere, anywhere.

**MEDIA #10:** General, would we be misquoting you or misparaphrasing you if we said that you think this was done to reflect attention or set up a relation to focus attention in a direction other than the true source of the explosion? In other words, was it done, set up in such a way that people would conclude that somebody other than the people truly responsible were the ones who did it?

**PARTIN:** I wouldn't say that at all. And now let's get into opinions, okay? I've talked about facts and what I've done from an analytical point of view. Now let's talk about opinions. Just give me about five minutes and I'll explain something to you.

In my many years in the military, in weapons-systems development, I've found two things that give you a basis for long-term and long-range prediction. When you lay down the requirements for a weapons system, it takes you roughly ten years to bring in a weapons system. When the D-1 was starting, the requirements laid down, before you got money and everything to do the program, it normally takes about ten years before you have a fighting force in the field ready to do something. If you're going to keep it around for twenty years or ten years, what is your crystal ball for looking out there twenty to thirty years in the future to see what your operational scenarios are going to be?

I've never found but two things that were useful. One was the extrapolation of technology, and the second thing was the global program for transforming the world into a world social system, published in 1928, approved in the night by the Congress in the meeting in Moscow in 1928. They worked from 1919 to 1928 to perfect that program and how to implement it.

The next Party Congress in '35, they reviewed it. The only thing they changed was they put a little more emphasis on what they called the United Popular Front. One: they divided the world into three different kinds of countries with different strategies to be used in different countries based on their vulnerabilities.

For the United States and most of the Western hemisphere, the strategies for transitioning countries was a war of national liberation. There is a whole section in their documents dealing with the strategy and tactics of a war of national liberation. I could give all

of you the references to them; you could go look them up and study it yourself.

The strategy for the United States was a war of national liberation because they considered us to have oppressed nations within. Canada: the war of national liberation is based on the French Separatists. In Ireland, it's the Protestant vs. the Catholic. In Africa, in Rowanda, it was the Tutsi vs. the Hutu tribes. And you can go on and on.

Many of these revolutions have gone on to completion. Castro's was strictly a war of national liberation. There are some other things that I could go into detail, but the problem is wars of national liberation—and there are many of them going on around the world—it's not just here. If you don't read, you don't understand this. If you read, I hope you read some material and you'll look at what's going on in these wars of national liberation. That is the source of terrorism.

Now, in the United States ... and you look at the rest of the world and their program—not our program, *their* program— it's their documentation. It's their official documents that they have approved by a World Congress of their leaders. In the United States, they have been in the preparatory phase. The first step is this preparatory phase. It is long-term. It exacerbates the conflict thesis. It is nonviolent. It is organizational. It is generating the hostilities to carry on a revolution later.

Then at the appropriate hour they move into the period of escalating violence. You start off with political assassinations, kidnappings for ransom, urban guerrilla warfare. A lot of the things that you see going on in the drug business is orchestrated in this way.

Then you move on up into the higher levels of violence until you have power to take over control of the government. Castro took over in early 1960, right? He moved ... in 1960 he completed the period of escalating violence.

The next period is the period of exploitation. In other words, you use that country—once you have captured it—to move against the next contiguous country or the next target country, to keep the keep the political offices from trying to rush a hard link. Then people don't get too worried about it.

So if you look at what's going on in this country, they're getting close to the period of escalating violence. If you noticed, within the last twelve months, all the little factional groups out in the Southwest have gone under one command. In Mexico you had your first revolutionary violence last year ... er, this year. You are moving toward the period of escalating violence.

There are two things you're always trying to do before you move to the period of escalating violence. One is you try to remove the death penalty, because if people are going to be involved in revolutionary activities, they get caught, they might get executed. But if you remove the death penalty, the worst thing they have to fear is being locked up, and when the revolution goes to completion, they may become the President like Mandela or Fidel Castro, you see. So they don't really fear being locked up as long as the revolution is going to completion and they'll be free. But the death penalty is even intimidating.

The second thing they always try to do is to disarm the people. In that way several hundred thousand professional people, industrialists, and business people are no threat to the revolution. But ten million armed and independent farmers are a terror to the revolution. And that's why there's a big effort and push to deny you your Second Amendment rights.

Now, looking at the United States right now here today, I mentioned who orchestrated all of the killings in this country in 1992, 1993, and 1994. The way was prepared to get the Assault Weapons Bill through. There were a lot of senseless killings, and I mentioned them in that letter.

Now, today, you have had before the Senate and the House an Anti-Terrorism Bill that was put over there in January. I've talked to many people on the Hill in both the Senate and the House, and they were all of the opinion before that bomb went off that there was ... that the FBI had all of the authority that they needed to contain terrorism. And if you ask me, if they had the authority to do what they did in Waco or Ruby Creek [sic (Ridge)], I think they may have had too much authority, or they were exercising authority that they really didn't have.

But now you have this Anti-Terrorism Bill. And when the bomb went off in Oklahoma City, Republicans and Democrats in the Senate and in the House were jumping all over each other trying to get a bill out, even bypassing the Senate and bypassing the committees. And if you don't think that what happened in Oklahoma had tremendous impact across the United States with respect to focusing on getting that piece of legislation out ...

Now, if you were sitting somewhere else in the world, orchestrating a war of national liberation, would you want to exercise some little thing like this that you could do—a little thing like you did in Oklahoma—to affect legislation that would impose further gross restrictions on the people, which we have never seen in this country?

Let me just read you one thing. Now, this sort of thing goes on, and if you don't think people do things to affect legislation in the United States, let's just let me read you this. This is a book. It's brand new, out by Anatoliy Golitsyn. He's a high-level KGB defector. He's the highest-level KGB defector we ever had. I wrote a book in 1967 on the Sino-Soviet conflict—*Cooperation and the Risks in Force Structure Planning*—where I concluded that the implementation of the so-called Sino-Soviet split was a hoax, with infinite chaos to the implementation of that program.

He wrote a book called *New Lies for Old* in 1980, published in 1984, and he said the Sino-Soviet split was a disinformation program, and it was the key disinformation strategy on which all other disinformation strategies depended. But yet the official position of the United States government all during that time was that the Sino-Soviet split was sort of a keystone in United States policy.

Now, let me just read this. This is what he had to say, what we have going on right now in Chechnya. We have violence, a lot of violence inside of Russia.

“The Kremlin's Objectives in the Chechnya Crisis:

“The timing of the Chechnya Crisis is an essential key to understanding the strategic objectives which underlie it. The Crisis falls closely on the Republican Congressional victory which is possibly pacifist in the reversal of the United States military rundown. Contrived and televised in Russian, military bungling during the Chechnya campaign has sent a strong message to the West that Russian military leaders are divided among themselves, that there is widespread incompetence and low morale in the army, factors which demonstrate that it can be discounted as a serious military adversary in the foreseeable future. The message is intended to influence U.S. Congressional debate on the subject of Russian military potential and the size of U.S. forces required to maintain the balance within it.”

Now, if they will do that inside of the Soviet Union to affect Congress, would they not set off—or somebody pushing wars of national liberation—set off the bomb here?

**MEDIA #11:** In your opinion, do you think that the Oklahoma City bombing ... .

**MEDIA #12:** General, excuse me just a second, if I may. Might I ask you to sit back down, because we're not going to be able to share your answers with our audience otherwise.

**MEDIA #11:** Well, in your opinion, is the Oklahoma City bombing the result of leftist forces who are attempting to get passed legislation on the federal level to crack down on something?

**PARTIN:** Whoever it is—it's a noted big issue, to do what was done—you must readily admit, it had a gigantic impact on trying to get that legislation through.

**MEDIA #12:** It says in your letter: "Since the Oklahoma City bombing, this country has seen one of the most intense, most pervasive psychopolitical campaigns against the so-called Christian Right that has ever occurred before in this country ... "

**PARTIN:** I would invite every one of you to go into the library and get the most popular news magazines—get a half a dozen—and track them for the first three weeks after that detonation and you will see precisely what I mean. You won't get that impact on just seeing them on news off the TV every now and then. But go get five or six of the most popular news magazines in the library for the three weeks after the bombing, and you come to your own conclusions.

**MEDIA #12:** Well, you're concluding ... Are you believing that this ... of the left and attacks on the right? Is it coming from the left? All of the talk, was it coming from the right?

**PARTIN:** Well, that's the propaganda, you see. That's the disinformation program. Let me make one ... you all need to know one thing. How many of you know about Pavlov and his dog? You ring the bell, you feed the dog, you ring the bell, you feed the dog, and the saliva flows whether you feed the dog or not. There are two other levels of that experiment that most people are not aware of.

He took the same dog. He put him in a bare room with a light bulb. And he would take a stick. He would turn the light out and he would beat the dog. Turn the light out and beat the dog. With a long stick he couldn't hit the dog in the corner. The dog's only defense mechanism was dive to the corner. So you turned the light off, beat the dog, turn the light off, the dog dives to the corner. So you have him conditioned to two things: the bell and the food, which is good; and the light going off and being beaten with the cane, which is bad.

Now, you take the same dog and put him in a bare room and you simultaneously ring the bell and turn off the light. So what does the dog do? He stands there and quivers. He does nothing. You have induced what the psychiatric world calls a catatonic state.

And the media providing the truth with the lie compounded produces a catatonic state in your own reactions. You don't know whether to believe this or whether to believe that. You have the

truth compounding with the lie coming from the media, which you'd like to believe. So what's your reaction? Do nothing. Half the people in this country don't even vote.

**MEDIA #13:** General, with all due respect, I'd like to come back for just a minute to the bombing.

**PARTIN:** Okay.

**MEDIA #13:** In your background, what you have said—a fairly lengthy background you've laid out for us here about how the Communists operate, what they attempt to do and so forth. Are you implying to us that this bombing was part of a Communist plot to take over this country?

**PARTIN:** I am not implying that. I am saying there is a program. Now, does this contribute to it? Yes, it contributes to it. Was it orchestrated from Moscow? Was it orchestrated by Cuba? Was it orchestrated from Podunk somewhere? I don't know. I don't know. That's for people who are investigating it.

But you start out with the premise that this thing was done by someone who hasn't had too much experience in explosions. Start off with the premise that the Jerry Falwells and the right-wing Christian talk radios and talk radios ... I don't know if anybody in here is from the talk radios or TV programs ... I don't know. If you start off with the premise that they are the bad guys, then you're going to be running in one direction. If you want to keep your options open ... All I'm saying is, you ought to keep your options open and look at all aspects of this to try to determine what happened. Go after the truth. Don't get any preconceived opinions out there. Go after the truth. And that was the only thing I was asking—with respect to having the United States Senate and House try to get an independent investigation—was just to look at those column stubs to see whether they were brought down by demolition charges or whether they were brought down by blast loading. And I think from all I've seen and the more pictures ... I've looked at a lot of stuff down here. It sure wasn't brought down by blast loading.

**MEDIA #14:** Well, what is the truth?

**PARTIN:** Well, I don't have it. I think I would have been able to give you a lot more truth if I had had access to that building and could have looked at all those column stubs.

**MEDIA #15:** I thought you said it didn't make any difference that you didn't get to look.

**PARTIN:** Well, look, as far as this analysis goes, that's right. But do I want to say ... can I stand up and say that there were three ... there were

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four demolition charges and a bomb out front? I say that's the only way I know that I could reproduce the damage. There may have been more demolition charges.

**MEDIA #16:** Is there any possibility that the column in Row B could have been of inferior construction and so it failed while others closer did not?

**PARTIN:** I'm sorry, I didn't get your question.

**MEDIA #16:** Is there any possibility of inferior construction explaining why the column in Row B failed whereas others did not?

**PARTIN:** Look. Always, and I think you're about the hundredth person who has asked this question: "Did some contractor skimp and have a lean mixture out there and screw up the concrete?" You have building inspectors in Oklahoma that don't permit that sort of thing. If you look at the pictures there, the top of that column, you can see that the concrete is well peeled away from the reinforcement rods.

**CHARLES KEY:** Let me say this: I think the most important thing about that question is that we don't know that. And we can't know because the site has been cleared off. And if that's an answer as to how this damage happened, I would say that one might as well go into the far world of speculation because it can't be backed up and proven

...

**MEDIA #17:** General Partin, if I may, just to be sure, would you spell your name for me, please sir.

**PARTIN:** P-A-R-T-I-N.

**MEDIA #17:** And first name?

**PARTIN:** Benton. I go by Ben.

**MEDIA #17:** B-E-N-T-O-N?

**PARTIN:** Yes, sir.

**MEDIA #17:** Thank you.

**PARTIN:** Thank you.

[End of General Partin's portion of the press conference]

Rodger A. Raubach Ph.D.  
P.O.Box 3042 , Casper , WY. 82602-3042  
Phone: (307)-235-5266 ; FAX: (307)-237-2500

18 July 1995

Brigadier Gen. Benton K. Partin  
8908 Captains Row  
Alexandria , VA. 22308

Dear Gen. Partin;

Earlier today I received a copy of your report on the bombing in Oklahoma City, entitled "Bomb Damage Analysis of the Alfred P. Murrah Federal Building, Oklahoma City". This report was dated July 13, 1995.

I read this report carefully and examined the exhibits appended to the text. Your observations and photographic analysis are meticulous in the extreme, and you are to be commended for your insights regarding the effects of blast vs. distance from the detonation.

The major points of the report which I believe need to be emphasized are: (1) the fact that rebar reinforcing rods were broken but appear to be embedded in concrete; (2) very little concrete appears to have been crushed by the blast. These observations alone are at extreme variance with the hypothesis of a single large truck bomb containing ANFO. For the large (4800 lb.) ammonium nitrate bomb to have caused the damage, there would be huge amounts of sand generated from the crushed concrete around the columns wherein the rebar was fractured.

I took the liberty of checking with the leading concrete supplier in my area in order to confirm the compressive yield figure that you used, that being 3500 psi. What I was told about concrete was very interesting. A 3500 psi figure is extremely low for structural concrete. A properly mixed and cured structure of the type dealt with in your report would probably have a yield strength of 5600 psi.

In conclusion, General, I find myself in awe of the technical achievement that your report represents. I can find no scientific flaws in either your observations or your conclusions. I am, therefore, in full agreement with the conclusion of strategically placed small explosive charges being responsible for the destruction of the building.

We can only hope and pray that a few good men and women in our Congress will heed your report and take action that results in the punishment of the real guilty parties responsible for this heinous crime against the American people, and that these same few good people are able to stem the abrogation of any more of our Constitutional rights.

Please keep up the good work that you are doing for your countrymen. It is an honor to be able to correspond with you on this matter and perhaps to be of some small service to our country, the Constitutional Republic, to which many of us have sworn to defend to the best of our abilities.

If I may be of any further assistance, please contact me at any time. Looking forward to your response, I remain

Very Truly Yours,

  
Rodger A. Raubach Ph.D.

Tab 9

Letter from Rodger A. Raubach, Ph.D.  
July 18, 1995

To: General Partin  
From: Sam Gronning  
Re: Explosion at Oklahoma City

Dear General,

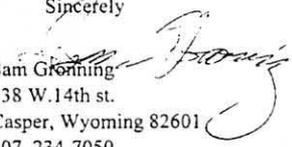
I've read your report and it follows what I believe completely.

I have been a blaster for over thirty years and there is no doubt in my mind that ANFO could not have been by itself the medium for that powerful an explosion. Enhanced in one way or another, maybe, but not by itself. And even enhanced at that distance, I would doubt that an external explosion could have created that extensive damage at the reported weight of the bomb.

I don't know what is going on here, but someone is trying to put the blame for this disaster somewhere other than where it really lies. I don't know where that is, nor do I understand what the motivation for that deception could be. What I do know is what I see, and what I see is not the truth.

Maybe incompetence lies at the bottom of all the hype. Whatever it is, I hope that you get to the bottom of it all.

Sincerely

  
Sam Gronning  
338 W.14th st.  
Casper, Wyoming 82601  
307 234-7050

**Letter from Sam Gronning, Explosives Expert**



**Bomb Damage Analysis Of  
Alfred P. Murrah Federal Building  
Oklahoma City, Oklahoma**

July 30, 1995

by

**Benton K. Partin**  
Brigadier Gen. USAF (Ret.)

8908 Captains Row  
Alexandria, Virginia 22308  
703-780-7652

**Bomb Damage Analysis of Alfred P. Murrah Federal Building  
Oklahoma City, Oklahoma—July 30, 1995  
by Benton K. Partin**



Benton K. Partin  
Brigadier Gen. USAF (Ret.)  
8908 Captains Row  
Alexandria, Virginia 22308  
703-780-7652

INFO  
COPY

July 30, 1995

Sen. Trent Lott  
United States Senate  
487 Senate Russell Office Building  
Washington, DC 20510-2403

Dear Sen. Lott:

The attached report contains conclusive proof that the bombing of the Alfred P. Murrah Federal Building, Oklahoma City, Oklahoma, was not caused solely by the truck bomb. Evidence shows that the massive destruction was primarily the result of four demolition charges placed at critical structural points at the third floor level.

Weapons Experience: I do not offer such an analytical conclusion lightly. I have spent 25 years in research, design, development, test and management of weapons development. This included: hands-on work at the Ballistic Research Laboratories; Commander of the Air Force Armament Technology Laboratory, and ultimately management responsibility for almost every non-nuclear weapon device in the Air Force (at the Air Force System command, Air Staff and the Office of the Secretary of Defense (OSD) levels). I was also the first chairman of the OSD joint service Air Munitions Requirements and Development Committee. (A more detailed resume appears at Tab 1.)

Observations in Oklahoma City: To verify earlier analysis, I visited Oklahoma City during the last week of June. There I had the opportunity to view hundreds of photographs taken throughout the cleanup operation as the layers of debris were cleared away. The photos present irrefutable evidence that at least four demolition charges were set off at four critical columns of the reinforced concrete structure at the floor level of the third floor.

Conclusion: Based on my experience in weapons development and bomb damage analysis, and on my review of all evidence available, I can say, with a high level of confidence, that the damage pattern on the reinforced concrete superstructure could not possibly have been attained from the single truck bomb. The total incompatibility of this pattern of destruction with a single truck bomb lies in the simple,

Partin's letter to Sen. Trent Lott — p. 1

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incontrovertible fact that some of the columns collapsed that should not have collapsed if the damage were caused solely by a truck bomb, and, conversely, some of the columns were left standing that should have collapsed if the damage had been caused solely by the truck bomb.

It is my hope and request that, as a Member of Congress, you will support a Congressional investigation to determine the true initiators of this bombing, which could not have occurred the way in which it has been portrayed as having happened. Further, it is requested that you defer action and reserve judgment on so-called anti-terrorism legislation that has serious civil liberties implications, and which would not be passed except for the Oklahoma City bombing until the causes of the Oklahoma City disaster are determined by independent investigators.

Both the Federal Building in Oklahoma and the Trade Center in New York (See New York Times, October 28, 1993, p. A1) show evidence of a counter-terrorism sting gone wrong.

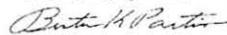
No government law enforcement agency should be permitted to demolish, smash and bury evidence of a counter-terrorism sting operation, sabotage or terrorist attack without a thorough examination by an independent, technically competent agency.

If an aircraft crashed because of a bomb, or a counter-terrorism sting or an FAA Controller error, the FAA would not be permitted to gather and bury the evidence. The National Safety Transportation Board would have been called in to conduct an investigation and where possible every piece of debris would have been collected and arrayed to determine cause of failure.

To remove all ambiguity with respect to the use of supplementary demolition charges, the FBI should be required to release the high quality surveillance color TV camera tape of the Murrah building bombing on April 19, 1995.

It is my observation that the effort required to bomb the A. P. Murrah Federal Building in Oklahoma City pales in comparison with the effort to cover up evidence in Oklahoma and the media's withholding of vital information from the American people.

Sincerely yours,



Benton K. Partin  
Brigadier Gen. USAF (Ret.)

BKP:aw  
Enclosure

Partin's letter to Sen. Trent Lott — p. 2

Bomb Damage Analysis Of  
Alfred P. Murrah Federal Building  
Oklahoma City, Oklahoma

On April 19, 1995, the Alfred P. Murrah Federal Building, Oklahoma City, Oklahoma was bombed, causing extensive damage to the structure, the loss of 168 innocent lives, the victimization of the families of those who lost loved ones, hundreds of non-fatal injuries, and substantial property damage in the vicinity.

The media and the Executive branch reported that the sole source of the devastation was a single truck bomb consisting of 4,800 pounds of ammonium nitrate, transported to the location in a Ryder Truck and parked in front of the building. It is impossible that the destruction to the building could have resulted from such a bomb alone.

To cause the damage pattern that occurred to the Murrah building, there would have to have been demolition charges at several supporting column bases, at locations not accessible from the street, to supplement the truck bomb damage. Indeed, a careful examination of photographs showing the collapsed column bases reveals a failure mode produced by demolition charges and not by a blast from the truck bomb.

To understand what caused the damage to the Murrah Building, one needs to understand some basics about the use and nature of explosives.

First, blast through air is a very inefficient energy coupling mechanism against heavily reinforced concrete beams and columns.

Second, blast damage potential initially falls off more rapidly than an inverse function of the distance cubed. That is why in conventional weapons development, one seeks accuracy over yield for hard targets. That is also why in the World Trade Center bombing (where the only source of blast damage was a truck bomb) the column in the middle of the bombed-out cavity was relatively untouched, although reinforced concrete floors were completely stripped away for several floors above and below the point of the bomb's detonation (see *Time Magazine*, 3-8-93, page 35).

By contrast, heavily reinforced concrete structures can be destroyed effectively through detonation of explosives in contact with the reinforced concrete beams and

Partin's report — p. 1

columns. For example, the entire building remains in Oklahoma City were collapsed with 100-plus relatively small charges inserted into drilled holes in the columns. The total weight of all charges was on the order of 200 pounds.

The detonation wave pressure (1,000,000 to 1,500,000 pounds per square inch) from a high detonation velocity contact explosive sweeps into the column as a wave of compressive deformation. Since the pressure in the wave of deformation far exceeds the yield strength of the concrete (about 3,500 pounds per square inch) by a factor of approximately 300, the concrete is turned into granular sand and dust until the wave dissipates to below the yield strength of the concrete. This leaves a relatively smooth but granular surface, with protruding, bare reinforcement rods—a distinctive signature of damage by contact explosives. The effect of the contact explosive on the reinforcement rods themselves can only be seen under microscopic metallurgical examination. (The rods are inertially confined during the explosion and survive basically intact because of their much higher yield strength and plasticity.)

When a reinforced concrete structure is damaged through air shock coupling and the pressure is below the compressive yield strength of the concrete, the failure mode is generally compressive structural fracture on one side and tensile fracture on the other—both characterized by cracks and rough fracture surfaces. Such a surface texture is very different from the relatively smooth granular surface resulting from contact explosives.

### Analysis of Graphic Evidence

Tab 2 is a cross section view of the building looking from the west. The very large header or cross beam is shown at the north edge of the third floor. A large but smaller header is seen at the recessed north edge of the second floor with a brace beam extending out to the large columns in Row A. The front of the whole building is glass.

Tab 3 shows the architectural layout of the first floor of the Murrah Building and the location of the truck bomb with superimposed circles of roughly equal levels of damage potential. The explosive force drops rapidly (initially proportional to one over the distance cubed) as the shock front travels farther and farther away from the truck bomb. After the release wave, the shock front will propagate proportional to one over the distance squared.

The maximum possible yield from 4800 pounds of ammonium nitrate would be obtained if it were in a compressed sphere and detonated from the center. That would produce a 4.4 foot diameter sphere of detonation products at about 500,000 pounds per

square inch. By the time the blast wave hits the closest column, the pressure would have fallen off to about 375 pounds per square inch. That would be far below the 3500 pound compressive yield strength of the concrete. Any column or beam failure from the truck bomb would therefore have been from blast wave structural loading and not from any wave of deformation in the concrete.

The basic building structure consists of three rows of columns (35 feet apart) with eleven columns in each row (20 feet apart). The four corner columns have an external clamshell-like structure for air ducts, etc. If we label the column rows A, B, and C from front to back, and number the columns 1 through 11 from left to right, then columns A2, A3, A4, A5, A6, A7, A8, and B3 collapsed, essentially vertically. Tab 2 shows a very large reinforced concrete header at the floor level of the third floor of column row A. Much larger columns extend from the header down for the odd-numbered columns, i.e., A3, A5, A7, and A9. The even- and odd-numbered columns extended from the top of the building down to the header. The foundation of the building is a heavy, reinforced concrete slab with no sub-levels.

From the potential damage contours on Tab 3, and assuming the single truck bomb, the pressure and impulse for collapsed columns B4, B5 and A7 are all in the 25 to 35 pounds per square inch region. However, the much smaller and closer columns, B4 and B5, are still standing, while the much larger column A7 is down. Column B3 is down with 42 percent less pressure and impulse than columns B4. These facts are sufficient reason to know that columns B3 and A7 had demolition charges on them. Moreover, there is not sufficient blast impulse at that range to collapse any of the three. In fact, columns B2, B4 and B5 all have the sheet rock and furring strip finish still intact on the second and third floors except where damaged by falling debris.

The large header across the front of the building at the third floor of Row A was not blown back into the building as one may expect from such a large bomb. The header came straight down but rolled backward 90 degrees because the columns above the header rested off center toward the back.

### **Analysis of Photographic Evidence**

A careful examination of photos showing the "A" row columns and the large header from the third floor reveals absolutely no air blast shock wave fracture, which is consistent with the pressure fall-off with distance from the truck bomb. The cleaned-up building structure (Tab 4) shows that the failure line across the roof goes all the way to the

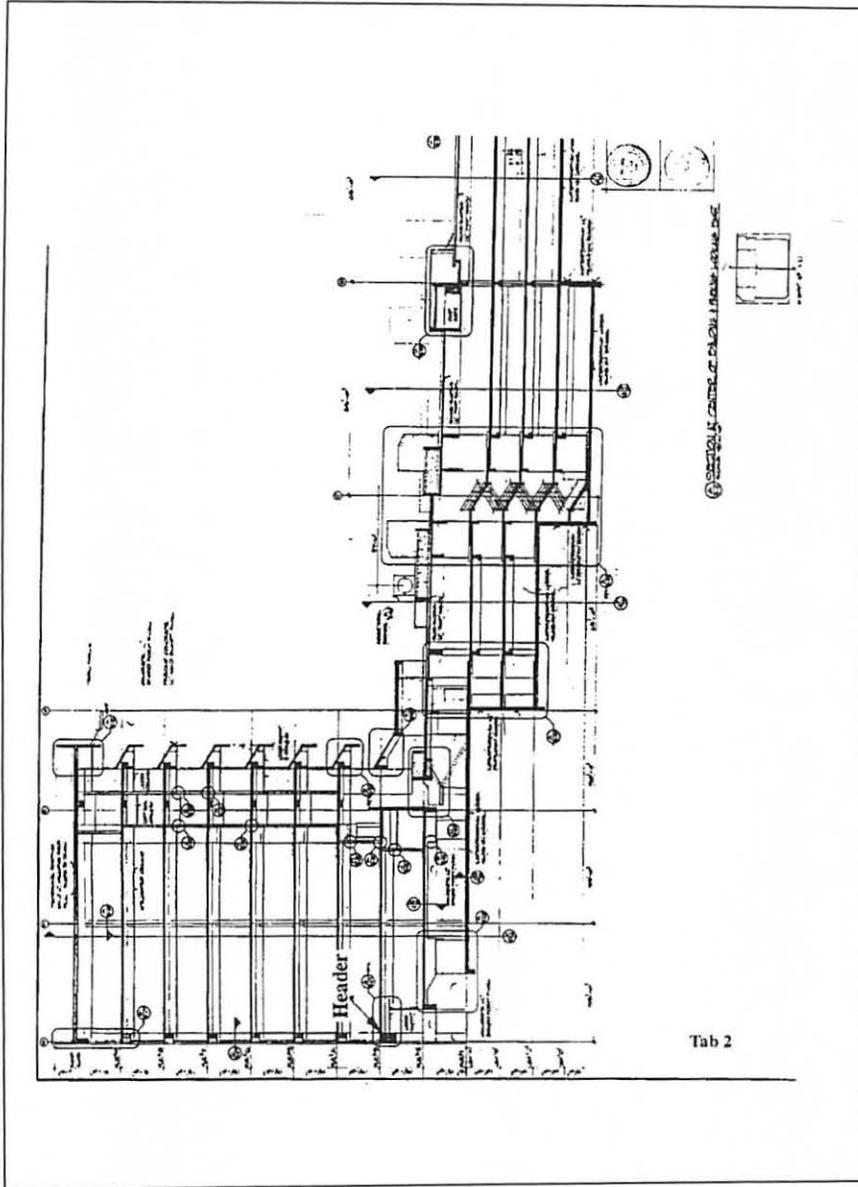
ground except around columns B<sub>4</sub> and B<sub>5</sub> at the second and third floor levels. Reinforcement rods stripped out of beams and floors extend straight down on all floors. Columns A<sub>3</sub>, A<sub>5</sub>, A<sub>7</sub>, and B<sub>3</sub> collapsed straight down as the apparent result of demolition charges at the column juncture with the third floor for column B<sub>3</sub> and with the third floor level header for columns A<sub>3</sub>, A<sub>5</sub>, and A<sub>7</sub>. The even numbered columns (A<sub>2</sub>, A<sub>4</sub>, A<sub>6</sub>, and A<sub>8</sub>) in Row A collapsed straight down because they were supported at the third floor by the header, which necessarily failed with the demolition of its conjunctions with columns A<sub>3</sub>, A<sub>5</sub>, and A<sub>7</sub>. When columns A<sub>2</sub> through A<sub>8</sub> collapsed straight down, the roof and floor fracture lines at all floors acted as an instant hinge line, which would have given all floors collapsing down a slight tug toward column row B. Because of the collapse of column B<sub>3</sub>, the floors were cropped closer to the north side of columns B<sub>4</sub>, B<sub>5</sub>, which resulted in damage by falling debris to sheet rock on columns B<sub>4</sub> and B<sub>5</sub> at the third floor level.

The so-called "pit" area behind columns B<sub>4</sub> and B<sub>5</sub> was caused either by the blast from the truck bomb pushing out the ceilings of the first and second floors or from the demolition charge on column B<sub>3</sub>. From the third floor it would look like a "pit" into which much debris fell. The blast pressure in this area would have been sufficient to exceed the ultimate yield design strength of the floor. There were large areas at this pressure being held only by the floor-thick, reinforced concrete around the 20-inch reinforced concrete columns in the B row. The floor of the first floor could not be blown downward, because it was a heavy concrete slab on compacted earth. The ceilings of the first and second floors nearer the truck between the A and B column rows could also have been blown upward initially.

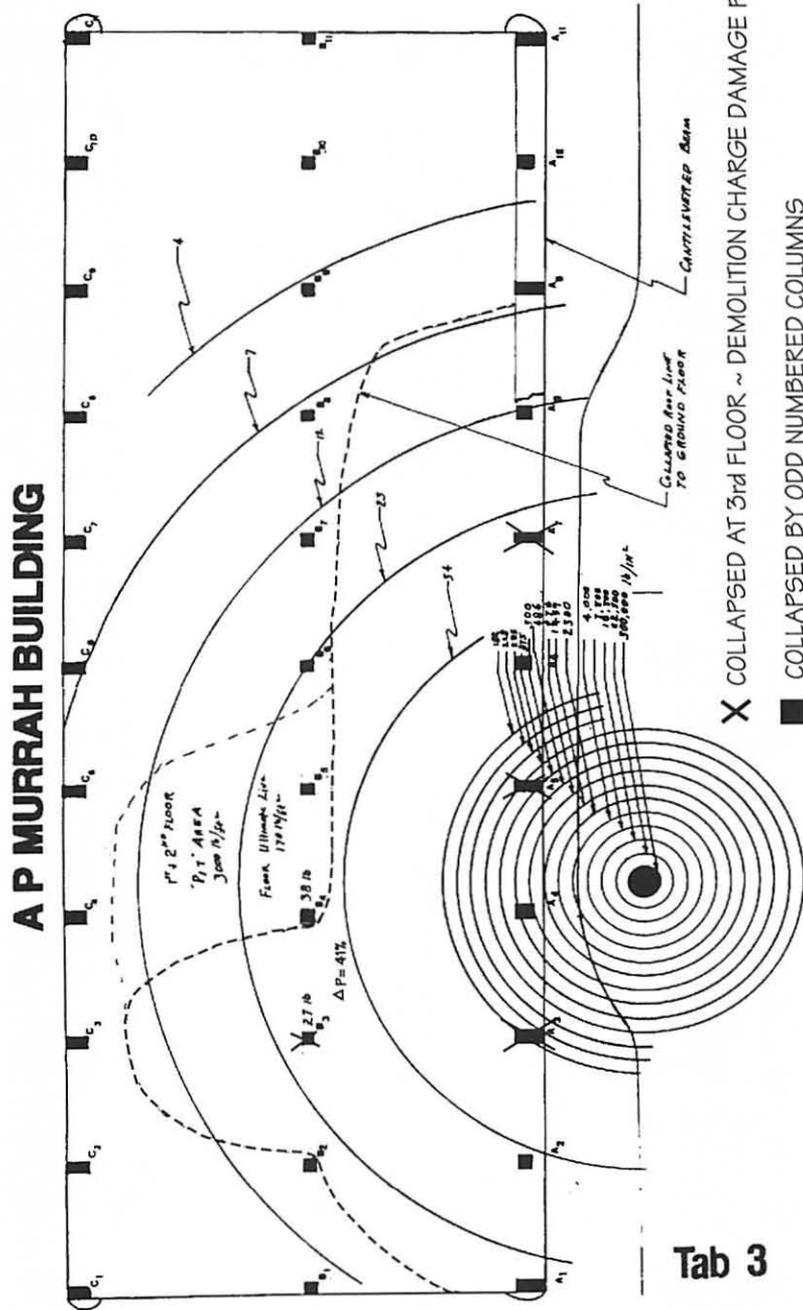
Although the truck bomb had insufficient power to destroy columns, the bomb was clearly responsible for ripping out some floors at the second and third floor levels.

### Photographic Evidence of Demolition Charges

Turning next to the demolition charges in the building, refer to the picture at Tab 5. Here you see column A<sub>9</sub> with no spalling as one would expect with the blast pressures involved and the decorative indents are unmarred. Note also the grooves at the top of the column and across the header. When the demolition charge on column A<sub>7</sub> went off, the charge instantly left a 40 foot cantilevered header supporting column A<sub>8</sub>. Cascading columns and beams from above probably snapped off the end with a clear structural fracture, including rugged cracks and rough surfaces. There is a large unseen beam extending from behind the column, between the decorative grooves, back to the first floor header. This beam adds considerable rigidity to the lower odd-numbered columns in Row A.



Partin's report — Tab 2



Partin's report — Tab 3

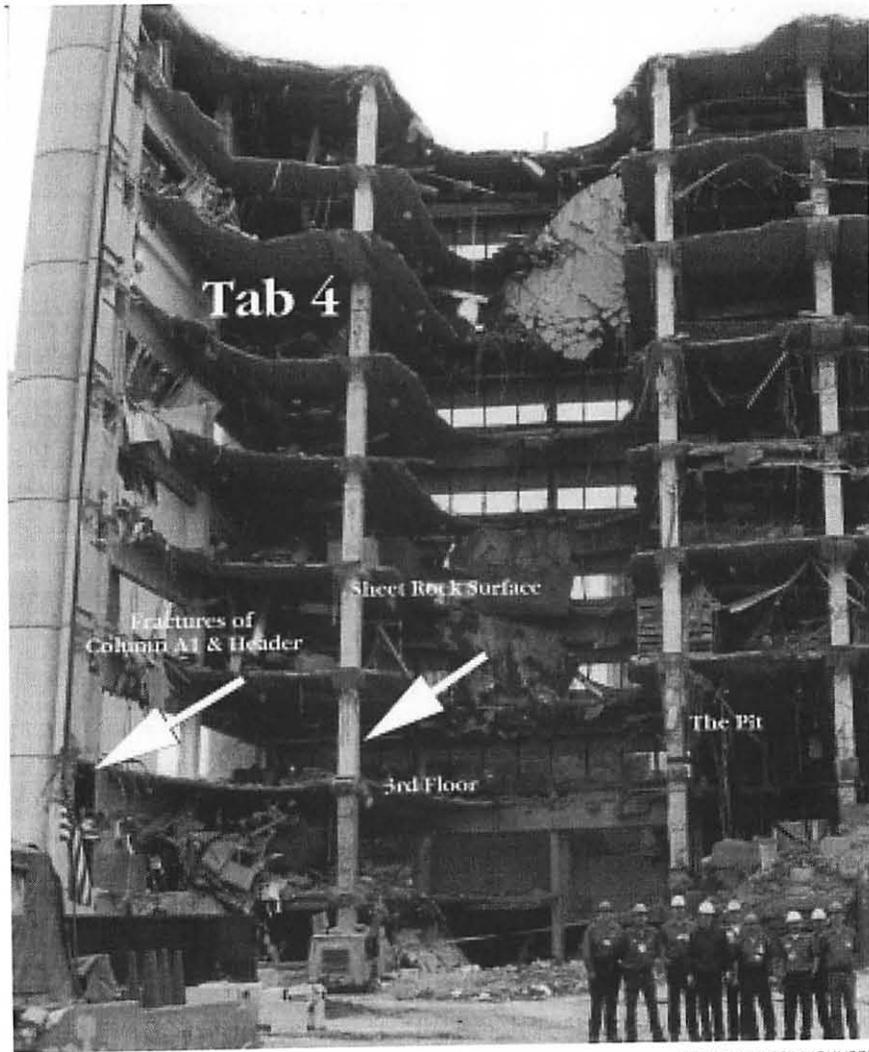


PHOTO BY OSCAR JOHNSON

Partin's report — Tab 4

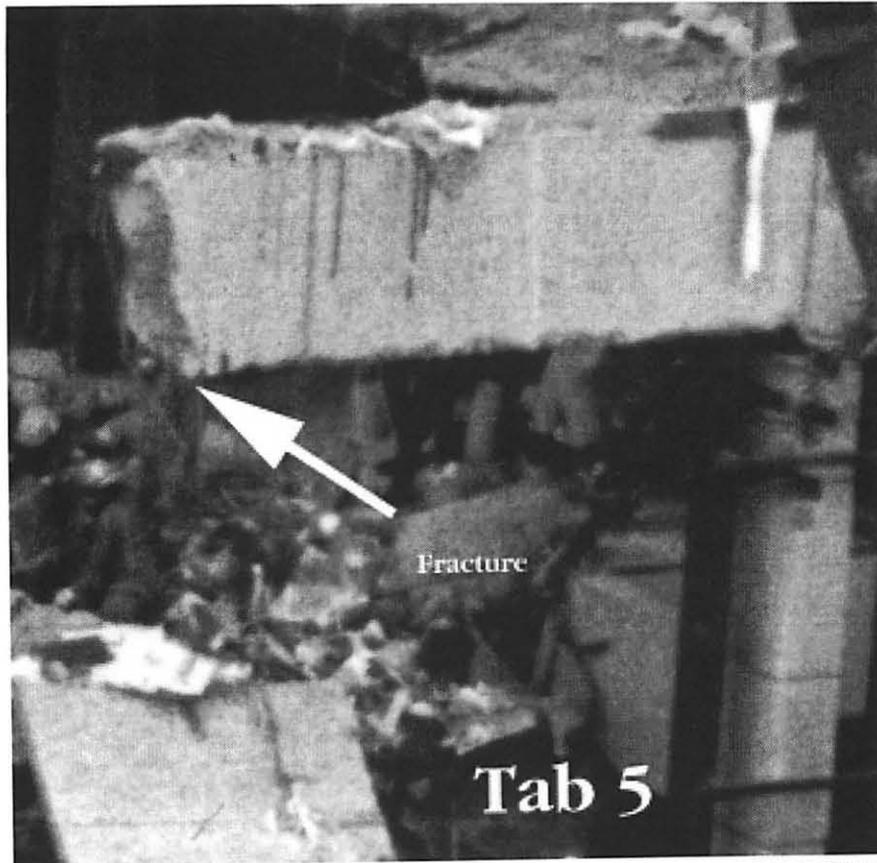


PHOTO BY OSCAR JOHNSON

**Partin's report — Tab 5 (detail)**





PHOTO BY OSCAR JOHNSON

**Partin's report — Tab 5 (detail)**



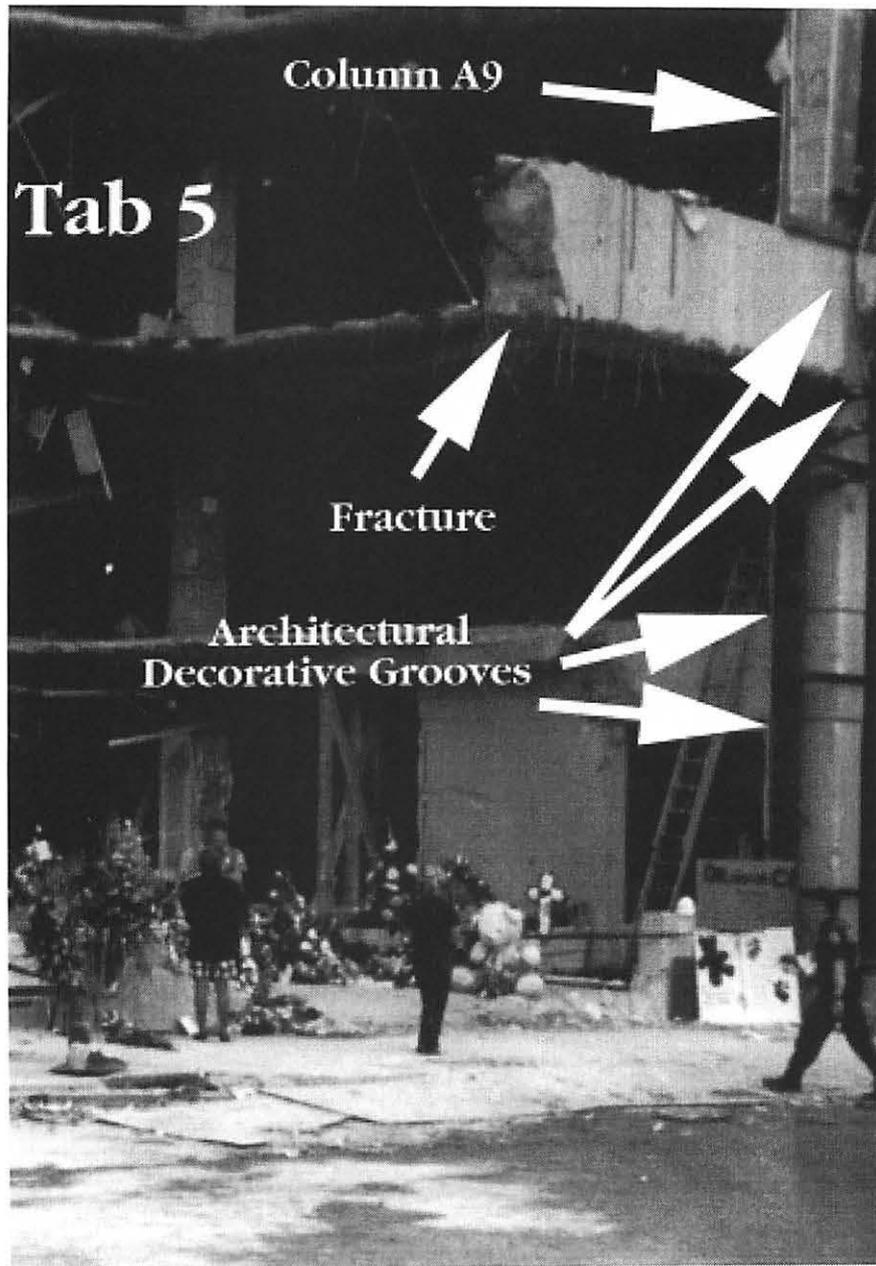


PHOTO BY OSCAR JOHNSON

Partin's report — Tab 5 (detail)



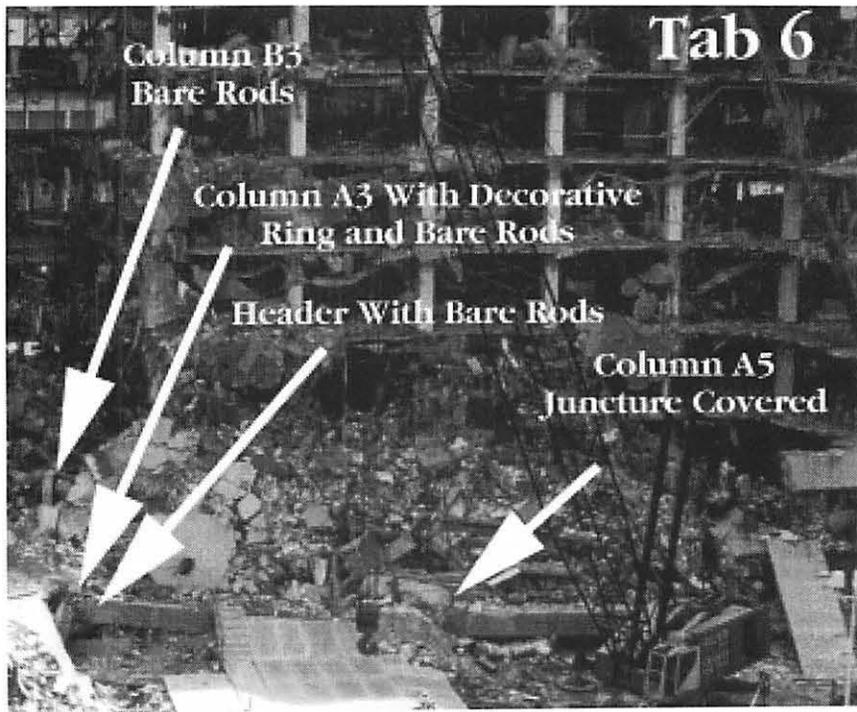


PHOTO BY OSCAR JOHNSON

**Partin's report — Tab 6**





Partin's report — Tab 7



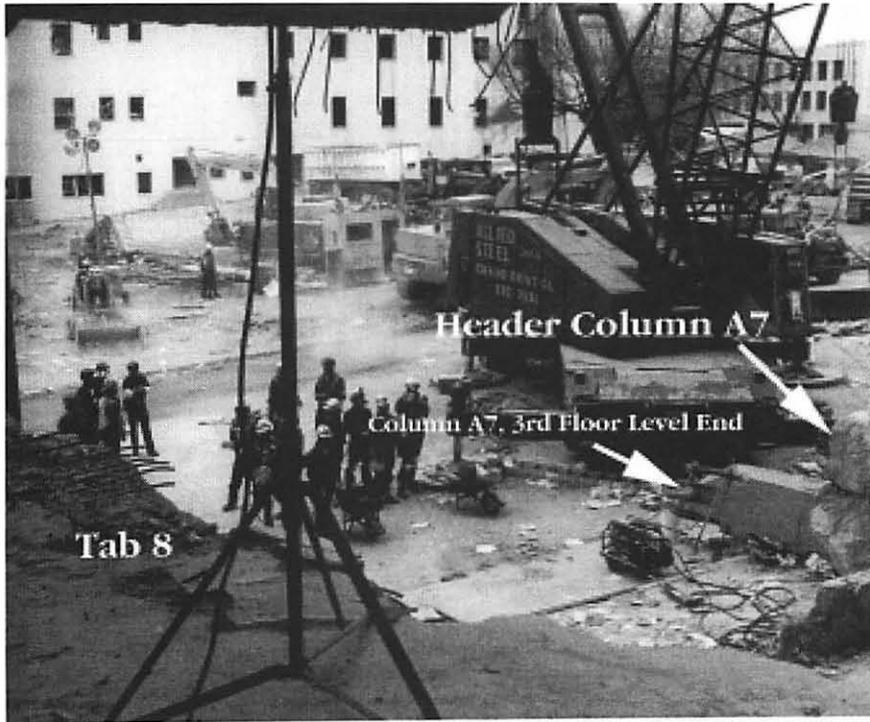


PHOTO BY OSCAR JOHNSON

**Partin's report — Tab 8**





## APPENDIX D: PRIOR KNOWLEDGE





United States Attorney  
District of [REDACTED]

September 14, 1994

[REDACTED]

Re: Letter of Immunity

Dear Mr. [REDACTED]

*From  
Press Release  
9/14/94*

This letter is to memorialize the agreement between you and the United States of America, by the undersigned Assistant United States Attorney. The terms of this agreement are as follows:

1. You have contacted the U.S. Marshals Service on today's date indicating that you have information concerning a conspiracy and/or attempt to destroy United States court facilities in [REDACTED] and possibly other cities.
2. The United States agrees that any statement and/or information that you provide relevant to this conspiracy/ conspiracies or attempts will not be used against you in any criminal proceeding. Further, the United States agrees that no evidence derived from the information or statements provided by you will be used in any way against you.
3. In return for this grant of use/derivative use immunity, you agree to fully and completely cooperate with all federal law enforcement authorities in the [REDACTED] regarding your knowledge of and participation in any crimes and/or related activities. All statements and any testimony you give pursuant to this agreement will be protected by use/derivative use immunity as stated in paragraph 2 above.
4. If you make or give any false statements or testimony at any time, this agreement becomes null and void. The decision as to whether a violation of this agreement has occurred remains solely in the discretionary judgment of the Office of the United States Attorney for the [REDACTED]
5. If this agreement is violated, any statement made or testimony given by you during the course of this investigation and agreement will no longer be protected by any kind of immunity and you may be prosecuted for any crime of which the United States has knowledge, including knowledge obtained by your own

U.S. Department of Justice, Letter of Immunity  
September 14, 1994  
Page 1

statements and/or testimony. Additionally, the information you provide may also be used to impeach your testimony during and future court proceedings related to this investigation, should there be any.

If you agree to accept the terms of this agreement as set forth in the above paragraphs, you should acknowledge your acceptance by signing below. By signing this agreement you are not only accepting this agreement but are also stating that you have carefully read and fully understood this agreement and voluntarily accept all of its terms and provisions. By signing this document you further agree that no additional promises or conditions have been entered into by either party and only the specific terms of this document are the subject of this agreement.

Sincerely,

[Redacted]  
United States Attorney

By: [Redacted]  
Assistant United States Attorney

Date: [Redacted] 1994

READ AND ACCEPTED:  
[Redacted]

Date: [Redacted]

U.S. Department of Justice, Letter of Immunity  
September 14, 1994  
Page 2

***Star-Ledger*, Newark, New Jersey, March 22, 1995**

“Lawmen Get Warning of Plot on U.S. Targets,” by Robert Rudolph

U.S. law-enforcement authorities have obtained information that Islamic terrorists may be planning suicide attacks against federal courthouses and government installations in the United States.

The attacks, it is feared, would be designed to attract worldwide press attention through the murder of innocent victims.

The *Star-Ledger* has learned that U.S. law-enforcement officials have received a warning that a “fatwa,” a religious ruling similar to the death sentence targeting author Salman Rushdie, has been issued against federal authorities as a result of an incident during the trial last year of four persons in the bombing on the World Trade Center in New York.

The disclosure was made in a confidential memorandum issued by the U.S. Marshals Service in Washington calling for stepped-up security at federal facilities throughout the nation.

The “fatwa” was allegedly sanctioned by an unidentified Islamic Imam, or holy man, in retaliation for what was perceived as a religious “insult” against Islamic fundamentalists by federal law-enforcement officers.

According to the memo, the information about the threat was obtained from an unidentified “informed source” who said the death sentence was specifically directed against U.S. Marshals Service personnel.

The informant reported that the threat was issued because deputy U.S. Marshals allegedly “insulted” Islam “by stepping on a copy of the Koran,” the Islamic holy book, during a scuffle with several prisoners convicted in the World Trade Center bombing.

The Feb. 26, 1993 blast, the first major act of foreign terrorism ever committed on U.S. soil, rocked the heart of New York’s financial district, killing six persons and injuring hundreds more.

The four convicted in that case were sentenced to life imprisonment without parole.

According to the source, Iranian-supported extremists have “made it clear that steps are being taken to strike at the Great Satan,” a phrase that has been used to describe the United States.

The Marshals Service memo said the agency believes that “there is sufficient threat potential to request that a heightened level of security awareness and caution be implemented at all Marshals Service-protected facilities nationwide.”

Government sources say authorities in New Jersey are taking the danger seriously and have increased security at key federal facilities in the state, including all federal courthouses.

"This stuff is being taken seriously," one source declared.

Even more strenuous security precautions are being taken in New York, where 12 persons, including the blind fundamentalist Sheik Omar Abdul-Rahman, are currently on trial on charges of conspiring to wage a war of urban terrorism against the United States by blowing up the United Nations, FBI headquarters and the tunnels between New York and New Jersey.

Sources say security personnel there have been more than doubled for the trial.

It was learned, however, that authorities are fearful that Washington may be the primary focus of any terrorist attacks.

The memo, issued by Eduardo Gonzalez, director of the U.S. Marshals Service, warns that attacks may be designed to "target as many victims as possible and draw as much media coverage as possible" to the fundamentalist cause.

At the same time, the memo warns that a "fundamental change" has been instituted in terrorist plans for the treatment of hostages.

"The terrorists, possible suicide bombers, will not engage in negotiations," the memo warned, and said "once the press is on the scene, the new plans call for blowing everyone up."

The memo also reports that authorities have received information that a similar death sentence has been issued against Siddiq Ibrahim Siddiq Ali, who has confessed to conspiring with Sheik Rahman and the others now on trial in New York.

The source reportedly told authorities that in carrying out the threat against Siddiq Ali, "collateral damage" as well as suicide and the murder of innocents "is incidental to such a sacred action."

### **Oregonian, Portland, Oregon, April 20, 1995**

"If He'd Been At Work ... " by Dave Hogan

As a federal judge whose office faces across the street at the Alfred P. Murrah Federal Building in Oklahoma City, Wayne Alley felt lucky that he didn't go to his office Wednesday.

Alley, who was born and raised in Portland, had taken the rare opportunity to work at home.

"Of all the days for this to happen, it's absolutely an amazing coincidence," Alley said in a telephone interview from his home.

The judge said the bombing came just a few weeks after security officials had warned him to take extra precautions. "Let me just say that within the past two or three weeks, information has been disseminated ... that indicated concerns on the part of people who ought to know that we ought to be a little bit more careful," he said.

Alley, who started his law career in Portland, said he was cautioned to be on the lookout for “people casing homes or wandering about in the courthouse who aren’t supposed to be there, letter bombs. There has been an increased vigilance.”

He said he was not given an explanation for the concern.

Asked if this might have just been a periodic security reminder, he said, “My subjective impression was there was a reason for the dissemination of these concerns.”

An FBI spokesman in Oklahoma told reporters during a news conference that he was not aware of any warning.

Only some members of Alley’s staff were as lucky as he was Wednesday. Still, the force of the blast smashed the windows of his office, and one of his law clerks was injured by the flying glass.

Alley attended Washington High School in Portland and was a law clerk for an Oregon Supreme Court justice.

Despite the damage to his office, Alley said the destruction of a child-care center in the Federal Building hit him hardest. He said his son and daughter-in-law in Oklahoma City had a baby 4½ months ago, and they had considered using the facility before deciding on other child care.

“The thought that our grandchild might have been in there was the thing that was the most chilling about all of this,” the judge said.

### ***Panola Watchman, Carthage, Texas, April 23, 1995***

“Bombing Leaves Family Worried for Older Sister,”  
by Sherry Koonce—(excerpts)

As word of Oklahoma City’s devastating explosion spread across the nation Wednesday, here in Panola County news of the bomb’s blast vibrated down phone lines to set a stage of terror for a Carthage woman whose family worked in the targeted federal buildings. ...

Pat’s older sister, Norma, is employed at the county courts federal building immediately behind the targeted Alfred P. Murrah Federal Building. ...

By 1 p.m. Norma was able to get a call through, but it would be much later in the afternoon before the family members were calm enough to recount details of their harrowing experiences. ...

When the explosion occurred around 9 a.m. Norma stated she had already been at work for over an hour.

“The day was fine, everything was normal when I arrived at 7:45 to begin my day at 8 a.m., but as I walked through my building’s parking lot, I remember seeing a bomb squad. I really did not think much about it—especially when we did not hear anymore about it,” Norma explained.

But her own words would ring ominous just minutes after she said them.

"There was some talk about the bomb squad among employees in our office. We did wonder what it was doing in our parking lot. Jokingly, I said, 'Well, I guess we'll find out soon enough,'" Norma recalled.

In recounting her experience at the time of the blast, Norma said it was and continues to be unreal and indescribable. ...

"People were not running and at first there were just a handful of us on the street. We were walking fast and everyone seemed to be in a daze. We were simply shocked and confused about what had happened.

"Then someone said, 'It had to be a bomb,'" she continued, "and then we all knew. I remember the bomb squad in our parking lot and knew what had happened." ...

***Relevance*, September 1995, Vol. 2, No. 111, p. 8.**

"Oklahoma City: Cracks Form in the Cover-Up" (excerpts)

— Philip M. O'Halloran, editor; and Charles Bennett, associate editor.

FBI Warns Fire Department—Perhaps the information was discounted for good reason or the transmittal of the warning to appropriate authorities was bungled. Surely this is possible, bureaucratic ineptitude being what it is. But this flies in the face of the latest piece of evidence. Two dispatchers within the Oklahoma City Fire Department have admitted that the FBI had advance warning of a looming terrorist attack. The dispatchers disclosed this information to Glen Wilburn, the stepfather of Edye Smith, who lost her two young boys in the bombing. Like Edye, he has been dissatisfied with official government explanations for the events of April 19<sup>th</sup> and their aftermath. Mr. Wilburn has been tirelessly investigating the case for months, working closely with local researchers. ...

Recently while exploring several persistent rumors, Wilburn visited the Oklahoma City Fire Department Headquarters where he asked personnel about sketchy reports he had received concerning a forewarning of the bomb attack. Dispatcher Carla Robberson and Chief Dispatcher Harvey Weathers disclosed to Wilburn that an Assistant Fire Chief Gaines had received a call on Friday, April 14, 1995 from the FBI warning of a possible terrorist act. They stated that Gaines had then alerted Dispatcher Carl Purcer of the warning. Wilburn told *Relevance* that when he asked Gaines about the warning, Gaines denied having received it. When he confronted Chief Dispatcher Weathers about Gaines' denial he quotes Weathers as saying, "You asked me and I told you. I don't lie for anybody. There's a lot of people who just don't want to get involved in this thing."

Stonewalling the "Secondary" Investigations—Glen Wilburn then attempted to confront Gaines with Weathers' account, but he had left the office. The next day he was told that Gaines had gone on vacation. *Relevance*

attempted to contact Weathers but the dispatch office informed us that he too had gone on leave. We later called dispatchers Robberson and Purcer who, we learned, were also on leave. Shortly after his initial visit to the fire station, Mr. Wilburn returned and attempted to talk with Dispatcher Purcer who had taken the original call from Chief Gaines. Purcer would not discuss the issue and referred him to another supervisor named Bunch, who informed Wilburn that if he wanted any further statements from the Department's employees he would have to obtain a lawyer and go through a city attorney. ...

When Wilburn expressed interest in examining the dispatch logs, he was referred again to the city attorney. Researcher Pat Briley told *Relevance* that such official stonewalling has been endemic since the bomb went off. He and other local investigators and concerned citizens have been unsuccessfully attempting to obtain the Police Department logs of calls made in the week prior to the attack. FOIA requests have been filed by local reporters and the police have still refused to release them, which they can continue to do—unless and until someone takes them to court. The only other alternative is for McVeigh's or Nichols' attorneys to subpoena the individuals involved. ...

On September 13, 1995 investigative reporter Brad Edwards of KFOR Channel 4 in Oklahoma City aired accounts of three witnesses who claim that agents of the Bureau of Alcohol, Tobacco and Firearms (ATF) told them they were warned not to come to work on the morning of the bombing. Ever since the bombing, rumors of the advance warning have swirled around the city, culminating in the stunning statements made on national television by Edye Smith, whose only two children were killed in the blast. ... [S]he wanted answers as to why none of the fifteen ATF agents assigned to the building were killed and only two sustained minor injuries.

In late August, Edwards succeeded in securing taped testimony of key witnesses at the site of the bombing who reported that BATF agents admitted to them that the agency had received advance warning and that the agents at the Murrah building were told not to come in to work on April 19<sup>th</sup>. ... None of these individuals wished for their names to be revealed.

Moments after word of the bombing spread across Oklahoma City, the first witness rushed with his employer (who is identified as "witness number two") to the scene of the bombing in search of his wife, who worked inside the Credit Union at the Federal Building (and was severely injured). When he arrived at the building, he asked an ATF agent on the scene what had happened. The witness told Edwards:

"He started getting a little bit nervous and tried reaching somebody on the two-way radio. He couldn't get anybody, and I told him I wanted an answer right then and he said they were in debriefing and the agents had been in

there, they had been tipped by their pagers not to come in to work that day. Plain as day, out of his mouth, those were the words he said."

Witness number one did not specify any further details, such as when the debriefing took place, but witness number two described the ATF agent's statements to his employee's injured wife who had emerged from the building:

"And basically what he told her was that he thought they had received a tip that morning—of the bomb."

Yet another witness, a female rescue worker active on the morning of the bombing, recalled talking with an ATF agent at the bomb site:

"I asked if his office was in the building and he said 'yes' and I asked if there were any ATF agents that were still in the building and he said, 'No, we weren't here.'"

... [T]he Washington office of the ATF denied the above allegations as "absolutely untrue." Agency director McGaw said that the ATF offices throughout the country were concerned about the second anniversary of Waco, and "tried to be more observant" although not about terrorism: "We were thinking about demonstrations and things like that." Which raises the possibility that the ATF, in trying to avoid the hassles of minor demonstrations, could be taking the fall for the FBI or Federal Marshal's failure to clear the building. ...

Station KFOR offered to discuss the credibility of their witnesses' reports with the ATF; the agency refused, stating they had "no more to say on the subject."

... We now have the two worst terrorist incidents in U.S. history [the World Trade Center bombing and the Oklahoma City bombing] taking place two years apart with significant foreknowledge by government law-enforcement agencies in both instances.

... As one witness told Edwards, "If they were tipped, why wasn't anybody else? There was a lot of people—good people—died down there and if they knew, they should've let everybody else know." ...



**Press Release—State Representative Charles Key  
October 24, 1995 (excerpts)**

... Also, the issue of prior knowledge on the part of some government agencies is a matter that is directly related to the existence of other individuals involved in this tragedy. We now know that at least some in the FBI and ATF had reason to believe that an attack on a federal facility was a real possibility ...



**Press Conference, October 24, 1995 (excerpts)**

**GLEN WILBURN:** I've just got a short statement here that I'll read. Since April 19, I have observed the most obvious and blatant attempt by the judicial system—and specifically the U.S. attorney's office and the Federal Bureau of Investigation—to deceive not only the public but the grand jurors as to the truth of the events and the perpetrators regarding the bombing.

The first and perhaps most important aspect regards the prior knowledge of the BATF and the FBI as to the high degree of danger that existed that day, and was most likely amplified by the—quote—“sting operation” conducted unsuccessfully the night before.

Lester Martz, the agent in charge of the Dallas ATF office, has confirmed the existence of a sting operation the night before and, quote, “The bad guys didn't show up.”

We have witnesses that confirm that the bomb squad was working the Murrah Building and the Federal Courthouse Building between 7 a.m. and 8:30 a.m. that morning. You'll note that in one of the hand-outs ... that's just one of the witnesses that saw that going on up there.

Fire Department personnel have confirmed for us that they were warned on Friday before the bombing of—quote—“a possible terrorist act”—unquote— by the Federal Bureau of Investigation.

We now have learned from Chief Hansen that all communication tapes have been destroyed from that Friday before the bombing through the morning of the bombing. They taped over them. ...

If I could summarize my thoughts for the past six months as to why we're being deceived, it would be in the exact words of the grand juror in his transcript ... . The juror states—quote—“Well, he was either a government agent or a government informant. Either way, they just ... that means they've got prior knowledge of the bombing, and that's what they can't afford. They can't afford to have that out.” Unquote. This is a quote straight from the grand juror who, if you read the morning paper, you all know who I'm talking about.

**MEDIA:** Could you identify yourself, sir?

**GLEN WILBURN:** My name is Glen Wilburn. Chase and Coltane Smith, my grandsons, were killed in the bombing.

**MEDIA:** Okay. [Now speaking to State Representative Charles Key:] I'm a little bit confused ... and as I got the statement from Mr. Wilburn and you, now there is consideration that there was prior knowledge by government officials that a terrorist act on the building

was going to occur, and they had a sting operation the night before. That doesn't seem like it's consistent. I mean, which was it? Were there ... were the bombs placed in the building? And if they knew of the act, I'm sure they searched the building.

**CHARLES KEY:** Well, Ron, I don't know. The answer, again, as we have said for months now, to a lot of these questions is "I don't know." And that's why we need to have a thorough investigation, regardless of whether or not there were other bombs intentionally placed in that building with the intention of bringing that building down, as opposed to illegal explosives stored in there by a government agency. The building, the remains of the building, if it were properly and thoroughly examined, especially by an independent team of investigators, may answer those questions. And it surely should have been thoroughly examined before the building was brought down. And I would hope that the county grand jury that will be impaneled will subpoena that evidence and information so that they can examine the remains of the building, and maybe finally once and for all answer those questions, and we can get to the bottom of whether or not there were multiple explosions, what kind of explosions they were, where were they placed, etc.

**MEDIA:** So what you're saying really is that you don't trust the people with the legal authority and responsibility for investigating and prosecuting this case.

**CHARLES KEY:** I wouldn't make a general statement like that, but when you know that you have certain specific individuals, U.S. prosecutors, who have intentionally kept information from the grand jury in the investigation procedure, how can you trust them?

**MEDIA:** Mr. Key, with regard to advance knowledge on the part of federal agencies about this, in the video tapes that we've reviewed from our local networks on the day of the bombing, sometime between, say, noon and one o'clock, Channel 4 interviewed terrorist expert Dr. Randall Heather. And he came right out and said that he knew that the FBI had received a phone call about the prior bomb threat, and I wondered if you personally had spoken with him and gotten a statement about that, or how he says he knew that information.

**CHARLES KEY:** No, we haven't talked to him. But his video-tape-recorded statement speaks for itself. We do know that the Oklahoma City Fire Department received a call from the FBI to be on alert for a possible bomb threat the Friday before April 19. We have other people who had conversations with ATF agents the morning—thirty minutes after the bombing—the morning of, in which the ATF agents said there was a prior warning the day before and that's why there weren't hardly any ATF agents around. You couldn't find

any. And other information that points to, very clearly, prior knowledge of an impending bombing.

MEDIA: But Charles, wasn't in fact there a lot of speculation prior to April 19, not just in Oklahoma City but all over the country, that something was going to occur? There was stuff on the Internet and stuff about the anniversary of Waco. And so why is any of this surprising?

CHARLES KEY: Well, when you put it in that context, it may not be, Ron. But see, you have to look at all of these bits of information and facts. It's not just that there were things on the Internet, or that April 19 had some significance because of Waco, or anything else. So therefore, we somehow dream up that there was a call from the FBI to the Oklahoma City Fire Department. Or that you have a bomb expert on TV who said, "Yes, there was prior warning and here's how it happened." You see, we didn't dream those things up. Those things actually happened. Those things took place and they've been verified. So it's not just the Internet. It's not just some people out there saying, "Gosh, something's probably going to happen on April 19." It's the fact that these other people who have been verified and taped on both audio and video that there was prior warning. There's no question about it.

MEDIA: Prior warning of what? That somebody was going to drive up in a Ryder truck?

CHARLES KEY: That it was believed that a bombing of a federal building in Oklahoma City might very well occur ... . [I]t seems like instead of looking at the facts and trying to find the truth, we've gotten on some path to justify the positions that have already been taken. And now we're trying to prove the positions we've already taken. And therefore, anyone who comes forward and seems to go against what the federal investigators have already proposed took place, we say, "Well, those witnesses aren't credible," because it goes against the grain of what the federal government is trying to claim really took place. Again, the federal grand jury, or any grand jury, exists to find the truth by talking to all of the witnesses that they deem necessary and legitimate to talk to. We're not talking about the trial here. We're talking about gathering information.

MEDIA: I understand. But I guess what a lot of people would have a problem with what you describe is what possible motive would the federal government, the FBI, have in covering up something ... a deed as dastardly as this when most people demand justice and the facts, and the right people being brought to the bar. What possible motive?

CHARLES KEY: Well, I hate to bring up past cases that have proved to be similar in some respects to this case, possibly this case. But let's

look at very recent cases like Ruby Ridge or Waco. As those cases were investigated and it was determined that federal investigators and agents covered up information because of their own mistakes, if you remember, they didn't come forward and say, "Gosh, we goofed up and we made mistakes, and therefore we're going to confess right up front here and get it all out in the open." No, they denied it all along. So now that we enter into the area of speculation, if there were any federal agents, any government agents at any level that had any kind of involvement in this, intentionally or unintentionally, and there is a liability, that may very well be the reason they want to cover this up, because they don't want that to be revealed if they can keep it from being revealed.

**MEDIA:** You are now speculating that federal agents might have been involved in the bombing?

**CHARLES KEY:** No, I'm not.

**MEDIA:** Then what are you speculating?

**CHARLES KEY:** Well, again, the question was, why would they not bring this information out? Why would they cover it up? And the reason could be that there is someone that has some involvement in this, either through a sting operation like Mr. Wilburn stated, or maybe illegally stored explosives, but not intentionally to destroy the building and harm human life, or ... well, the scenario could go on and on, whether it was intentional involvement or just negligence of some kind.

**MEDIA:** So you are not speculating it could have been intentional involvement in the bombing by federal agents.

**CHARLES KEY:** I'm just saying that's one of the possibilities. You're talking about intentional, and you're talking about unintentional involvement. You've got negligence on one part, and you've got intentional acts on the other hand.

**MEDIA:** Can you think of any reason at all why federal eyewitnesses would be any more or less credible than any other witnesses?

**CHARLES KEY:** I cannot. Especially in light of what we have learned in this case.

**MEDIA:** There is a reference in here [referring to the official press release] to destroyed documents. Which, what documents are you referring to?

**CHARLES KEY:** We're not referring to any documents specifically. That's just a general statement. Another way we could state that would be to say any information—whether it's documents, witnesses, or any other kind of information, whether it was audio or video.

**MEDIA:** Like those tapes that the Fire Department taped over?

**CHARLES KEY:** Yes. The tapes which now have been taped over by the Fire Department. I don't understand that. Why wouldn't you keep the tapes, the audio tapes, of calls coming in to your office, police or fire, on probably the most important tragic event in Oklahoma history? They've been tape-recorded over. Now, I don't know if there is a criminal act there. But that is an example of something that could be looked at by a grand jury.

**MEDIA:** Is it their practice there to use the tapes over and over and over?

**CHARLES KEY:** It may very well be. But again, I ask all of you and anyone else, the most important day in Oklahoma history with regard to a criminal act and in other aspects, wouldn't you keep that information? Wouldn't due diligence require that you not tape over that information that day? I think it would. Hindsight is 20/20, but I know if I had done that, I sure wouldn't do it again.

**MEDIA:** You said earlier that the Fire Department has confirmed that there was a warning about a bomb?

**CHARLES KEY:** Yes.

**MEDIA:** Who? What person?

**CHARLES KEY:** You can call Chief Gaines, Chief Hansen, Assistant Chief Weathers. I believe a dispatcher named Purcer can tell you, and then there were people in the offices there that know about this.

**MEDIA:** Were all of these people warned? Were all of these people talked to, or did they just overhear a conversation? How do they know?

**CHARLES KEY:** Well, conversations have been engaged in by those of us who have been working, collaborating together on this, and all of these people have knowledge, specific knowledge, about the warning that they received from the FBI. I will leave it to the press to go ask those people and talk to them. It was not hearsay or just loose talk. I would not mention that if I was not absolutely sure and convinced of it. I wouldn't present it to you publicly.

**MEDIA:** And what was the nature of this warning? Who called?

**CHARLES KEY:** There is no question that they received a call from the FBI warning them of a possible terrorist bombing at a federal facility in Oklahoma City.

**MEDIA:** Who was the specific person that the FBI called and gave that information?

**CHARLES KEY:** My understanding is it was Chief Gaines.

**MEDIA:** Okay. Thank you.

**MEDIA:** And who from the FBI called?

**CHARLES KEY:** I don't know that.

**MEDIA:** Does Chief Gaines know who called him?

**CHARLES KEY:** I'm sure that he probably does. And I think Assistant Chief Weathers would also be another good source to back up that story. I'll just tell you what Chief Weathers told Glen Wilburn. He said that, yes, there was a call that came in that day from the FBI to be on the alert for a possible terrorist attack on a federal building. And he said, "I'll tell anybody that. I'm not going to lie for anyone." That's an exact quote. I applaud someone like that for standing up like the grand juror is standing up to tell the truth about what they know. And that's what Assistant Chief Weathers said about this situation.

**MEDIA:** And that phone call came when?

**CHARLES KEY:** The Friday before Wednesday the 19<sup>th</sup>. Thank you. I appreciate you coming.



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## APPENDIX E: ANTI-TERRORISM LEGISLATION



October 31, 1995

To: All Murrah Building Victims,  
Survivors and Families

From: Diane Leonard, Glenn Seidl, Dallas and Sharon Davis, Beverly Rankin, Liz  
Thomas, Judy Walker, Kay Ice, Dan McKinney, Connie Williams, Nicole Williams,  
Carolyn Templin, Todd McCarthy, Joyce McCarthy

Subject: Meeting Tues., Nov. 7, 1995, to discuss pending legislation to shorten the death  
penalty appeal process.

Having lost loved ones ourselves in the Murrah Building bombing, we first want to assure you that we are aware of the deep pain you have felt for these past six months. We extend to you our deepest and most heartfelt sympathy.

Following the bombing, as we searched for a sense of direction and purpose, it occurred to us that one thing we might do is to become involved in efforts to assure a speedy and swift justice for those who murdered our loved ones. We are writing this letter because we want to inform you about efforts that a group of victims' families and survivors have undertaken to shorten the death penalty appeals process, and to ask you to help us if you are so inclined. In short, we are interested in creating a federal appellate process where the victims and their families rights are respected, not just the murderers.

Glenn Seidl approached Attorney General Drew Edmondson with this idea in mind, and asked the attorney general if anything could be done to shorten the appeal times in death penalty cases. Attorney General Edmondson told us that there was pending legislation in Congress to reform what's called the Habeas Corpus appeal process. We learned that, according to a study by a bi-partisan commission led by former Supreme Court Justice Lewis F. Powell, 60 percent of the unnecessary delay in the appeals process occurs during the federal Habeas Corpus process.

For many years, victims' rights groups, prosecutors and others across the nation have fought to reform the Habeas Corpus process, shortening appeals on the state and federal level. Habeas Corpus reform provisions will significantly reduce the appeal process and expedite the imposition of the death sentence of convicted murderers on death row.

Murderers convicted for the Oklahoma City bombing, like others sentenced to death, either in a federal or a state prosecution, will be able to exploit the current abuses of the

**Letter to All Murrah Building Victims, October 31, 1995**  
**Page 1**

federal Habeas Corpus system. Because the proposed Habeas Corpus reforms are procedural, they will shorten the appeals of all current cases, including the Murrah Bombing case.

Last May, Attorney General Edmondson was successful in shortening the state level appeals process in Oklahoma by urging and obtaining passage of H.B. 1659. Effective November 1, 1995, a death row inmate's appeal time will now be reduced by an average of 3-5 years. This state reform, like the proposed federal reform, will apply to McVeigh and Nichols when District Attorney Bob Macy obtains death sentences in state court, following the federal trials. (See Mr. Macy's letter to Senator Hatch attached)

On June 4th, 1995, our group of bombing survivors and families of those who died, flew to Washington, D.C. to urge the U.S. Senate and President Clinton to implement federal Habeas Corpus Reform. This Reform is a provision in the Anti-Terrorism Bill. On June 7th, 1995, the Senate passed this Bill. The Attorney General told us that he has no doubt this was passed only because of the message brought by the survivors and the victims families. (See attached news articles)

However, we are now very concerned that our victory in the Senate, which we thought at the time to be the pivotal vote, will not necessarily mean that the reforms will become law. It has now been over five months since the passage in the Senate, and the U.S. House of Representatives has still not acted to adopt any form of the Anti-Terrorism Bill that permits the Habeas Reform to become law. It appears that some Congressmen are very concerned about passing any form of the Anti-Terrorism Bill because of the controversies over the Waco Hearings and Ruby Ridge. Opponents of the Anti-Terrorism Bill and Habeas Corpus Reform are very powerful, and include the American Civil Liberties Union, the National Association of Criminal Defense Attorneys, the National Rifle Association, and other powerful groups.

Our position is simply this: Whatever the concerns - work it out. Some form of anti-terrorism must be passed in order to reform Habeas.

We are now preparing to convince the U.S. House of Representatives to pass the Anti-Terrorism Bill as soon as possible, without watering down the Habeas Corpus Reform provision that passed in the Senate.

The families and survivors we have been working with have raised the concern that others would want to help if they knew of our efforts. We have been reluctant to reach out to you because we do not want anyone to feel pressured if, for whatever reason, they choose not to participate. We will not attempt to contact anyone personally, but will be available at all times to answer any questions. If you are interested in participating, please feel to contact Assistant Attorney General Richard Wintory or his Legal Assistant, Susan Hanna, at 522-4389 or 522-4390, or Administrative Assistant Gerald Adams, 522-4422. The attorney general's office has served as a source of information and support for our efforts, and has provided other technical assistance for our group.

Further, we are planning a meeting on Tuesday, November 7th, 1995, at 7:00 p.m. at St. Luke's United Methodist Church, 222 N.W. 15th Street, Room 210, Oklahoma City, Oklahoma, to discuss details of Habeas Corpus Reform, what we have accomplished so far, and how we hope to get this passed in the U.S. House. We will answer your questions to the best of our ability. No one will be cornered, pressured or otherwise put upon. The meeting is closed to the general public and the media. However, if you have any friends or family, or know of anyone else interested in this issue, that may want to come to this meeting, they are more than welcome to attend.

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We look forward to meeting you and answering any questions you may have.

Sincerely,

*Paul J. McCarthy*

*Kay Lee  
Dan McKinney*

*Judy Walker 728-8202*

*Les Thomas 360-1278*

*Sueverly Rankin 495-2045*

*Sharon Davis 621-2564*

*Dana Linnell 246-1201*

*Glenn A. Seidl 275-4375*

*Connie S. Williams 372-3371*

*Joyce McArthur 340-9276*

Letter to All Murrah Building Victims, October 31, 1995  
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OKLAHOMA COUNTY  
SEVENTH DISTRICT  
STATE OF OKLAHOMA  
  
808 COUNTY OFFICE BUILDING  
OKLAHOMA CITY, OKLAHOMA 73102  
(405) 278-1800



**ROBERT H. MACY**  
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FIRST ASSISTANT DISTRICT ATTORNEY

**RAY C. ELLIOTT**  
DIRECTOR OF CRIME, DRUGS

**JOHN J. POLEY**  
DIRECTOR OF JUVENILE SERVICES

**ROBERT L. MITCHELL**  
DIRECTOR OF CIVIL RIGHTS

May 24, 1995

Senator Orin G. Hatch  
Chairman Judiciary  
S.D.-224 Dirksen Senate Office  
Washington, D.C. 20514-6275

Dear Senator Hatch:

The purpose of this letter is to express my support for the inclusion of the provisions for reform of Federal Habeas Corpus authored by Senator Spector and you in the Anti-terrorism Bill, S735. Apparently some persons have raised questions about the appropriateness of this measure. Specifically, I have been told that there are some who do not see the importance of these reform measures in cases, such as the Oklahoma City bombing, which will initially be prosecuted by Federal Court.

There are two points I would like to make in response to those questions. First, immediately following the trial or trials in Federal Court, I shall, working in cooperation with the United States Department of Justice and the federal law enforcement agencies investigating the bombing of the Alfred P. Murrah Building, prosecute in Oklahoma State Court the cowards responsible for murdering innocent people in the area surrounding the federal building. And I shall seek the death penalty. We must never forget that this bombing took several lives and injured dozens of persons in the neighborhood and businesses near the building. The State of Oklahoma has an overwhelming, compelling interest to seek and obtain the maximum penalty allowable by law for the senseless and cowardly killings. Not only is it in the interest of the State, it is my sworn duty to seek those sanctions, and I intend to fully carry out my responsibilities.

Letter to Senator Orin G. Hatch  
from Oklahoma County District Attorney Robert Macy  
May 24, 1995  
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PROP. CIV. ENH. DIV. OFFICE

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The reform measures contained in the Spector, Hatch, Dole Habeas Corpus Reform measures contained in S736 will in my judgment significantly curb the abuse and delays inherent in current habeas practice. Every day of delay represents a victory for these cowardly cold blooded killers and another day of defeat and suffering for the victims and all other Americans who cry out for justice.

Secondly, your reform provisions will also create significant time savings during appeals from federal convictions as well. Examples of this include:

- time limitations on when habeas petitions may be filed;
- time deadlines on when federal courts must rule on habeas petitions;
- a requirement that federal courts prioritize consideration of capital appeals;
- reform of the abuses inherent in the probable cause process;
- limitations on second and successive petitions.

As Chairman of the Board of Directors of the National District Attorney's Association I am proud to inform you that America's prosecutors speak with one voice and that we are calling upon you and your colleagues to set your priorities and enact reforms which will provide to every convicted murderer the rights guaranteed by the constitution, but absolutely no further consideration or delay than is constitutionally required.

Respectfully,

*Robert H. Macy*  
Robert H. Macy  
District Attorney

RHM/ja

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Letter to Senator Orin G. Hatch  
from Oklahoma County District Attorney Robert Macy  
May 24, 1995  
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**Digest of Contents, S. 735**

S. 735

PUBLIC LAW: 104-132, (signed 04/24/96)

SPONSOR:

Sen. Dole, (introduced 04/27/95)

DIGEST:

(REVISED AS OF 04/15/96—Conference report filed in House)

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Title IX: Miscellaneous

**Antiterrorism and Effective Death Penalty Act of 1996—Title I: Habeas Corpus Reform**—Amends the Federal judicial code to establish a one-year statute of limitations for habeas corpus actions brought by State prisoners.

(Sec. 102) Specifies that: (1) there shall be no right of appeal from a final order in a habeas corpus proceeding; and (2) unless a circuit justice or judge issues a certificate of appealability, any appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State or Federal court. Permits such certificate to issue only if the applicant has made a substantial showing of the denial of a constitutional right.

(Sec. 104) Provides that if the applicant has failed to develop the factual basis of a claim in State court proceedings, the Federal court shall not hold an evidentiary hearing on the claim unless: (1) the claim relies on a new rule of constitutional law, made retroactive by the Supreme Court, that was previously unavailable or on a factual predicate that could not have been previously discovered through the exercise of due diligence; and (2) the facts underlying the claim would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable fact finder would have found the applicant guilty of the underlying offense.

(Sec. 105) Sets forth provisions regarding: (1) the statute of limitations for motions; and (2) limits on second or successive applications.

(Sec. 107) Sets forth special habeas corpus procedures in capital cases. Requires (with exceptions): (1) a district court to render a final determination of an application for habeas corpus brought in a capital case not later than 180 days after the date on which the application is filed; and (2) a court of appeals to hear and render a final determination of any appeal of an order granting or denying such petition within 120 days after the date on which the reply brief is filed and to decide whether to grant a petition or other request for rehearing en banc within 30 days after the date on which the petition for rehearing is filed.

Requires the Administrative Office of United States Courts (Administrative Office) to submit to the Congress an annual report on the compliance by the courts of appeals with the time limitations under this section.

(Sec. 108) Amends the Controlled Substances Act (CSA) to allow the court, upon a finding that investigative, expert, or other services are reasonably necessary for the representation of a defendant in a criminal action in which a defendant is charged with a crime punishable by death and in certain post-conviction proceedings, to authorize the defendant's attorneys to obtain such services and order the payment of fees and expenses. Prohibits any ex parte proceeding, communication, or request (proceeding) from being considered unless a proper showing is made concerning the need for

confidentiality. Requires that any such proceeding be transcribed and made a part of the record available for appellate review.

**Title II: Justice for Victims—Subtitle A: Mandatory Victim Restitution—Mandatory Victims Restitution Act of 1996**—Amends the Federal criminal code to require the court to order restitution of the victim when a convicted defendant is being sentenced for specified offenses (see Sec. 204). Authorizes the court to order restitution in certain other cases. Makes specified procedures (see Sec. 206) applicable to all orders of restitution.

(Sec. 203) Requires the court to provide, as an explicit condition of a sentence of probation, that the defendant make restitution as ordered, pay the assessment imposed, and notify the court of any material change in his or her economic circumstances that might affect his or her ability to pay restitution, fines, or special assessments.

Repeals certain restrictions on the court's authority to order the making of restitution.

(Sec. 204) Directs the court to order, in addition to any other penalty authorized by law, that the defendant make restitution to the victim of the offense or, if the victim is deceased, to the victim's estate.

Defines "victim" as a person directly and proximately harmed as a result of the commission of an offense for which restitution may be ordered, including any person directly harmed by the defendant's criminal conduct in the course of an offense that involves a scheme, conspiracy, or pattern of criminal activity. Permits a legal guardian or the representative of the victim's estate (other than the defendant), another family member, or any other person appointed as suitable by the court to assume the victim's rights in the case of a victim who is under age 18, incompetent, incapacitated, or deceased.

Sets forth provisions regarding: (1) restitution to persons other than the victim; (2) the form and amount of restitution; and (3) plea agreements not resulting in a conviction.

Requires restitution in all sentencing proceedings for convictions of, or plea agreements relating to charges for, any offense: (1) that is a crime of violence, an offense against property (including fraud), or an offense relating to tampering with consumer products; or (2) in which an identifiable victim has suffered a physical injury or pecuniary loss. Makes exceptions where the number of identifiable victims is so large as to make restitution impracticable or where determining complex issues of fact or the amount of the victim's losses would create an excessive burden on the sentencing process.

(Sec. 205) Authorizes the court, when sentencing a defendant convicted of specified CSA offenses, to order that the defendant make restitution to any

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victim of such offense. Specifies that a participant in an offense may not be considered a victim of the offense.

Directs the court, in determining whether to order restitution, to consider the amount of the loss sustained by each victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate. Permits the court to decline to order restitution upon determining that the complication and prolongation of the sentencing process resulting from fashioning such an order outweighs the need to provide restitution to any victims.

Sets forth provisions regarding situations in which there is no identifiable victim. Directs that an order of restitution in such case be based on the amount of public harm caused by the offense. Limits the amount of such restitution ordered to the amount of the fine ordered for the offense charged in the case. Directs that such restitution be distributed as follows: 65 percent to the State entity designated to administer crime victim assistance in the State in which the crime occurred and 35 percent to the State entity designated to receive Federal substance abuse block grant funds.

Directs: (1) that certain penalty assessments or fines take precedence over a restitution order; (2) that requests for community restitution be considered in all plea agreements negotiated by the United States; and (3) the United States Sentencing Commission (the Commission) to promulgate guidelines to assist courts in determining the amount of restitution that may be ordered.

Prohibits: (1) the court from making an award if it appears likely that such award would interfere with a forfeiture under the Federal criminal code or the CSA; and (2) any restitution from being ordered under this section until such time as the Commission promulgates its guidelines.

Makes conforming changes to the Violence Against Women Act of 1994 and to telemarketing fraud provisions of the Federal criminal code.

(Sec. 206) Revises procedures for the issuance and enforcement of restitution orders. Directs the court to: (1) order the probation officer to obtain and include in the presentence report, or in a separate report, information sufficient for the court to exercise its discretion in fashioning a restitution order (including a complete accounting of the losses to each victim, any restitution owed pursuant to a plea agreement, and information relating to the economic circumstances of each defendant); and (2) disclose to both the defendant and the attorney for the Government all portions of the report pertaining to such matters. Directs the probation officer to inform the court if the number or identity of victims cannot be reasonably ascertained, or if other circumstances exist that make such requirement impracticable.

Makes specified provisions of the Federal criminal code and Rule 32(c) of the Federal Rules of Criminal Procedure the only rules applicable to proceedings for the issuance and enforcement of restitution orders.

Directs: (1) the attorney for the Government, upon the request of the probation officer but not later than 60 days prior to the date initially set for sentencing and after consulting (to the extent practicable) with all identified victims, to promptly provide the probation officer with a listing of the amounts subject to restitution; and (2) the probation officer, prior to submitting the presentence report, to provide specified notice to identified victims and provide each victim with an affidavit form to submit.

Sets forth provisions regarding: (1) each defendant preparing and filing with the probation officer an affidavit fully describing the defendant's financial resources; (2) the court's authority to require additional documentation or hear testimony; (3) the privacy of any records filed or testimony heard; (4) final determination of the victim's losses and subsequent discovery of further losses; (5) court referral of issues arising in connection with proposed restitution orders to a magistrate judge or special master; and (6) resolution of disputes as to the proper amount or type of restitution.

Directs the court to order restitution to each victim in the full amount of each victim's losses as determined by the court without consideration of the defendant's economic circumstances.

Sets forth further requirements, including provisions regarding the form of payments, situations involving multiple defendants, a prohibition on considering the fact that a victim has received compensation with respect to a loss from insurance or any other source in determining the amount of restitution, notification of material changes in the defendant's economic circumstances, and such adjustment of the payment schedule as the interests of justice require.

Specifies that: (1) a defendant's conviction for an offense involving the act giving rise to a restitution order shall estop the defendant from denying the essential allegations of that offense in any subsequent Federal civil proceeding or State civil proceeding, to the extent consistent with State law, brought by the victim; (2) a restitution order may be enforced by the United States, as specified; and (3) an order of in-kind restitution in the form of services shall be enforced by the probation officer.

Directs the clerk of the court, at the request of a victim named in a restitution order, to issue an abstract of judgment certifying that a judgment has been entered in favor of such victim in the amount specified in the order. Specifies that upon registering, recording, docketing, or indexing such abstract, it shall be a lien on the property of the defendant, subject to specified limitations.

Specifies that a sentence that imposes an order of restitution is a final judgment notwithstanding the fact that such sentence can be subsequently

corrected, appealed and modified, amended, or adjusted under specified provisions, or that the defendant may be resentenced.

(Sec. 207) Amends Rule 32(b) of the Federal Rules of Criminal Procedure to require that: (1) a presentence investigation and report, or other report containing information sufficient for the court to enter an order of restitution, be required in any case in which restitution is required to be ordered; and (2) a presentence report contain, in appropriate cases, information sufficient for the court to enter an order of restitution.

Adds restitution to existing provisions governing the imposition of a fine in Federal criminal cases. Directs the court to impose a fine or other monetary penalty only to the extent that such fine or penalty will not impair the ability of the defendant to make restitution required to a victim other than the United States. Sets forth provisions regarding payment schedules, notification to the court of material changes in the defendant's economic circumstances, and default on a restitution fine or payment.

Adds restitution provisions to provisions governing the post sentence administration of fines, including collection. Makes it the responsibility of each victim to notify the Attorney General or the appropriate court entity of any change in the victim's mailing address while restitution is still owed. Directs that the confidentiality of any information relating to a victim be maintained. Sets priorities for the disbursement of money received from a defendant.

Revises provisions regarding civil remedies for satisfaction of an unpaid fine to authorize the United States to enforce a judgment imposing a fine in accordance with the practices and procedures for the enforcement of a civil judgment under Federal or State law. Sets forth provisions regarding: (1) the enforcement of such judgments; (2) termination of liability; (3) liens and the effect of filing notice of a lien; (4) inapplicability of the discharge of debt in bankruptcy proceedings; and (5) applicability of specified provisions to the enforcement of an order of restitution.

Authorizes the court, upon a finding that the defendant is in default on a payment of a fine or restitution, to revoke probation or a term of supervised release, modify the terms or conditions of a probation or a term of supervised release, resentence a defendant, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, enter or adjust a payment schedule, or take any other action necessary to obtain compliance with the order of a fine or restitution.

Allows any hearing arising out of such default to be conducted by a magistrate judge, subject to de novo review by the court. Requires that proceedings in which the participation of a defendant who is confined in a correctional facility is required or permitted be conducted by telephone,

video conference, or other communications technology without removing the prisoner from the facility.

Prohibits incarcerating a defendant solely on the basis of inability to make payments because of indigency.

(Sec. 209) Requires the Attorney General to ensure that: (1) in all plea agreements negotiated by the United States, consideration is given to requesting that the defendant provide full restitution to all the victims; and (2) restitution orders are enforced to the fullest extent of the law.

(Sec. 210) Doubles the special assessments on persons convicted of a felony in Federal cases.

Subtitle B: Jurisdiction for Lawsuits Against Terrorist States—Amends the Federal judicial code to make exceptions to: (1) foreign sovereign immunity for certain cases in which money damages are sought against a foreign government for personal injury or death caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources to terrorists (but sets a ten-year statute of limitation, subject to equitable tolling principles, and directs the court to limit discovery that the Attorney General certifies will interfere with a criminal investigation or prosecution, or a national security operation, related to the incident that gave rise to the cause of action, subject to specified restrictions); and (2) immunity from attachment with respect to a foreign state or an agency or instrumentality of such state.

Subtitle C: Assistance to Victims of Terrorism—Justice for Victims of Terrorism Act of 1996—Amends the Victims of Crime Act of 1984 (VCA) to authorize the Director of the Office of Justice Assistance to make supplemental grants to States: (1) to provide compensation and assistance to State residents who, while outside U.S. territorial boundaries, are victims of a terrorist act or mass violence and are not eligible for compensation under the Omnibus Diplomatic Security and Antiterrorism Act of 1986; and (2) for eligible crime victim compensation and assistance programs to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance, for the benefit of victims of terrorist acts or mass violence occurring within the United States and funding to U.S. Attorney's Offices for use in coordination with State victims compensation and assistance efforts in providing emergency relief.

Revises provisions of such Act to: (1) authorize the Director, if the sums available in the Crime Victims Fund are sufficient to fully provide grants to the States, to retain any portion of the Fund that was deposited during a fiscal year that was in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year as an emergency reserve; (2) prohibit such reserve from exceeding \$50 million; and (3) permit the emergency reserve to be used for supplemental grants and to supplement the

funds available to provide grants to States for compensation and assistance in years in which supplemental grants are needed.

Amends such Act to: (1) permit any amount awarded as part of a grant that remains unspent at the end of a fiscal year in which the grant is made to be expended for the purpose for which the grant is made during the two succeeding fiscal years, at the end of which period any remaining unobligated sums in excess of \$500,000 shall be returned to the Treasury (with any remaining unobligated sums in an amount less than \$500,000 to be returned to the Fund); and (2) define "base amount" for purposes of crime victim assistance to mean \$500,000 and for the territories of the Northern Mariana Islands, Guam, American Samoa, and the Republic of Palau, \$200,000, with the latter's share governed by the Compact of Free Association between the United States and the Republic of Palau.

(Sec. 233) Amends the VCA to provide for the compensation of victims of terrorism.

Designates the Federal building at 1314 LeMay Boulevard, Ellsworth Air Force Base, South Dakota, as the Cartney McRaven Child Development Center.

(Sec. 234) Amends the VCA to: (1) prohibit payments to delinquent criminal debtors by State crime victim compensation programs; and (2) exclude victim assistance from income for purposes of determining eligibility for Federal benefits.

(Sec. 235) Directs the trial court in criminal cases where the venue is moved out of State more than 350 miles from the location in which those proceedings originally would have taken place, to order closed circuit televising of the proceedings for viewing by such persons whom the court determines have a compelling interest and who are otherwise unable to view the proceedings by reason of the inconvenience and expense caused by the change of venue. Limits access to such broadcast. Specifies that: (1) the signal so transmitted shall be under the control of the court at all times and shall only be transmitted subject to the terms and conditions imposed by the court; (2) no public broadcast or dissemination shall be made of that signal (and, in the event any tapes are produced in carrying out such provision, such tapes shall be the property of the court and kept under seal); and (3) any violations shall be punishable as contempt of court. Authorizes the Administrative Office to accept donations to enable the courts to carry out such provision.

Title III: International Terrorism Prohibitions—Subtitle A: Prohibition on International Terrorist Fundraising—Amends the Immigration and Nationality Act (INA) to authorize the Secretary of State, in consultation with the Secretary of the Treasury (Secretary) and the Attorney General, to designate an organization as a terrorist organization upon finding that the

organization is a foreign organization that engages in terrorist activity and such activity threatens the security of U.S. nationals or U.S. national security. Sets forth provisions regarding: (1) procedures for such designation, including notification to specified congressional leaders, and the freezing of assets; (2) creation of an administrative record and the handling of classified information; (3) the period of designation; (4) revocation by Act of Congress, revocation based on a change in circumstances, and the effect of revocation; (5) use of the designation in a trial or hearing; (6) judicial review of such designation.

(Sec. 303) Sets penalties for knowingly providing, or attempting or conspiring to provide, material support or resources to a foreign terrorist organization. Requires any financial institution that becomes aware that it has possession of, or control over such funds and report to the Secretary the existence of such funds, with exceptions. Establishes civil penalties for knowingly failing to comply with such provision.

Sets forth provisions regarding: (1) injunctions; (2) extraterritorial Federal jurisdiction; (3) investigations; and (4) the discovery and handling of classified information in civil proceedings brought by the United States.

Subtitle B: Prohibition on Assistance to Terrorist States—Imposes penalties upon U.S. persons who engage in a financial transaction with a country knowing or having reasonable cause to know that such country has been designated under the Export Administration Act as a country supporting international terrorism, with exceptions.

(Sec. 322) Directs the Administrator of the Federal Aviation Administration to continue in effect the requirement that a foreign air carrier must adopt and use a security program approved by the Administrator. Prohibits the Administrator from approving such a program unless it requires the foreign air carrier in its operations to and from U.S. airports to adhere to the identical security measures that the Administrator requires air carriers serving the same airports to adhere to. Specifies that such requirement shall not be interpreted to limit the ability of the Administrator to impose additional security measures on a foreign air carrier or an air carrier when the Administrator determines that a specific threat warrants such additional measures.

(Sec. 323) Modifies existing provisions setting penalties for providing material support to terrorists, including by: (1) eliminating language that excludes from the definition of “material support or resources” humanitarian assistance to persons not directly involved in violations; and (2) adding language to exclude from such definition medicine or religious materials.

(Sec. 324) Makes findings regarding international terrorism, including that the President should use all necessary means, including covert action and military force, to destroy international infrastructure used by international terrorists.

(Sec. 325) Amends: (1) the Foreign Assistance Act of 1961 to authorize the President to withhold assistance to the governments of countries that aid (including providing military equipment to) terrorist states, with exceptions by presidential waiver when in the national interest; and (2) the International Financial Institutions Act to direct the Secretary to instruct the U.S. executive director of each international financial institution to oppose assistance by such institutions to terrorist states.

(Sec. 328) Revises Foreign Assistance Act provisions regarding antiterrorism assistance to permit arms and ammunition to be provided under such provisions only if they are directly related to antiterrorism assistance. Limits the value of equipment and commodities provided. Repeals a prohibition on using such funds for personnel compensation or benefits.

Makes up to \$3 million in any fiscal year available to procure explosives detection devices and other counterterrorism technology and for joint counterterrorism research and development projects on such technology conducted with the North Atlantic Treaty Organization (NATO) and major non-NATO allies under the auspices of the Technical Support Working Group of the Department of State. Sets a \$1 million limit on assistance provided to a foreign country for counterterrorism efforts in any fiscal year, subject to specified conditions.

(Sec. 329) Defines "assistance" to mean assistance (excluding international disaster assistance) to or for the benefit of a government of any country that is provided by any means on terms more favorable than generally available in the applicable market.

(Sec. 330) Amends the Arms Export Control Act to prohibit assistance under such Act in a fiscal year to a country that the President determines and certifies to the Congress, by May 15 of the calendar year in which that fiscal year begins, is not cooperating fully with U.S. antiterrorism efforts, subject to presidential waiver if the transaction is essential to U.S. national security interests.

Title IV: Terrorist and Criminal Alien Removal and Exclusion—Subtitle A: Removal of Alien Terrorists—Amends the INA to establish procedures for the removal of alien terrorists.

Directs the Chief Justice of the United States to publicly designate five district court judges from five of the U.S. judicial circuits to constitute a court with jurisdiction to conduct removal proceedings.

Sets forth provisions regarding: (1) terms of such judges; (2) designation of the chief judge of the removal court; and (3) the expeditious and confidential nature of such proceedings.

Authorizes the Attorney General: (1) to seek removal of an alien terrorist by filing an application with the removal court that contains specified information, such as a statement of the facts and circumstances relied on by the

Department of Justice (DOJ) to establish probable cause that the alien is a terrorist, that the alien is present in the United States, and that removal under normal immigration procedures would pose a risk to U.S. national security; and (2) to dismiss a removal action under this title at any stage of the proceeding.

Allows a single judge of the removal court, in determining whether to grant an application, to consider, *ex parte* and *in camera*, in addition to the information contained in the application: (1) other (including classified) information presented under oath or affirmation; and (2) testimony received in any hearing on the application of which a verbatim record shall be kept.

Sets forth provisions regarding: (1) the approval or denial of an order; and (2) the exclusivity of this title with respect to the rights of the alien regarding removal and expulsion, if an order is issued granting the application.

Directs that, where the application is approved, a removal hearing be conducted as expeditiously as practicable and be open to the public. Sets forth provisions regarding: (1) notice; (2) rights in the hearing, including the right to counsel, to introduce evidence, and (subject to specified limitations) to examine witnesses; (3) subpoenas (but denies aliens access to classified information); (4) discovery; (5) arguments; (6) burden of proof; (7) rules of evidence; (8) determination of deportation; (9) written orders; (10) no right to ancillary relief; (11) appeals; (12) custody and release pending a removal hearing; and (13) custody and release after a removal hearing, including criminal penalty for reentry of alien terrorists and elimination of custody review by habeas corpus.

Subtitle B: Exclusion of Members and Representatives of Terrorist Organizations—Makes being a member or representative of a foreign terrorist organization a basis for exclusion from the United States under the INA.

(Sec. 412) Grants the Secretary of State authority to waive requirements concerning notice of denial of a visa application, or for admission or adjustment of status, in the case of a particular alien or any class or classes of excludable aliens, with exceptions.

(Sec. 413) Denies specified deportation relief for alien terrorists.

(Sec. 414) Deems an alien present in the United States, who has not been admitted after inspection under the INA, to be seeking entry and admission, and subject to examination and exclusion.

Subtitle C: Modification to Asylum Procedures—Prohibits the Attorney General from granting asylum to an alien excludable as a terrorist unless the Attorney General determines that the individual seeking asylum will not be a danger to U.S. security.

(Sec. 422) Authorizes the examining immigration officer, upon determining that an alien seeking entry is excludable under specified provisions (with

respect to misrepresentation or insufficient documentation) and does not indicate either an intention to apply for asylum or a fear of persecution, to order the alien excluded from the United States without further hearing or review.

Directs the Attorney General to promulgate regulations to provide for the immediate review by a supervisory asylum office at the port of entry of a determination that an alien does not have a credible fear of persecution.

(Sec. 423) Sets forth provisions regarding limits on judicial review, including preclusion of collateral attacks on the validity of orders of exclusion, special exclusion, or deportation pursuant to this title.

**Subtitle D: Criminal Alien Procedural Improvements**—Revises the seven-year residency defense against a deportation or exclusion order to permit deportation or exclusion of a permanent resident alien who has been sentenced (currently, imprisoned) to five or more years for an aggravated felony.

(Sec. 432) Permits the Attorney General to authorize an application to a Federal court of competent jurisdiction for, and a judge of such court to grant an order authorizing, disclosure of information contained in the alien's application for adjustment of status to be used: (1) for identification of the alien when there is reason to believe that the alien has been killed or severely incapacitated; (2) for criminal law enforcement purposes against the alien whose application is to be disclosed; or (3) to discover information leading to the location or identity of the alien.

(Sec. 433) Amends the Violent Crime Control and Law Enforcement Act of 1994 to: (1) rename the criminal alien tracking center as the criminal alien identification system; (2) specify that the system shall be used to identify and locate deportable aliens who have committed aggravated felonies; and (3) transfer the system from the Attorney General to the Commissioner of the Immigration and Naturalization Service (INS).

(Sec. 434) Amends the Federal criminal code to: (1) bring certain alien smuggling-related crimes under the purview of the Racketeer Influenced and Corrupt Organizations Act; and (2) authorize wiretaps for alien smuggling investigations.

(Sec. 436) Amends the INA to: (1) expand the criteria for deportation for crimes of moral turpitude; and (2) permit the use of electronic and telephonic media in deportation hearings.

(Sec. 438) Directs the Attorney General and the Commissioner of Immigration and Naturalization to develop an interior (home country) repatriation program.

(Sec. 439) Amends the INA to authorize deportation of nonviolent offenders prior to Federal or State sentence completion.

(Sec. 440) Authorizes State and local law enforcement officials, to the extent permitted by relevant State and local law, to arrest and detain an illegal alien who has previously been convicted of a felony in the United States and who has been deported from or left the United States after such conviction, after obtaining appropriate confirmation from the INS of such individual's status, for such time as may be required for the INS to take that individual into Federal custody for purposes of deporting or removing the alien from the United States.

Directs the Attorney General to cooperate with the States to assure that information in the Attorney General's control, including information in the National Crime Information Center, that would assist State and local law enforcement officials in carrying out such duties is made available to such officials.

(Sec. 441) Revises INA provisions regarding terrorism to provide that any final order of deportation against an alien who is deportable by reason of having committed specified criminal offenses shall not be subject to review by any court. Makes such an order final upon the earlier of a determination by the Board of Immigration Appeals affirming such order or the expiration of the period in which the alien is permitted to seek review of such order by the Board.

Expands the range of offenses for which the Attorney General shall take an alien convicted of a crime into custody upon release (currently, limited to aggravated felonies) for deportation as expeditiously as possible. Repeals provisions under which the Attorney General may release an alien who demonstrates that he or she is not a threat to the community and is likely to appear before any scheduled hearings.

Revises provisions regarding: (1) nonapplicability of requirements that aliens be ineligible for visas and excluded from admission into the United States if such aliens are deportable by reason of having committed specified criminal offenses (currently, limited to those convicted of one or more aggravated felonies and having served at least five years' imprisonment for such felonies); and (2) the definition of "aggravated felony" to expand its scope.

Specifies that when a final order of deportation under administrative process is made against any alien who is deportable by reason of having committed a specified criminal offense, the Attorney General shall have 30 days within which to effect the alien's departure from the United States and shall have sole and unreviewable discretion to waive such provision for aliens who are cooperating with law enforcement authorities or for purposes of national security.

(Sec. 442) Limits collateral attacks on deportation orders.

(Sec. 443) Subjects a conditional permanent resident alien convicted of an aggravated felony to expedited deportation.

(Sec. 444) Sets forth provisions regarding the extradition of aliens who have committed crimes of violence against U.S. nationals. Makes certain Federal criminal code provisions regarding extradition of fugitives applicable to such aliens.

Title V: Nuclear, Biological, and Chemical Weapons Restrictions—Subtitle A: Nuclear Materials—Revises Federal criminal code provisions regarding prohibited transactions involving nuclear materials to cover specified actions involving nuclear byproduct material and actions knowingly causing substantial damage to the environment.

Expands jurisdiction by making such prohibitions applicable where an offender or victim is a U.S. national or a U.S. corporation or other legal entity. Repeals a requirement for jurisdiction that at the time of the offense the nuclear material must have been in use, storage, or transport for peaceful purposes.

Modifies the definition of “nuclear material” to mean material containing any plutonium (currently, with an isotopic concentration not in excess of 80 percent plutonium 238).

(Sec. 503) Directs the Attorney General and the Secretary of Defense to jointly conduct a study and report to the Congress on the number and extent of thefts from military arsenals of firearms, explosives, and other materials that are potentially useful to terrorists.

Subtitle B: Biological Weapons Restrictions—Amends the Federal criminal code to include within the scope of prohibitions regarding biological weapons attempts, threats, and conspiracies to acquire a biological agent, toxin, or delivery system for use as a weapon. Authorizes the United States to obtain an injunction against the threat to engage in prohibited conduct with respect to such prohibitions.

Redefines: (1) “biological agent” to cover certain biological products that may be engineered as a result of biotechnology or certain naturally occurring or bioengineered components of a microorganism, virus, infectious substance, or biological product; (2) “toxin” to include the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recombinant molecule; and (3) “vector” to include certain molecules, including recombinant molecules, or biological products that may be engineered as a result of biotechnology.

Revises provisions regarding the use of weapons of mass destruction to cover threats to use such weapons and the use of any biological agent, toxin, or vector.

Directs the Secretary of Health and Human Services to: (1) establish and maintain a list of each biological agent that has the potential to pose a severe threat to public health and safety; and (2) provide for the establishment and enforcement of safety procedures for the transfer of listed biological agents, safeguards to prevent access to such agents for use in

domestic or international terrorism or for any other criminal purpose, the establishment of procedures to protect the public safety in the event of a transfer or potential transfer of a biological agent in violation of the safety procedures or safeguards established, and appropriate availability of biological agents for research, education, and other legitimate purposes.

Subtitle C: Chemical Weapons Restrictions—Amends the Federal criminal code to set penalties with respect to any person who, without lawful authority, uses or attempts or conspires to use a chemical weapon against: (1) a U.S. national while such national is outside the United States; (2) any person within the United States; or (3) any property that is owned, leased, or used by the United States, whether the property is within or outside of the United States.

Directs the President to establish an interagency task force to determine the feasibility and advisability of establishing a facility that recreates both an urban environment and a suburban environment in such a way as to permit the effective testing, training, and evaluation of government personnel who are responsible for responding to the use of chemical and biological weapons in the United States. Expresses the sense of the Congress that such facility, if established, shall be: (1) under the jurisdiction of the Secretary of Defense; and (2) located at a principal facility of the Department of Defense for the testing and evaluation of the use of chemical and biological weapons during any period of armed conflict.

Title VI: Implementation of Plastic Explosives Convention—Prohibits: (1) the manufacture, importation, exportation, shipment, transport, transfer, receipt, or possession of any plastic explosive which does not contain a detection agent, with exceptions; and (2) any person (other than a U.S. agency or the National Guard of any State) possessing any plastic explosive on the effective date of this Act from failing to report to the Secretary the quantity of such explosives possessed, the manufacturer or importer, and any identification marks.

(Sec. 604) Sets forth: (1) penalties for violation of this title; and (2) affirmative defenses.

(Sec. 606) Amends the Tariff Act of 1930 to require the seizure and forfeiture of a plastic explosive which does not contain a detection agent.

Title VII: Criminal Law Modifications to Counter Terrorism—Subtitle A: Crimes and Penalties—Amends the Federal criminal code to increase penalties for: (1) conspiracies involving explosives; (2) specified terrorism crimes, including carrying weapons or explosives on an aircraft; and (3) the use of explosives or arson.

(Sec. 702) Imposes penalties for acts of terrorism transcending national boundaries, including creating a substantial risk of serious bodily injury to another by attempting or conspiring to destroy or damage any structure, conveyance, or other real or personal property within the United States in

violation of State or Federal law. Sets forth provisions regarding proof requirements, extraterritorial jurisdiction, the statute of limitations, and detention.

(Sec. 703) Expands a provision regarding destruction or injury of property within special maritime and territorial jurisdiction to cover any structure, conveyance, or other real or personal property.

(Sec. 704) Revises provisions prohibiting injuring property of a foreign government to set penalties for conspiring to kill, kidnap, maim, or injure people in a foreign government.

(Sec. 706) Subjects whoever transfers explosive materials, knowing or having reasonable cause to believe that such materials will be used to commit a crime of violence or a drug trafficking crime, to the same penalties as may be imposed for a first conviction for the use or carrying of an explosive material.

(Sec. 707) Prohibits the possession, or pledge or acceptance as security for a loan, of stolen explosive materials moving in interstate or foreign commerce.

(Sec. 709) Directs the Attorney General to study and report to the Congress concerning: (1) the extent to which there is available to the public material that instructs how to make bombs, destructive devices, and weapons of mass destruction and the extent to which information gained from such material has been used in incidents of domestic and international terrorism; (2) the likelihood that such information may be used in future terrorism incidents; (3) the application of existing Federal laws to such material, any need and utility for additional laws, and an assessment of the extent to which the First Amendment protects such material and its private and commercial distribution.

Subtitle B: Criminal Procedures—Makes penalties imposed upon an individual committing an offense on an aircraft in flight outside the special aircraft jurisdiction of the United States applicable regardless of whether such individual is later found in the United States. Grants jurisdiction over such an offense if: (1) a U.S. national was or would have been on board the aircraft; (2) an offender is a U.S. national; or (3) an offender is found in the United States.

Provides that if the victim of specified offenses is an internationally protected person outside the United States, the United States may exercise jurisdiction if: (1) the victim is a representative, officer, employee, or agent of the United States; (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.

(Sec. 722) Provides that there is U.S. jurisdiction over specified maritime violence: (1) regardless of whether the activity is prohibited by the State in which it takes place; and (2) committed by a U.S. national or by a stateless

person whose habitual residence is in the United States, regardless of whether the activity takes place on a ship flying the flag of a foreign country or outside the United States.

(Sec. 723) Sets penalties for conspiring to commit various terrorism-related offenses.

(Sec. 724) Expands Federal jurisdiction over bomb threats.

(Sec. 725) Modifies prohibitions regarding the use of weapons of mass destruction to include threats to use such weapons and to specify that, to violate such prohibitions, such use must be without lawful authority and the results of such use (or threat) must affect (would have affected) interstate or foreign commerce.

Includes within the definition of "weapon of mass destruction" any weapon designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors.

Imposes penalties (including the death penalty, if death results) upon any U.S. national who, without lawful authority and outside the United States, uses, threatens, attempts, or conspires to use a weapon of mass destruction.

(Sec. 726) Adds terrorism offenses to the money laundering statute.

(Sec. 727) Sets penalties for: (1) killing or attempting to kill any U.S. officer engaged in, or on account of, the performance of official duties or any person assisting such an officer or employee; and (2) threatening to assault, kidnap, or murder former Federal officers and employees.

Specifies that Federal criminal code provisions regarding influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member shall not interfere with the investigative authority of the United States Secret Service.

Revises a provision regarding the meaning of the term "deadly or dangerous weapon" in the prohibition against assaulting Federal officers or employees to include a weapon intended to cause death or danger but that fails to do so by reason of a defective component.

(Sec. 728) Includes among the aggravating factors for homicide that the defendant intentionally killed or attempted to kill more than one person in a single criminal episode.

(Sec. 729) Specifies that the time period in which a detention hearing must be held does not include weekends and legal holidays.

(Sec. 730) Directs the Commission to amend the sentencing guidelines so that the adjustment relating to international terrorism only applies to Federal crimes of terrorism.

(Sec. 731) Excludes from the definition of "electronic information" for purposes of wiretap-related definitions electronic funds transfer information

stored by a financial institution in a communications system used for the electronic storage and transfer of funds.

(Sec. 732) Directs the Secretary to conduct a study of: (1) the tagging of explosive materials for purposes of detection and identification; (2) the feasibility and practicability of rendering common chemicals used to manufacture explosive materials inert and of imposing controls on certain precursor chemicals used to manufacture explosive materials; and (3) State licensing requirements for the purchase and use of commercial high explosives. Prohibits inclusion of black or smokeless powder among the explosive materials considered within any such study or regulation proposed thereunder. Requires the Secretary, in conducting: (1) such study to consult with Federal, State, and local officials with expertise in the area of chemicals used to manufacture explosive materials; and (2) any portion of such study relating to the regulation and use of fertilizer as a pre-explosive material, to consult with and receive input from nonprofit fertilizer research centers.

Sets forth provisions regarding: (1) reporting requirements; (2) hearings; and (3) regulations for the addition of tracer elements to explosive materials manufactured in or imported into the United States under specified circumstances.

Title VIII: Assistance to Law Enforcement—Subtitle A: Resources and Security—Authorizes the Attorney General and the Secretary to support law enforcement training activities in foreign countries, subject to the concurrence of the Secretary of State, for the purpose of improving the effectiveness of the United States in investigating and prosecuting transnational offenses.

(Sec. 802) Expresses the sense of the Congress that each recipient of any sum authorized to be appropriated by this Act should use the money to purchase American-made products.

(Sec. 803) Authorizes the Attorney General and the Secretary to prohibit: (1) any vehicles from parking or standing on any street or roadway adjacent to any building in the District of Columbia used by law enforcement authorities subject to their jurisdiction, that is in whole or in part owned, possessed, or leased to the Federal Government; and (2) any person or entity from conducting business on any property immediately adjacent to any such building.

(Sec. 804) Requires: (1) a provider of wire or electronic communication services or a remote computing service, upon the request of a governmental entity, to take all necessary steps to preserve records and other evidence in its possession pending the issuance of a court order or other process; and (2) that such records be retained for a 90-day period, which shall be extended for an additional 90-day period upon a renewed request by the governmental entity.

(Sec. 805) Directs the Commission to: (1) review and report to the Congress on the deterrent effect of existing guideline levels as they apply to prohibitions against accessing a Federal interest computer without authorization, exceeding authorized access to further a fraud and obtain anything of value, or damaging a computer or program under specified circumstances; and (2) promulgate guidelines that will ensure that individuals convicted of such offenses are incarcerated for not less than six months.

(Sec. 806) Establishes the Commission on the Advancement of Federal Law Enforcement. Sets forth the duties of such Commission, including reviewing, evaluating, and recommending congressional action on: (1) Federal law enforcement priorities for the 21st century, including Federal law enforcement capability to investigate and deter adequately the threat of terrorism facing the United States; (2) the manner in which significant Federal criminal law enforcement operations are conceived, planned, coordinated, and executed; (3) the independent accountability mechanisms that exist, if any, and their efficacy to investigate, address, and correct Federal law enforcement; and (4) the extent to which Federal law enforcement agencies coordinate with State and local law enforcement agencies on operations and programs that directly affect the latter's geographical jurisdiction.

(Sec. 807) Directs the Secretary to: (1) study the use and holding of U.S. currency in foreign countries; and (2) develop useful estimates of the amount of counterfeit U.S. currency that circulates outside the United States each year.

Requires the Secretary to develop an effective international evaluation audit plan. Sets forth provisions regarding: (1) timetables for the submission of a detailed written summary of the plan and the first and subsequent audits; (2) reporting requirements; and (3) a sunset provision.

Directs the Secretary of State to: (1) consider in a timely manner the Secretary's request for the placement of such number of Secret Service agents as the Secretary considers appropriate in posts in overseas embassies; and (2) reach an agreement with the Secretary on such posts as soon as possible, but not later than December 31, 1996.

Directs the Commission to amend the sentencing guidelines to provide an appropriate enhancement of the punishment for a defendant convicted of counterfeiting U.S. currency outside the United States.

(Sec. 808) Directs the Attorney General to: (1) collect data for the calendar year 1990 and each succeeding calendar year thereafter, relating to crimes and incidents of threats and acts of violence against Federal, State, and local government employees and their families in the performance of their lawful duties; (2) establish guidelines for the collection of such data; and (3) publish an annual summary of the data collected, which shall otherwise be used only for research and statistical purposes. Specifies that the Attorney General, the Secretary of State, and the Secret Service are not required to

participate in any statistical reporting activity regarding any threats made against any individual for whom that official or the Service is authorized to provide protection.

(Sec. 809) Directs the Secretary to conduct a study and make recommendations concerning: (1) the extent and nature of the deaths and serious injuries of law enforcement officers in the line of duty during the last decade; (2) whether current passive defensive strategies, such as body armor, are adequate to counter the criminal use of firearms against law officers; and (3) the calibers of ammunition that are sold in the greatest quantities, their common uses, the calibers commonly used for civilian defensive or sporting uses that would be affected by any prohibition on non-law enforcement sales of such ammunition if such ammunition is capable of penetrating minimum level bullet resistant vests, and recommendations for increases in body armor capabilities to further protect law enforcement from that threat. Authorizes appropriations.

(Sec. 810) Directs the Attorney General and the Director of the Federal Bureau of Investigation (FBI) to study all applicable laws and guidelines relating to electronic surveillance and the use of pen registers and other trap and trace devices and to report to the Congress: (1) findings and recommendations for the use of electronic surveillance of terrorist or other criminal organizations and for any legal modifications; (2) a summary of instances in which Federal law enforcement authorities may have abused electronic surveillance powers and recommendations (if needed) for constitutional safeguards relating to the use of such powers; and (3) a summary of efforts to use current wiretap authority.

Subtitle B: Funding Authorizations for Law Enforcement—Directs the Attorney General to: (1) enhance the technical support center and tactical operations of the FBI; (2) create an FBI counterterrorism and counterintelligence fund for costs associated with the investigation of terrorism cases; (3) improve the instructional, operational support, and construction of the FBI Academy; (4) construct an FBI laboratory; and (5) increase personnel to support counterterrorism activities. Authorizes the FBI Director to expand the combined DNA Identification System (CODIS) to include Federal crimes and crimes committed in the District of Columbia.

Authorizes the Attorney General to make grants to eligible States to be used by the chief executive officer of the State, in conjunction with units of local government, other States, or any combination thereof, to establish, develop, update, or upgrade: (1) computerized identification systems that are compatible and integrated with the databases of the FBI's National Crime Information Center; (2) the capability to analyze deoxyribonucleic acid in a forensic laboratory in ways that are compatible and integrated with CODIS; and (3) automated fingerprint identification systems that are compatible and integrated with the FBI's Integrated Automated Fingerprint Identification System. Conditions grant eligibility on a State requirement that persons

convicted of a felony of a sexual nature provide a specimen for DNA analysis.

Authorizes appropriations for FBI activities to combat terrorism and provides for the allocation of funds among the States.

(Sec. 812) Authorizes appropriations: (1) to help meet the increased needs of the United States Customs Service and INS, including for the detention and removal of alien terrorists; and (2) for the Drug Enforcement Administration (DEA) to fund anti-violence crime initiatives, to fund initiatives to address major violators of Federal anti-drug statutes, and to enhance or replace DEA infrastructure.

(Sec. 815) Authorizes appropriations for DOJ to hire additional Assistant U.S. Attorneys and attorneys within the Criminal Division and to provide for increased security at courthouses and other facilities in which Federal workers are employed. Authorizes the Attorney General to pay rewards and receive from any department or agency funds for the payment of rewards to any individual who assists DOJ in performing its functions.

(Sec. 816) Authorizes appropriations for: (1) Department of the Treasury law enforcement agencies to augment counterterrorism efforts; (2) the Secret Service; (3) the United States Park Police; (4) the Judiciary; and (5) specialized training and equipment to enhance the capability of metropolitan fire and emergency service departments to respond to terrorist attacks.

(Sec. 820) Authorizes appropriations to the National Institute of Justice's Office of Science and Technology to: (1) provide to foreign countries facing an imminent danger of terrorist attack that threatens the U.S. national interest or U.S. nationals assistance in obtaining explosive detection devices and other counterterrorism technology, conducting research and development projects on such technology, and testing and evaluating counterterrorism technologies in those countries; and (2) develop technologies that can be used to combat terrorism, develop standards to ensure the adequacy of products produced and compatibility with relevant national systems, and identify and assess requirements for technologies to assist State and local law enforcement in the national program to combat terrorism.

(Sec. 822) Amends the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the Director of the Bureau of Justice Assistance to make grants under the drug control and system improvement grant program to develop and implement antiterrorism training programs and to procure equipment for use by local law enforcement authorities. Authorizes appropriations.

(Sec. 823) Permits appropriations for activities authorized in this subtitle to be made from the Violent Crime Reduction Trust Fund.

Title IX: Miscellaneous—Declares that all the territorial sea of the United States is part of the United States, is subject to its sovereignty, and, for purposes of Federal criminal jurisdiction, is within its special maritime and

territorial jurisdiction. Provides that whoever commits specified crimes on, above, or below any portion of the U.S. territorial sea which would be punishable if committed within the jurisdiction of the State, territory, possession, or district in which the location would be situated if boundaries were extended seaward, shall be guilty of a like offense and subject to a like punishment.

(Sec. 902) Prohibits a Federal, State, or local government agency from using a voter registration card (or other related document) that evidences registration for an election for Federal office as evidence to prove U.S. citizenship.

(Sec. 903) Amends the Federal criminal code to add provisions requiring that information regarding fees for representation in any case be made available to the public.

Revises CSA provisions regarding attorney compensation to direct that appointed counsel be compensated at an hourly rate of not more than \$125 for in-court and out-of-court time. Authorizes the Judicial Conference to raise the maximum for hourly payment according to a specified formula. Limits fees and expenses paid for investigative, expert, and other reasonably necessary services authorized to \$7,500, with exceptions.

(Sec. 904) Makes the provisions of, and amendments to, this Act severable.

[end of digest]

Public Law 104-132\*  
104th Congress  
S.732

110 Stat. 1214

## An Act

To deter terrorism, provide justice for victims, provide for an effective death penalty,  
and for other purposes.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Antiterrorism and Effective  
Death Penalty Act of 1996".

### SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

#### TITLE I—HABEAS CORPUS REFORM

- Sec. 101. Filing deadlines.
- Sec. 102. Appeal.
- Sec. 103. Amendment of Federal Rules of Appellate Procedure.
- Sec. 104. Section 2254 amendments.
- Sec. 105. Section 2255 amendments.
- Sec. 106. Limits on second or successive applications.
- Sec. 107. Death penalty litigation procedures.
- Sec. 108. Technical amendment.

#### TITLE II—JUSTICE FOR VICTIMS

##### Subtitle A—Mandatory Victim Restitution

- Sec. 201. Short title.
- Sec. 202. Order of restitution.
- Sec. 203. Conditions of probation.
- Sec. 204. Mandatory restitution.
- Sec. 205. Order of restitution to victims of other crimes.
- Sec. 206. Procedure for issuance of restitution order.
- Sec. 207. Procedure for enforcement of fine or restitution order.
- Sec. 208. Instruction to Sentencing Commission.
- Sec. 209. Justice Department regulations.
- Sec. 210. Special assessments on convicted persons.
- Sec. 211. Effective date.

##### Subtitle B—Jurisdiction for Lawsuits Against Terrorist States

- Sec. 221. Jurisdiction for lawsuits against terrorist states.

##### Subtitle C—Assistance to Victims of Terrorism

- Sec. 231. Short title.
- Sec. 232. Victims of Terrorism Act.
- Sec. 233. Compensation of victims of terrorism.
- Sec. 234. Crime victims fund.
- Sec. 235. Closed circuit televised court proceedings for victims of crime.
- Sec. 236. Technical correction.

#### TITLE III—INTERNATIONAL TERRORISM PROHIBITIONS

##### Subtitle A—Prohibition on International Terrorist Fundraising

- Sec. 301. Findings and purpose.

\* As published in *United States Code Service, Lawyers Edition*, Issue No.6,  
June 1996

- Sec. 302. Designation of foreign terrorist organizations.  
 Sec. 303. Prohibition on terrorist fundraising.  
     Subtitle B—Prohibition on Assistance to Terrorist States
- Sec. 321. Financial transactions with terrorists.  
 Sec. 322. Foreign air travel safety.  
 Sec. 323. Modification of material support provision.  
 Sec. 324. Findings.  
 Sec. 325. Prohibition on assistance to countries that aid terrorist states.  
 Sec. 326. Prohibition on assistance to countries that provide military equipment to terrorist states.  
 Sec. 327. Opposition to assistance by international financial institutions to terrorist states.  
 Sec. 328. Antiterrorism assistance.  
 Sec. 329. Definition of assistance.  
 Sec. 330. Prohibition on assistance under Arms Export Control Act for countries not cooperating fully with United States antiterrorism efforts.

## TITLE IV—TERRORIST AND CRIMINAL ALIEN REMOVAL AND EXCLUSION

## Subtitle A—Removal of Alien Terrorists

- Sec. 401. Alien terrorist removal.  
     Subtitle B—Exclusion of Members and Representatives of Terrorist Organizations
- Sec. 411. Exclusion of alien terrorists.  
 Sec. 412. Waiver authority concerning notice of denial of application for visas.  
 Sec. 413. Denial of other relief for alien terrorists.  
 Sec. 414. Exclusion of aliens who have not been inspected and admitted.

## Subtitle C—Modification to Asylum Procedures

- Sec. 421. Denial of asylum to alien terrorists.  
 Sec. 422. Inspection and exclusion by immigration officers.  
 Sec. 423. Judicial review.

## Subtitle D—Criminal Alien Procedural Improvements

- Sec. 431. Access to certain confidential immigration and naturalization files through court order.  
 Sec. 432. Criminal alien identification system.  
 Sec. 433. Establishing certain alien smuggling-related crimes as RICO-predicate offenses.  
 Sec. 434. Authority for alien smuggling investigations.  
 Sec. 435. Expansion of criteria for deportation for crimes of moral turpitude.  
 Sec. 436. Miscellaneous provisions.  
 Sec. 437. Interior repatriation program.  
 Sec. 438. Deportation of nonviolent offenders prior to completion of sentence of imprisonment.  
 Sec. 439. Authorizing State and local law enforcement officials to arrest and detain certain illegal aliens.  
 Sec. 440. Criminal alien removal.  
 Sec. 441. Limitation on collateral attacks on underlying deportation order.  
 Sec. 442. Deportation procedures for certain criminal aliens who are not permanent residents.  
 Sec. 443. Extradition of aliens.

## TITLE V—NUCLEAR, BIOLOGICAL, AND CHEMICAL WEAPONS RESTRICTIONS

## Subtitle A—Nuclear Materials

- Sec. 501. Findings and purpose.  
 Sec. 502. Expansion of scope and jurisdictional bases of nuclear materials prohibitions.  
 Sec. 503. Report to Congress on thefts of explosive materials from armories.

## Subtitle B—Biological Weapons Restrictions

- Sec. 511. Enhanced penalties and control of biological agents.

## Subtitle C—Chemical Weapons Restrictions

- Sec. 521. Chemical weapons of mass destruction; study of facility for training and evaluation of personnel who respond to use of chemical or biological weapons in urban and suburban areas.

TITLE VI—IMPLEMENTATION OF PLASTIC EXPLOSIVES CONVENTION

- Sec. 601. Findings and purposes.
- Sec. 602. Definitions.
- Sec. 603. Requirement of detection agents for plastic explosives.
- Sec. 604. Criminal sanctions.
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- Sec. 606. Seizure and forfeiture of plastic explosives.
- Sec. 607. Effective date.

TITLE VII—CRIMINAL LAW MODIFICATIONS TO COUNTER TERRORISM

Subtitle A—Crimes and Penalties

- Sec. 701. Increased penalty for conspiracies involving explosives.
- Sec. 702. Acts of terrorism transcending national boundaries.
- Sec. 703. Expansion of provision relating to destruction or injury of property within special maritime and territorial jurisdiction.
- Sec. 704. Conspiracy to harm people and property overseas.
- Sec. 705. Increased penalties for certain terrorism crimes.
- Sec. 706. Mandatory penalty for transferring an explosive material knowing that it will be used to commit a crime of violence.
- Sec. 707. Possession of stolen explosives prohibited.
- Sec. 708. Enhanced penalties for use of explosives or arson crimes.
- Sec. 709. Determination of constitutionality of restricting the dissemination of bomb-making instructional materials.

Subtitle B—Criminal Procedures

- Sec. 721. Clarification and extension of criminal jurisdiction over certain terrorism offenses overseas.
- Sec. 722. Clarification of maritime violence jurisdiction.
- Sec. 723. Increased and alternate conspiracy penalties for terrorism offenses.
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- Sec. 725. Expansion and modification of weapons of mass destruction statute.
- Sec. 726. Addition of terrorism offenses to the money laundering statute.
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Subtitle A—Resources and Security

- Sec. 801. Overseas law enforcement training activities.
- Sec. 802. Sense of Congress.
- Sec. 803. Protection of Federal Government buildings in the District of Columbia.
- Sec. 804. Requirement to preserve record evidence.
- Sec. 805. Deterrent against terrorist activity damaging a Federal interest computer.
- Sec. 806. Commission on the Advancement of Federal Law Enforcement.
- Sec. 807. Combatting international counterfeiting of United States currency.
- Sec. 808. Compilation of statistics relating to intimidation of Government employees.
- Sec. 809. Assessing and reducing the threat to law enforcement officers from the criminal use of firearms and ammunition.
- Sec. 810. Study and report on electronic surveillance.

Subtitle B—Funding Authorizations for Law Enforcement

- Sec. 811. Federal Bureau of Investigation.
- Sec. 812. United States Customs Service.
- Sec. 813. Immigration and Naturalization Service.
- Sec. 814. Drug Enforcement Administration.
- Sec. 815. Department of Justice.
- Sec. 816. Department of the Treasury.
- Sec. 817. United States Park Police.
- Sec. 818. The Judiciary.
- Sec. 819. Local firefighter and emergency services training.
- Sec. 820. Assistance to foreign countries to procure explosive detection devices and other counterterrorism technology.
- Sec. 821. Research and development to support counterterrorism technologies.

Sec. 822. Grants to State and local law enforcement for training and equipment.  
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## TITLE IX—MISCELLANEOUS

Sec. 901. Expansion of territorial sea.  
 Sec. 902. Proof of citizenship.  
 Sec. 903. Representation fees in criminal cases.  
 Sec. 904. Severability.

**TITLE I—HABEAS CORPUS REFORM****SEC. 101. FILING DEADLINES.**

Section 2244 of title 28, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of—

“(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

“(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;

“(C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

“(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

“(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.”

**SEC. 102. APPEAL.**

Section 2253 of title 28, United States Code, is amended to read as follows:

**“§ Sec. 2253. Appeal**

“(a) In a habeas corpus proceeding or a proceeding under section 2255 before a district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding is held.

“(b) There shall be no right of appeal from a final order in a proceeding to test the validity of a warrant to remove to another district or place for commitment or trial a person charged with a criminal offense against the United States, or to test the validity of such person’s detention pending removal proceedings.

“(c)(1) Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from—

“(A) the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court; or

“(B) the final order in a proceeding under section 2255.

“(2) A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.

“(3) The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).”.

**SEC. 103. AMENDMENT OF FEDERAL RULES OF APPELLATE PROCEDURE.**

Rule 22 of the Federal Rules of Appellate Procedure is amended to read as follows:

**“Rule 22. Habeas corpus and section 2255 proceedings**

“(a) APPLICATION FOR THE ORIGINAL WRIT.—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application shall be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge shall not be permitted. The applicant may, pursuant to section 2253 of title 28, United States Code, appeal to the appropriate court of appeals from the order of the district court denying the writ.

“(b) CERTIFICATE OF APPEALABILITY.—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, an appeal by the applicant for the writ may not proceed unless a district or a circuit judge issues a certificate of appealability pursuant to section 2253(c) of title 28, United States Code. If an appeal is taken by the applicant, the district judge who rendered the judgment shall either issue a certificate of appealability or state the reasons why such a certificate should not issue. The certificate or the statement shall be forwarded to the court of appeals with the notice of appeal and the file of the proceedings in the district court. If the district judge has denied the certificate, the applicant for the writ may then request issuance of the certificate by a circuit judge. If such a request is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or its representative, a certificate of appealability is not required.”.

**SEC. 104. SECTION 2254 AMENDMENTS.**

Section 2254 of title 28, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

“(b)(1) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that—

“(A) the applicant has exhausted the remedies available in the courts of the State; or

“(B)(i) there is an absence of available State corrective process;

or

“(ii) circumstances exist that render such process ineffective to protect the rights of the applicant.

“(2) An application for a writ of habeas corpus may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.

“(3) A State shall not be deemed to have waived the exhaustion requirement or be estopped from reliance upon the requirement unless the State, through counsel, expressly waives the requirement.”;

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(3) by inserting after subsection (c) the following new subsection:

“(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—

“(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or

“(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.”;

(4) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

“(e)(1) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a determination of a factual issue made by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting the presumption of correctness by clear and convincing evidence.

“(2) If the applicant has failed to develop the factual basis of a claim in State court proceedings, the court shall not hold an evidentiary hearing on the claim unless the applicant shows that—

“(A) the claim relies on—

“(i) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

“(ii) a factual predicate that could not have been previously discovered through the exercise of due diligence; and

“(B) the facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.”; and

(5) by adding at the end the following new subsections:

(h) Except as provided in section 408 of the Controlled Substances Act, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for an applicant who is or becomes financially unable to afford counsel, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

“(i) The ineffectiveness or incompetence of counsel during Federal or State collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254.”.

**SEC. 105. SECTION 2255 AMENDMENTS.**

Section 2255 of title 28, United States Code, is amended—

(1) by striking the second and fifth undesignated paragraphs; and

(2) by adding at the end the following new undesignated paragraphs:

“A 1-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

“(1) the date on which the judgment of conviction becomes final;

“(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;

“(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

“(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

“Except as provided in section 408 of the Controlled Substances Act, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

“A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain—

“(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

“(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.”

**SEC. 106. LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.**

(a) CONFORMING AMENDMENT TO SECTION 2244(a).—Section 2244(a) of title 28, United States Code, is amended by striking “and the petition” and all that follows through “by such inquiry.” and inserting “, except as provided in section 2255.”

(b) LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.—Section 2244(b) of title 28, United States Code, is amended to read as follows:

“(b)(1) A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.

“(2) A claim presented in a second or successive habeas corpus application under section 2254 that was not presented in a prior application shall be dismissed unless—

“(A) the applicant shows that the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

“(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

“(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

“(3)(A) Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

“(B) A motion in the court of appeals for an order authorizing the district court to consider a second or successive application shall be determined by a three-judge panel of the court of appeals.

“(C) The court of appeals may authorize the filing of a second or successive application only if it determines that the application makes a prima facie showing that the application satisfies the requirements of this subsection.

“(D) The court of appeals shall grant or deny the authorization to file a second or successive application not later than 30 days after the filing of the motion.

“(E) The grant or denial of an authorization by a court of appeals to file a second or successive application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari.

“(4) A district court shall dismiss any claim presented in a second or successive application that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of this section.”

#### SEC. 107. DEATH PENALTY LITIGATION PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 28, UNITED STATES CODE.—Title 28, United States Code, is amended by inserting after chapter 153 the following new chapter:

#### “CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

“Sec.

“2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.

“2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.

“2263. Filing of habeas corpus application; time requirements; tolling rules.

“2264. Scope of Federal review; district court adjudications.

“2265. Application to State unitary review procedure.

“2266. Limitation periods for determining applications and motions.

#### “§ 2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

“(a) This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

“(b) This chapter is applicable if a State establishes by statute, rule of its court of last resort, or by another agency authorized by

State law, a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State post-conviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

“(c) Any mechanism for the appointment, compensation, and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

“(1) appointing one or more counsels to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer;

“(2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

“(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

“(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

“(e) The ineffectiveness or incompetence of counsel during State or Federal post-conviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel, on the court’s own motion or at the request of the prisoner, at any phase of State or Federal post-conviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

**“§ 2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions**

“(a) Upon the entry in the appropriate State court of record of an order under section 2261(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application shall recite that the State has invoked the post-conviction review procedures of this chapter and that the scheduled execution is subject to stay.

“(b) A stay of execution granted pursuant to subsection (a) shall expire if—

“(1) a State prisoner fails to file a habeas corpus application under section 2254 within the time required in section 2263;

“(2) before a court of competent jurisdiction, in the presence of counsel, unless the prisoner has competently and knowingly waived such counsel, and after having been advised of the consequences, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254; or

“(3) a State prisoner files a habeas corpus petition under section 2254 within the time required by section 2263 and fails to make a substantial showing of the denial of a Federal right or

is denied relief in the district court or at any subsequent stage of review.

“(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution in the case, unless the court of appeals approves the filing of a second or successive application under section 2244(b).

**“§ 2263. Filing of habeas corpus application; time requirements; tolling rules**

“(a) Any application under this chapter for habeas corpus relief under section 2254 must be filed in the appropriate district court not later than 180 days after final State court affirmance of the conviction and sentence on direct review or the expiration of the time for seeking such review.

“(b) The time requirements established by subsection (a) shall be tolled—

“(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

“(2) from the date on which the first petition for post-conviction review or other collateral relief is filed until the final State court disposition of such petition; and

“(3) during an additional period not to exceed 30 days, if—

“(A) a motion for an extension of time is filed in the Federal district court that would have jurisdiction over the case upon the filing of a habeas corpus application under section 2254; and

“(B) a showing of good cause is made for the failure to file the habeas corpus application within the time period established by this section.

**“§ 2264. Scope of Federal review; district court adjudications**

“(a) Whenever a State prisoner under capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall only consider a claim or claims that have been raised and decided on the merits in the State courts, unless the failure to raise the claim properly is—

“(1) the result of State action in violation of the Constitution or laws of the United States;

“(2) the result of the Supreme Court’s recognition of a new Federal right that is made retroactively applicable; or

“(3) based on a factual predicate that could not have been discovered through the exercise of due diligence in time to present the claim for State or Federal post-conviction review.

“(b) Following review subject to subsections (a), (d), and (e) of section 2254, the court shall rule on the claims properly before it.

**“§ 2265. Application to State unitary review procedure**

“(a) For purposes of this section, a ‘unitary review’ procedure means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. This chapter shall apply,

as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

“(b) To qualify under this section, a unitary review procedure must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2261(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

“(c) Sections 2262, 2263, 2264, and 2266 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State ‘post-conviction review’ and ‘direct review’ in such sections shall be understood as referring to unitary review under the State procedure. The reference in section 2262(a) to ‘an order under section 2261(c)’ shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, then the start of the 180-day limitation period under section 2263 shall be deferred until a transcript is made available to the prisoner or counsel of the prisoner.

**“§ 2266. Limitation periods for determining applications and motions**

“(a) The adjudication of any application under section 2254 that is subject to this chapter, and the adjudication of any motion under section 2255 by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters.

“(b)(1)(A) A district court shall render a final determination and enter a final judgment on any application for a writ of habeas corpus brought under this chapter in a capital case not later than 180 days after the date on which the application is filed.

“(B) A district court shall afford the parties at least 120 days in which to complete all actions, including the preparation of all pleadings and briefs, and if necessary, a hearing, prior to the submission of the case for decision.

“(C)(i) A district court may delay for not more than one additional 30-day period beyond the period specified in subparagraph (A), the rendering of a determination of an application for a writ of habeas corpus if the court issues a written order making a finding, and stating the reasons for the finding, that the ends of justice that would be served by allowing the delay outweigh the best interests of the public and the applicant in a speedy disposition of the application.

“(ii) The factors, among others, that a court shall consider in determining whether a delay in the disposition of an application is warranted are as follows:

“(I) Whether the failure to allow the delay would be likely to result in a miscarriage of justice.

“(II) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate briefing within the time limitations established by subparagraph (A).

“(III) Whether the failure to allow a delay in a case that, taken as a whole, is not so unusual or so complex as described in subclause (II), but would otherwise deny the applicant reasonable time to obtain counsel, would unreasonably deny the applicant or the government continuity of counsel, or would deny counsel for the applicant or the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

“(iii) No delay in disposition shall be permissible because of general congestion of the court’s calendar.

“(iv) The court shall transmit a copy of any order issued under clause (i) to the Director of the Administrative Office of the United States Courts for inclusion in the report under paragraph (5).

“(2) The time limitations under paragraph (1) shall apply to—

“(A) an initial application for a writ of habeas corpus;

“(B) any second or successive application for a writ of habeas corpus; and

“(C) any redetermination of an application for a writ of habeas corpus following a remand by the court of appeals or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

“(3)(A) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

“(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

“(B) The State may enforce a time limitation under this section by applying for a writ of mandamus to the Supreme Court.

“(5)(A) The Administrative Office of the United States Courts shall submit to Congress an annual report on the compliance by the district courts with the time limitations under this section.”

“(B) The report described in subparagraph (A) shall include copies of the orders submitted by the district courts under paragraph (1)(B)iv).

“(C)(1)(A) A court of appeals shall hear and render a final determination of any appeal of an order granting or denying, in whole or in part, an application brought under this chapter in a capital case not later than 120 days after the date on which the reply brief is filed, or if no reply brief is filed, or if no reply brief is filed, not later than 120 days after the date on which the answering brief is filed.

“(B)(i) A court of appeals shall decide whether to grant a petition for rehearing or other request for rehearing en banc not later than 30 days after the date on which the petition for rehearing is filed unless a responsive pleading is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the responsive pleading is filed.

“(ii) If a petition for rehearing or rehearing en banc is granted, the court of appeals shall hear and render a final determination of the appeal not later than 120 days after the date on which the order granting rehearing or rehearing en banc is entered.

“(2) The time limitations under paragraph (1) shall apply to—

“(A) an initial application for a writ of habeas corpus;

“(B) any second or successive application for a writ of habeas corpus; and

“(C) any redetermination of an application for a writ of habeas corpus or related appeal following a remand by the court of appeals en banc or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

“(3) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

“(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

“(B) The State may enforce a time limitation under this section by applying for a writ of mandamus to the Supreme Court.

“(5) The administrative Office of the United States Courts shall submit to Congress an annual report on the compliance by the courts of appeals with the time limitations under this section.”

(b) TECHNICAL AMENDMENT.—The part analysis for part IV of title 28, United States Code, is amended by adding after the item relating to chapter 153 the following new item:

“154. Special habeas corpus procedures in capital cases ..... 2261.”.

(c) EFFECTIVE DATE.—Chapter 154 of title 28, United States Code (as added by subsection (a)) shall apply to cases pending on or after the date of enactment of this Act.

**SEC. 108. TECHNICAL AMENDMENT.**

Section 408(q) of the Controlled Substances Act (21 U.S.C. 848(q)) is amended by amending paragraph (9) to read as follows:

“(9) Upon a finding that investigative, expert, or other services are reasonably necessary for the representation of the defendant, whether in connection with issues relating to guilt or the sentence, the court may authorize the defendant’s attorneys to obtain such services on behalf of the defendant and, if so authorized, shall order the payment of fees and expenses therefor under paragraph (10). No ex parte proceeding, communication, or request may be considered pursuant to this section unless a proper showing is made concerning the need for confidentiality. Any such proceeding, communication, or request shall be transcribed and made a part of the record available for appellate review.”.

## TITLE II—JUSTICE FOR VICTIMS

### Subtitle A—Mandatory Victim Restitution

#### SEC. 201. SHORT TITLE.

This subtitle may be cited as the “Mandatory Victims Restitution Act of 1996”.

#### SEC. 202. ORDER OF RESTITUTION.

Section 3556 of title 18, United States Code, is amended—

- (1) by striking “may” and inserting “shall”; and
- (2) by striking “sections 3663 and 3664.” and inserting “section 3663A, and may order restitution in accordance with section 3663. The procedures under section 3664 shall apply to all orders of restitution under this section.”.

#### SEC. 203. CONDITIONS OF PROBATION.

Section 3563 of title 18, United States Code, is amended—

- (1) in subsection (a)—
  - (A) in paragraph (3), by striking “and” at the end;
  - (B) in the first paragraph (4) (relating to conditions of probation for a domestic crime of violence), by striking the period and inserting a semicolon;
  - (C) by redesignating the second paragraph (4) (relating to conditions of probation concerning drug use and testing) as paragraph (5);
  - (D) in paragraph (5), as redesignated, by striking the period at the end and inserting a semicolon; and
  - (E) by inserting after paragraph (5), as redesignated, the following new paragraphs:
    - “(6) that the defendant—
      - “(A) make restitution in accordance with sections 2248, 2259, 2264, 2327, 3663, 3663A, and 3664; and
      - “(B) pay the assessment imposed in accordance with section 3013; and
    - “(7) that the defendant will notify the court of any material change in the defendant’s economic circumstances that might affect the defendant’s ability to pay restitution, fines, or special assessments.”; and
- (2) in subsection (b)—
  - (A) by striking paragraph (2);
  - (B) by redesignating paragraphs (3) through (22) as paragraphs (2) through (21), respectively; and
  - (C) by amending paragraph (2), as redesignated, to read as follows:
    - “(2) make restitution to a victim of the offense under section 3556 (but not subject to the limitation of section 3663(a) or 3663A(c)(1)(A));”.

#### SEC. 204. MANDATORY RESTITUTION.

(a) IN GENERAL.—Chapter 232 of title 18, United States Code, is amended by inserting immediately after section 3663 the following new section:

**“§ 3663A. Mandatory restitution to victims of certain crimes**

“(a)(1) Notwithstanding any other provision of law, when sen-

tencing a defendant convicted of an offense described in subsection (c), the court shall order, in addition to, or in the case of a misdemeanor, in addition to or in lieu of, any other penalty authorized by law, that the defendant make restitution to the victim of the offense or, if the victim is deceased, to the victim's estate.

"(2) For the purposes of this section, the term 'victim' means a person directly and proximately harmed as a result of the commission of an offense for which restitution may be ordered including, in the case of an offense that involves as an element a scheme, conspiracy, or pattern of criminal activity, any person directly harmed by the defendant's criminal conduct in the course of the scheme, conspiracy, or pattern. In the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court, may assume the victim's rights under this section, but in no event shall the defendant be named as such representative or guardian.

"(3) The court shall also order, if agreed to by the parties in a plea agreement, restitution to persons other than the victim of the offense.

"(b) The order of restitution shall require that such defendant—  
"(1) in the case of an offense resulting in damage to or loss or destruction of property of a victim of the offense—

"(A) return the property to the owner of the property or someone designated by the owner; or

"(B) if return of the property under subparagraph (A) is impossible, impracticable, or inadequate, pay an amount equal to—

"(i) the greater of—

"(I) the value of the property on the date of the damage, loss, or destruction; or

"(II) the value of the property on the date of sentencing, less

"(ii) the value (as of the date the property is returned) of any part of the property that is returned;

"(2) in the case of an offense resulting in bodily injury to a victim—

"(A) pay an amount equal to the cost of necessary medical and related professional services and devices relating to physical, psychiatric, and psychological care, including non-medical care and treatment rendered in accordance with a method of healing recognized by the law of the place of treatment;

"(B) pay an amount equal to the cost of necessary physical and occupational therapy and rehabilitation; and

"(C) reimburse the victim for income lost by such victim as a result of such offense;

"(3) in the case of an offense resulting in bodily injury that results in the death of the victim, pay an amount equal to the cost of necessary funeral and related services; and

"(4) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses incurred during participation in the investigation or prosecution of the

offense or attendance at proceedings related to the offense.

“(c)(1) This section shall apply in all sentencing proceedings for convictions of, or plea agreements relating to charges for, any offense—

“(A) that is—

“(i) a crime of violence, as defined in section 16;

“(ii) an offense against property under this title, including any offense committed by fraud or deceit; or

“(iii) an offense described in section 1365 (relating to tampering with consumer products); and

“(B) in which an identifiable victim or victims has suffered a physical injury or pecuniary loss.

“(2) In the case of a plea agreement that does not result in a conviction for an offense described in paragraph (1), this section shall apply only if the plea specifically states that an offense listed under such paragraph gave rise to the plea agreement.

“(3) This section shall not apply in the case of an offense described in paragraph (1)(A)(ii) if the court finds, from facts on the record, that—

“(A) the number of identifiable victims is so large as to make restitution impracticable; or

“(B) determining complex issues of fact related to the cause or amount of the victim’s losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim is outweighed by the burden on the sentencing process.

“(d) An order of restitution under this section shall be issued and enforced in accordance with section 3664.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 232 of title 18, United States Code, is amended by inserting immediately after the matter relating to section 3663 the following:

“3663A. Mandatory restitution to victims of certain crimes.”

**SEC. 205. ORDER OF RESTITUTION TO VICTIMS OF OTHER CRIMES.**

(a) IN GENERAL.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking “(a)(1) The court” and inserting “(a)(1)(A) The court”;

(B) by inserting “, section 401, 408(a), 409, 416, 420, or 422(a) of the Controlled Substances Act (21 U.S.C. 841, 848(a), 849, 856, 861, 863) (but in no case shall a participant in an offense under such sections be considered a victim of such offense under this section),” before “or section 46312,”;

(C) by inserting “other than an offense described in section 3663A(c),” after “title 49,”;

(D) by inserting before the period at the end the following: “, or if the victim is deceased, to the victim’s estate”;

(E) by adding at the end the following new subparagraph:

“(B)(i) The court, in determining whether to order restitution under this section, shall consider—

“(I) the amount of the loss sustained by each victim as a result of the offense; and

“(II) the financial resources of the defendant, the financial

needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate.

“(ii) To the extent that the court determines that the complication and prolongation of the sentencing process resulting from the fashioning of an order of restitution under this section outweighs the need to provide restitution to any victims, the court may decline to make such an order.”; and

(F) by amending paragraph (2) to read as follows:

“(2) For the purposes of this section, the term ‘victim’ means a person directly and proximately harmed as a result of the commission of an offense for which restitution may be ordered including, in the case of an offense that involves as an element a scheme, conspiracy, or pattern of criminal activity, any person directly harmed by the defendant’s criminal conduct in the course of the scheme, conspiracy, or pattern. In the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim’s estate, another family member, or any other person appointed as suitable by the court, may assume the victim’s rights under this section, but in no event shall the defendant be named as such representative or guardian.”;

(2) by striking subsections (c) through (i); and

(3) by adding at the end the following new subsections:

“(c)(1) Notwithstanding any other provision of law (but subject to the provisions of subsections (a)(1)(B) (i)(II) and (ii), when sentencing a defendant convicted of an offense described in section 401, 408(a), 409, 416, 420, or 422(a) of the Controlled Substances Act (21 U.S.C. 841, 848(a), 849, 856, 861, 863), in which there is no identifiable victim, the court may order that the defendant make restitution in accordance with this subsection.

“(2)(A) An order of restitution under this subsection shall be based on the amount of public harm caused by the offense, as determined by the court in accordance with guidelines promulgated by the United States Sentencing Commission.

“(B) In no case shall the amount of restitution ordered under this subsection exceed the amount of the fine ordered for the offense charged in the case.

“(3) Restitution under this subsection shall be distributed as follows:

“(A) 65 percent of the total amount of restitution shall be paid to the State entity designated to administer crime victim assistance in the State in which the crime occurred.

“(B) 35 percent of the total amount of restitution shall be paid to the State entity designated to receive Federal substance abuse block grant funds.

“(4) The court shall not make an award under this subsection if it appears likely that such award would interfere with a forfeiture under chapter 46 of this title or under the Controlled Substances Act (21 U.S.C. 801 et seq.).

“(5) Notwithstanding section 3612(c) or any other provision of law, a penalty assessment under section 3013 or a fine under subchapter C of chapter 227 shall take precedence over an order of restitution under this subsection.

“(6) Requests for community restitution under this subsection may be considered in all plea agreements negotiated by the United

States.

“(7)(A) The United States Sentencing Commission shall promulgate guidelines to assist courts in determining the amount of restitution that may be ordered under this subsection.

“(B) No restitution shall be ordered under this subsection until such time as the Sentencing Commission promulgates guidelines pursuant to this paragraph.

“(d) An order of restitution made pursuant to this section shall be issued and enforced in accordance with section 3664.”

(b) SEXUAL ABUSE.—Section 2248 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting “or 3663A” after “3663”;

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

“(1) DIRECTIONS.—The order of restitution under this section shall direct the defendant to pay to the victim (through the appropriate court mechanism) the full amount of the victim’s losses as determined by the court pursuant to paragraph (2).”;

(B) by amending paragraph (2) to read as follows:

“(2) ENFORCEMENT.—An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.”;

(C) in paragraph (4), by striking subparagraphs (c) and (D); and

(D) by striking paragraphs (5) through (10);

(3) by striking subsections (c) through (e); and

(4) by redesignating subsection (f) as subsection (c).

(c) SEXUAL ABUSE AND OTHER EXPLOITATION OF CHILDREN.—Section 2259 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting “or 3663A” after “3663”;

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

“(1) DIRECTIONS.—The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim’s losses as determined by the court pursuant to paragraph (2).”;

“(2) ENFORCEMENT.—An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.”;

(C) in paragraph (4), by striking subparagraphs (c) and (D); and

(D) by striking paragraphs (5) through (10);

(3) by striking subsections (c) through (e); and

(4) by redesignating subsection (f) as subsection (c).

(d) DOMESTIC VIOLENCE.—Section 2264 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting “or 3663A” after “3663”;

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

“(1) DIRECTIONS.—The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim’s losses as determined by the court pursuant to paragraph (2).”;

(B) by amending paragraph (2) to read as follows:

“(2) ENFORCEMENT.—An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.”;

(C) in paragraph (4), by striking subparagraphs (c) and (D); and

(D) by striking paragraphs (5) through (10);

(3) by striking subsections (c) through (g); and

(4) by adding at the end the following new subsection (c):

“(c) VICTIM DEFINED.—For purposes of this section, the term ‘victim’ means the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim’s estate, another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such representative or guardian.”.

(e) TELEMARKETING FRAUD.—Section 2327 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting “or 3663A” after “3663”;

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

“(1) DIRECTIONS.—The order of restitution under this section shall direct the defendant to pay to the victim (through the appropriate court mechanism) the full amount of the victim’s losses as determined by the court pursuant to paragraph (2).”;

(B) by amending paragraph (2) to read as follows:

“(2) ENFORCEMENT.—An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.”;

(C) in paragraph (4), by striking subparagraphs (c) and (D); and

(D) by striking paragraphs (5) through (10);

(3) by striking subsections (c) through (e); and

(4) by redesignating subsection (f) as subsection (c).

**SEC. 206. PROCEDURE FOR ISSUANCE OF RESTITUTION ORDER.**

(a) IN GENERAL.—Section 3664 of title 18, United States Code, is amended to read as follows:

**“§ 3664. Procedure for issuance and enforcement of order of restitution**

“(a) For orders of restitution under this title, the court shall order the probation officer to obtain and include in its presentence report, or in a separate report, as the court may direct, information sufficient for the court to exercise its discretion in fashioning a restitution order. The report shall include, to the extent practicable, a complete accounting of the losses to each victim, any restitution owed pursuant to a plea agreement, and information relating to the economic circumstances of each defendant. If the number or identity of victims cannot be reasonably ascertained, or other circumstances exist that make this requirement clearly impracticable, the probation officer shall so inform the court.

“(b) The court shall disclose to both the defendant and the attor-

ney for the Government all portions of the presentence or other report pertaining to the matters described in subsection (a) of this section.

“(c) The provisions of this chapter, chapter 227, and Rule 32(c) of the Federal Rules of Criminal Procedure shall be the only rules applicable to proceedings under this section.

“(d)(1) Upon the request of the probation officer, but not later than 60 days prior to the date initially set for sentencing, the attorney for the Government, after consulting, to the extent practicable, with all identified victims, shall promptly provide the probation officer with a listing of the amounts subject to restitution.

“(2) The probation officer shall, prior to submitting the presentence report under subsection (a), to the extent practicable—

“(A) provide notice to all identified victims of—

“(i) the offense or offenses of which the defendant was convicted;

“(ii) the amounts subject to restitution submitted to the probation officer;

“(iii) the opportunity of the victim to submit information to the probation officer concerning the amount of the victim’s losses;

“(iv) the scheduled date, time, and place of the sentencing hearing;

“(v) the availability of a lien in favor of the victim pursuant to subsection (m)(1)(B); and

“(vi) the opportunity of the victim to file with the probation officer a separate affidavit relating to the amount of the victim’s losses subject to restitution; and

“(B) provide the victim with an affidavit form to submit pursuant to subparagraph (A)(vi).

“(3) Each defendant shall prepare and file with the probation officer an affidavit fully describing the financial resources of the defendant, including a complete listing of all assets owned or controlled by the defendant as of the date on which the defendant was arrested, the financial needs and earning ability of the defendant and the defendant’s dependents, and such other information that the court requires relating to such other factors as the court deems appropriate.

“(4) After reviewing the report of the probation officer, the court may require additional documentation or hear testimony. The privacy of any records filed, or testimony heard, pursuant to this section shall be maintained to the greatest extent possible, and such records may be filed or testimony heard in camera.

“(5) If the victim’s losses are not ascertainable by the date that is 10 days prior to sentencing, the attorney for the Government or the probation officer shall so inform the court, and the court shall set a date for the final determination of the victim’s losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

“(6) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate judge or special master

for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.

“(e) Any dispute as to the proper amount or type of restitution shall be resolved by the court by the preponderance of the evidence. The burden of demonstrating the amount of the loss sustained by a victim as a result of the offense shall be on the attorney for the Government. The burden of demonstrating the financial resources of the defendant and the financial needs of the defendant’s dependents, shall be on the defendant. The burden of demonstrating such other matters as the court deems appropriate shall be upon the party designated by the court as justice requires.

“(f)(1)(A) In each order of restitution, the court shall order restitution to each victim in the full amount of each victim’s losses as determined by the court and without consideration of the economic circumstances of the defendant.

“(B) In no case shall the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source be considered in determining the amount of restitution.

“(2) Upon determination of the amount of restitution owed to each victim, the court shall, pursuant to section 3572, specify in the restitution order the manner in which, and the schedule according to which, the restitution is to be paid, in consideration of—

“(A) the financial resources and other assets of the defendant, including whether any of these assets are jointly controlled;

“(B) projected earnings and other income of the defendant;

and  
“(C) any financial obligations of the defendant; including obligations to dependents.

“(3)(A) A restitution order may direct the defendant to make a single, lump-sum payment, partial payments at specified intervals, in-kind payments, or a combination of payments at specified intervals and in-kind payments.

“(B) A restitution order may direct the defendant to make nominal periodic payments if the court finds from facts on the record that the economic circumstances of the defendant do not allow the payment of any amount of a restitution order, and do not allow for the payment of the full amount of a restitution order in the foreseeable future under any reasonable schedule of payments.

“(4) An in-kind payment described in paragraph (3) may be in the form of—

“(A) return of property;

“(B) replacement of property; or

“(C) if the victim agrees, services rendered to the victim or a person or organization other than the victim.

“(g)(1) No victim shall be required to participate in any phase of a restitution order.

“(2) A victim may at any time assign the victim’s interest in restitution payments to the Crime Victims Fund in the Treasury without in any way impairing the obligation of the defendant to make such payments.

“(h) If the court finds that more than 1 defendant has contributed to the loss of a victim, the court may make each defendant liable for payment of the full amount of restitution or may apportion liabil-

ity among the defendants to reflect the level of contribution to the victim's loss and economic circumstances of each defendant.

"(i) If the court finds that more than 1 victim has sustained a loss requiring restitution by a defendant, the court may provide for a different payment schedule for each victim based on the type and amount of each victim's loss and accounting for the economic circumstances of each victim. In any case in which the United States is a victim, the court shall ensure that all other victims receive full restitution before the United States receives any restitution.

"(j)(1) If a victim has received compensation from insurance or any other source with respect to a loss, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution of victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

"(2) Any amount paid to a victim under an order of restitution shall be reduced by any amount later recovered as compensatory damages for the same loss by the victim in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(k) A restitution order shall provide that the defendant shall notify the court and the Attorney General of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution. The court may also accept notification of a material change in the defendant's economic circumstances from the United States or from the victim. The Attorney General shall certify to the court that the victim or victims owed restitution by the defendant have been notified of the change in circumstances. Upon receipt of the notification, the court may, on its own motion, or the motion of any party, including the victim, adjust the payment schedule, or require immediate payment in full, as the interests of justice require.

"(l) A conviction of a defendant for an offense involving the act giving rise to an order of restitution shall estop the defendant from denying the essential allegations of that offense in any subsequent Federal civil proceeding or State civil proceeding, to the extent consistent with State law, brought by the victim.

"(m)(1)(A)(i) An order of restitution may be enforced by the United States in the manner provided for in subchapter C of chapter 227 and subchapter B of chapter 229 of this title; or

"(ii) by all other available and reasonable means.

"(B) At the request of a victim named in a restitution order, the clerk of the court shall issue an abstract of judgment certifying that a judgment has been entered in favor of such victim in the amount specified in the restitution order. Upon registering, recording, docketing, or indexing such abstract in accordance with the rules and requirements relating to judgments of the court of the State where the district court is located, the abstract of judgment shall be a lien on the property of the defendant located in such State in the same manner and to the same extent and under the same conditions as a judgment of a court of general jurisdiction in that State.

"(2) An order of in-kind restitution in the form of services shall be enforced by the probation officer.

“(n) If a person obligated to provide restitution, or pay a fine, receives substantial resources from any source, including inheritance, settlement, or other judgment, during a period of incarceration, such person shall be required to apply the value of such resources to any restitution or fine still owed.

“(o) A sentence that imposes an order of restitution is a final judgment notwithstanding the fact that—

“(1) such a sentence can subsequently be—

“(A) corrected under Rule 35 of the Federal Rules of Criminal Procedure and section 3742 of chapter 235 of this title;

“(B) appealed and modified under section 3742;

“(C) amended under section 3664(d)(3); or

“(D) adjusted under section 3664(k), 3572, or 3613A;

or

“(2) the defendant may be resentenced under section 3565 or 3614.

“(p) Nothing in this section or sections 2248, 2259, 2264, 2327, 3663, and 3663A and arising out of the application of such sections, shall be construed to create a cause of action not otherwise authorized in favor of any person against the United States or any officer or employee of the United States.’

“(b) TECHNICAL AMENDMENT—The item relating to section 3664 in the analysis for chapter 232 of title 18, United States Code, is amended to read as follows:

“3664. Procedure for issuance and enforcement of order of restitution.”

**SEC. 207. PROCEDURE FOR ENFORCEMENT OF FINE OR RESTITUTION ORDER.**

(a) AMENDMENT OF FEDERAL RULES OF CRIMINAL PROCEDURE.—Rule 32(b) of the Federal Rules of Criminal Procedure is amended—

(1) in paragraph (1), by adding at the end the following:

“Notwithstanding the preceding sentence, a presentence investigation and report, or other report containing information sufficient for the court to enter an order of restitution, as the court may direct, shall be required in any case in which restitution is required to be ordered.”; and

(2) in paragraph (4)—

(A) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(B) by inserting after subparagraph (E), the following new subparagraph:

“(F) in appropriate cases, information sufficient for the court to enter an order of restitution;”

(b) FINES—Section 3572 of title 18, United States Code, is amended—

(1) in subsection (b) by inserting “other than the United States,” after “offense,”;

(2) in subsection (d)—

(A) in the first sentence, by striking “A person sentenced to pay a fine or other monetary penalty” and inserting “(1) A person sentenced to pay a fine or other monetary penalty, including restitution,”;

(B) by striking the third sentence; and

(C) by adding at the end the following:

“(2) If the judgment, or, in the case of a restitution order, the

order, permits other than immediate payment, the length of time over which scheduled payments will be made shall be set by the court, but shall be the shortest time in which full payment can reasonably be made.

“(3) A judgment for a fine which permits payments in installments shall include a requirement that the defendant will notify the court of any material change in the defendant’s economic circumstances that might affect the defendant’s ability to pay the fine. Upon receipt of such notice the court may, on its own motion or the motion of any party, adjust the payment schedule, or require immediate payment in full, as the interests of justice require.”;

(3) in subsection (f), by inserting “restitution” after “special assessment,”;

(4) in subsection (h), by inserting “or payment of restitution” after “A fine”; and

(5) in subsection (i)—

(A) in the first sentence, by inserting “or payment of restitution” after “A fine”; and

(B) by amending the second sentence to read as follows:

“Notwithstanding any installment schedule, when a fine or payment of restitution is in default, the entire amount of the fine or restitution is due within 30 days after notification of the default, subject to the provisions of section 3613A.”.

(c) POSTSENTENCE ADMINISTRATION.—

(1) PAYMENT OF A FINE OR RESTITUTION.—Section 3611 of title 18, United States Code, is amended—

(A) by amending the heading to read as follows:

**“§3611. Payment of a fine or restitution”;**

and

(B) by striking “or assessment shall pay the fine or assessment” and inserting “, assessment, or restitution, shall pay the fine, assessment, or restitution”.

(2) COLLECTION.—Section 3612 of title 18, United States Code, is amended—

(A) by amending the heading to read as follows:

**“§3612. Collection of unpaid fine or restitution”;**

(B) in subsection (b)(1)—

(i) in the matter preceding subparagraph (A), by inserting “or restitution order” after “fine”;

(ii) in subparagraph (c), by inserting “or restitution order” after “fine”;

(iii) in subparagraph (E), by striking “and”;

(iv) in subparagraph (F)—

(I) by inserting “or restitution order” after “fine”; and

(II) by striking the period at the end and inserting “; and”; and

(v) by adding at the end the following new subparagraph:

“(G) in the case of a restitution order, information sufficient to identify each victim to whom restitution is owed. It shall be the responsibility of each victim to notify the Attorney General, or the appropriate entity of the court, by means of a form to be provided by the Attorney General or

the court, of any change in the victim's mailing address while restitution is still owed the victim. The confidentiality of any information relating to a victim shall be maintained.”;

(C) in subsection (c)—

(i) in the first sentence, by inserting “or restitution” after “fine”; and

(ii) by adding at the end the following: “Any money received from a defendant shall be disbursed so that each of the following obligations is paid in full in the following sequence:

“(1) A penalty assessment under section 3013 of title 18, United States Code.

“(2) Restitution of all victims.

“(3) All other fines, penalties, costs, and other payments required under the sentence.”;

(D) in subsection (d)—

(i) by inserting “or restitution” after “fine”; and

(ii) by striking “is delinquent, to inform him that the fine is delinquent” and inserting “or restitution is delinquent, to inform the person of the delinquency”;

(E) in subsection (e)—

(i) by inserting “or restitution” after “fine”; and

(ii) by striking “him that the fine is in default” and inserting “the person that the fine or restitution is in default”;

(F) in subsection (f)—

(i) in the heading, by inserting “and restitution” after “on fines”; and

(ii) in paragraph (1), by inserting “or restitution” after “any fine”;

(G) in subsection (g), by inserting “or restitution” after “fine” each place it appears; and

(H) in subsection (i), by inserting “and restitution” after “fines”.

(3) CIVIL REMEDIES.—Section 3613 of title 18, United States Code, is amended to read as follows:

**“§3613. Civil remedies for satisfaction of an unpaid fine**

“(a) ENFORCEMENT.—The United States may enforce a judgment imposing a fine in accordance with the practices and procedures for the enforcement of a civil judgment under Federal law or State law. Notwithstanding any other Federal law (including section 207 of the Social Security Act), a judgment imposing a fine may be enforced against all property or rights to property of the person fined, except that—

“(1) property exempt from levy for taxes pursuant to section 6334(a) (1), (2), (3), (4), (5), (6), (7), (8), (10), and (12) of the Internal Revenue Code of 1986 shall be exempt from enforcement of the judgment under Federal law;

“(2) section 3014 of chapter 176 of title 28 shall not apply to enforcement under Federal law; and

“(3) the provisions of section 303 of the Consumer Credit Protection Act (15 U.S.C. 1673) shall apply to enforcement of the judgment under Federal law or State law.

“(b) TERMINATION OF LIABILITY.—The liability to pay a fine shall terminate the later of 20 years from the entry of judgment or 20 years

after the release from imprisonment of the person fined, or upon the death of the individual fined.

“(c) LIEN.—A fine imposed pursuant to the provisions of subchapter C of chapter 227 of this title, or an order of restitution made pursuant to sections 2248, 2259, 2264, 2327, 3663, 3663A, or 3664 of this title, is a lien in favor of the United States on all property and rights to property of the person fined as if the liability of the person fined were a liability for a tax assessed under the Internal Revenue Code of 1986. The lien arises on the entry of judgment and continues for 20 years or until the liability is satisfied, remitted, set aside, or is terminated under subsection (b).

“(d) EFFECT OF FILING NOTICE OF LIEN.—Upon filing of a notice of lien in the manner in which a notice of tax lien would be filed under section 6323(f) (1) and (2) of the Internal Revenue Code of 1986, the lien shall be valid against any purchaser, holder of a security interest, mechanic’s lien or judgment lien creditor, except with respect to properties or transactions specified in subsection (b), (c), or (d) of section 6323 of the Internal Revenue Code of 1986 for which a notice of tax lien properly filed on the same date would not be valid. The notice of lien shall be considered a notice of lien for taxes payable to the United States for the purpose of any State or local law providing for the filing of a notice of a tax lien. A notice of lien that is registered, recorded, docketed, or indexed in accordance with the rules and requirements relating to judgments of the courts of the State where the notice of lien is registered, recorded, docketed, or indexed shall be considered for all purposes as the filing prescribed by this section. The provisions of section 3201(e) of chapter 176 of title 28 shall apply to liens filed as prescribed by this section.

“(e) DISCHARGE OF DEBT INAPPLICABLE.—No discharge of debts in a proceeding pursuant to any chapter of title 11, United States Code, shall discharge liability to pay a fine pursuant to this section, and a lien filed as prescribed by this section shall not be voided in a bankruptcy proceeding.

“(f) APPLICABILITY TO ORDER OF RESTITUTION.—In accordance with section 3664(m)(1)(A) of this title, all provisions of this section are available to the United States for the enforcement of an order of restitution.”

(4) DEFAULT.—Chapter 229 of title 18, United States Code, is amended by inserting after section 3613 the following new section:

**“§3613A. Effect of default**

“(a)(1) Upon a finding that the defendant is in default on a payment of a fine or restitution, the court may, pursuant to section 3565, revoke probation or a term of supervised release, modify the terms or conditions of probation or a term of supervised release, resentence a defendant pursuant to section 3614, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, enter or adjust a payment schedule, or take any other action necessary to obtain compliance with the order of a fine or restitution.

“(2) In determining what action to take, the court shall consider the defendant’s employment status, earning ability, financial re-

sources, the willfulness in failing to comply with the fine or restitution order, and any other circumstances that may have a bearing on the defendant's ability or failure to comply with the order of a fine or restitution.

"(b)(1) Any hearing held pursuant to this section may be conducted by a magistrate judge, subject to de novo review by the court.

"(2) To the extent practicable, in a hearing held pursuant to this section involving a defendant who is confined in any jail, prison, or other correctional facility, proceedings in which the prisoner's participation is required or permitted shall be conducted by telephone, video conference, or other communications technology without removing the prisoner from the facility in which the prisoner is confined."

(5) RESENTENCING.—Section 3614 of title 18, United States Code, is amended—

(A) in the heading, by inserting "or restitution" after "fine";

(B) in subsection (a), by inserting "or restitution" after "fine"; and

(C) by adding at the end the following new subsection:

"(c) EFFECT OF INDIGENCY.—In no event shall a defendant be incarcerated under this section solely on the basis of inability to make payments because the defendant is indigent."

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter B of chapter 229 of title 18, United States Code, is amended to read as follows:

"Sec.

"3611. Payment of a fine or restitution.

"3612. Collection of an unpaid fine or restitution.

"3613. Civil remedies for satisfaction of an unpaid fine.

"3613A. Effect of default.

"3614. Resentencing upon failure to pay a fine or restitution.

"3615. Criminal default."

**SEC. 208. INSTRUCTION TO SENTENCING COMMISSION.**

Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to reflect this subtitle and the amendments made by this subtitle.

**SEC. 209. JUSTICE DEPARTMENT REGULATIONS.**

Not later than 90 days after the date of enactment of this subtitle, the Attorney General shall promulgate guidelines, or amend existing guidelines, to carry out this subtitle and the amendments made by this subtitle and to ensure that—

(1) in all plea agreements negotiated by the United States, consideration is given to requesting that the defendant provide full restitution to all victims of all charges contained in the indictment or information, without regard to the counts to which the defendant actually pleaded; and

(2) orders of restitution made pursuant to the amendments made by this subtitle are enforced to the fullest extent of the law.

**SEC. 210. SPECIAL ASSESSMENTS ON CONVICTED PERSONS.**

Section 3013(a)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking "\$50" and inserting "not less than \$100"; and

(2) in subparagraph (B), by striking “\$200” and inserting “not less than \$400”.

**SEC. 211. EFFECTIVE DATE.**

The amendments made by this subtitle shall, to the extent constitutionally permissible, be effective for sentencing proceedings in cases in which the defendant is convicted on or after the date of enactment of this Act.

## **Subtitle B—Jurisdiction for Lawsuits Against Terrorist States**

**SEC. 221. JURISDICTION FOR LAWSUITS AGAINST TERRORIST STATES.**

(a) EXCEPTION TO FOREIGN SOVEREIGN IMMUNITY FOR CERTAIN CASES.—Section 1605 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “or” at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting “; or”; and

(C) by adding at the end the following new paragraph:

“(7) not otherwise covered by paragraph (2), in which money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency, except that the court shall decline to hear a claim under this paragraph—

“(A) if the foreign state was not designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) at the time the act occurred, unless later so designated as a result of such act; and

“(B) even if the foreign state is or was so designated, if—

“(i) the act occurred in the foreign state against which the claim has been brought and the claimant has not afforded the foreign state a reasonable opportunity to arbitrate the claim in accordance with accepted international rules of arbitration; or

“(ii) the claimant or victim was not a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act) when the act upon which the claim is based occurred.”; and

(2) by adding at the end the following:

“(e) For purposes of paragraph (7) of subsection (a)—

“(1) the terms “torture” and “extrajudicial killing” have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991;

“(2) the term ‘hostage taking’ has the meaning given that term in Article 1 of the International Convention Against the Taking of Hostages; and

“(3) the term ‘aircraft sabotage’ has the meaning given that term in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.

“(f) No action shall be maintained under subsection (a)(7) unless the action is commenced not later than 10 years after the date on which the cause of action arose. All principles of equitable tolling, including the period during which the foreign state was immune from suit, shall apply in calculating this limitation period.

“(g) LIMITATION ON DISCOVERY.—

“(1) IN GENERAL.—(A) Subject to paragraph (2), if an action is filed that would otherwise be barred by section 1604, but for subsection (a)(7), the court, upon request of the Attorney General, shall stay any request, demand, or order for discovery on the United States that the Attorney General certifies would significantly interfere with a criminal investigation or prosecution, or a national security operation, related to the incident that gave rise to the cause of action, until such time as the Attorney General advises the court that such request, demand, or order will no longer so interfere.

“(B) A stay under this paragraph shall be in effect during the 12-month period beginning on the date on which the court issues the order to stay discovery. The court shall renew the order to stay discovery for additional 12-month periods upon motion by the United States if the Attorney General certifies that discovery would significantly interfere with a criminal investigation or prosecution, or a national security operation, related to the incident that gave rise to the cause of action.

“(2) SUNSET.—(A) Subject to subparagraph (B), no stay shall be granted or continued in effect under paragraph (1) after the date that is 10 years after the date on which the incident that gave rise to the cause of action occurred.

“(B) After the period referred to in subparagraph (A), the court, upon request of the Attorney General, may stay any request, demand, or order for discovery on the United States that the court finds a substantial likelihood would—

“(i) create a serious threat of death or serious bodily injury to any person;

“(ii) adversely affect the ability of the United States to work in cooperation with foreign and international law enforcement agencies in investigating violations of United States law; or

“(iii) obstruct the criminal case related to the incident that gave rise to the cause of action or undermine the potential for a conviction in such case.

“(3) EVALUATION OF EVIDENCE.—The court’s evaluation of any request for a stay under this subsection filed by the Attorney General shall be conducted *ex parte* and *in camera*.

“(4) BAR ON MOTIONS TO DISMISS.—A stay of discovery under this subsection shall constitute a bar to the granting of a motion to dismiss under rules 12(b)(6) and 56 of the Federal Rules of Civil Procedure.

“(5) CONSTRUCTION.—Nothing in this subsection shall prevent the United States from seeking protective orders or asserting privileges ordinarily available to the United States.”

## (b) EXCEPTION TO IMMUNITY FROM ATTACHMENT.—

(1) FOREIGN STATE.—Section 1610(a) of title 28, United States Code, is amended—

(A) by striking the period at the end of paragraph (6) and inserting “, or”; and

(B) by adding at the end the following new paragraph:  
“(7) the judgment relates to a claim for which the foreign state is not immune under section 1605(a)(7), regardless of whether the property is or was involved with the act upon which the claim is based.”.

(2) AGENCY OR INSTRUMENTALITY.—Section 1610(b)(2) of title 28, United States Code, is amended—

(A) by striking “or (5)” and inserting “(5), or (7)”; and

(B) by striking “used for the activity” and inserting “involved in the act”.

(c) APPLICABILITY.—The amendments made by this subtitle shall apply to any cause of action arising before, on, or after the date of the enactment of this Act.

## Subtitle C—Assistance to Victims of Terrorism

**SEC. 231. SHORT TITLE.**

This subtitle may be cited as the “Justice for Victims of Terrorism Act of 1996”.

**SEC. 232. VICTIMS OF TERRORISM ACT.**

(a) AUTHORITY TO PROVIDE ASSISTANCE AND COMPENSATION TO VICTIMS OF TERRORISM.—The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404A the following new section:

**“SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM OR MASS VIOLENCE.**

“(a) VICTIMS OF ACTS OF TERRORISM OUTSIDE THE UNITED STATES.—The Director may make supplemental grants as provided in section 1404(a) to States to provide compensation and assistance to the residents of such States who, while outside of the territorial boundaries of the United States, are victims of a terrorist act or mass violence and are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

“(b) VICTIMS OF TERRORISM WITHIN THE UNITED STATES.—The Director may make supplemental grants as provided in section 1404(d)(4)(B) to States for eligible crime victim compensation and assistance programs to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance, for the benefit of victims of terrorist acts or mass violence occurring within the United States and may provide funding to United States Attorney’s Offices for use in coordination with State victim compensation and assistance efforts in providing emergency relief.”.

(b) FUNDING OF COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM, MASS VIOLENCE, AND CRIME.—Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended to read as follows:

“(4)(A) If the sums available in the Fund are sufficient to

fully provide grants to the States pursuant to section 1403(a)(1), the Director may retain any portion of the Fund that was deposited during a fiscal year that was in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year as an emergency reserve. Such reserve shall not exceed \$50,000,000.

“(B) The emergency reserve referred to in subparagraph (A) may be used for supplemental grants under section 1404B and to supplement the funds available to provide grants to States for compensation and assistance in accordance with sections 1403 and 1404 in years in which supplemental grants are needed.”.

(c) CRIME VICTIMS FUND AMENDMENTS.—

(1) UNOBLIGATED FUNDS.—Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended—

(A) in subsection (c), by striking “subsection” and inserting “chapter”; and

(B) by amending subsection (e) to read as follows:

“(e) AMOUNTS AWARDED AND UNSPENT.—Any amount awarded as part of a grant under this chapter that remains unspent at the end of a fiscal year in which the grant is made may be expended for the purpose for which the grant is made at any time during the 2 succeeding fiscal years, at the end of which period, any remaining unobligated sums in excess of \$500,000 shall be returned to the Treasury. Any remaining unobligated sums in an amount less than \$500,000 shall be returned to the Fund.”.

(2) BASE AMOUNT.—Section 1404(a)(5) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)(5)) is amended to read as follows:

“(5) As used in this subsection, the term “base amount” means—

“(A) except as provided in subparagraph (B), \$500,000; and

“(B) for the territories of the Northern Mariana Islands, Guam, American Samoa, and the Republic of Palau, \$200,000, with the Republic of Palau’s share governed by the Compact of Free Association between the United States and the Republic of Palau.”.

**SEC. 233. COMPENSATION OF VICTIMS OF TERRORISM.**

(a) REQUIRING COMPENSATION FOR TERRORIST CRIMES.—Section 1403(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)(3)) is amended—

(1) by inserting “crimes involving terrorism,” before “driving while intoxicated”; and

(2) by inserting a comma after “driving while intoxicated”.

(b) FOREIGN TERRORISM.—Section 1403(b)(6)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)(6)(B)) is amended by inserting “are outside of the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18, United States Code), or” before “are States not having”.

(c) DESIGNATION OF CARTNEY MCRAVEN CHILD DEVELOPMENT CENTER.—

(1) DESIGNATION.—

(A) IN GENERAL.—The Federal building at 1314 LeMay Boulevard, Ellsworth Air Force Base, South Dakota, shall be known as the “Cartney McRaven Child Development

Center”.

(B) **REPLACEMENT BUILDING.**— If, after the date of enactment of this Act, a new Federal building is built at the location described in subparagraph (A) to replace the building described in the paragraph, the new Federal building shall be known as the “Cartney McRaven Child Development Center”.

(2) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to a Federal building referred to in paragraph (1) shall be deemed to be a reference to the “Cartney McRaven Child Development Center”.

(d) **EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect 1 year after the date of enactment of this Act.

**SEC. 234. CRIME VICTIMS FUND.**

(a) **PROHIBITION OF PAYMENTS TO DELINQUENT CRIMINAL DEBTORS BY STATE CRIME VICTIM COMPENSATION PROGRAMS.**—

(1) **IN GENERAL.**—Section 1403(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)) is amended—

(A) by striking “and” at the end of paragraph (7);

(B) by redesignating paragraph (8) as paragraph (9);

and

(C) by inserting after paragraph (7) the following new paragraph:

“(8) such program does not provide compensation to any person who has been convicted of an offense under Federal law with respect to any time period during which the person is delinquent in paying a fine, other monetary penalty, or restitution imposed for the offense; and”.

(2) **APPLICATION OF AMENDMENT.**—Section 1403(b)(8) of the Victims of Crime Act of 1984, as added by paragraph (1) of this section, shall not be applied to deny victims compensation to any person until the date on which the Attorney General, in consultation with the Director of the Administrative Office of the United States Courts, issues a written determination that a cost-effective, readily available criminal debt payment tracking system operated by the agency responsible for the collection of criminal debt has established cost-effective, readily available communications links with entities that administer Federal victim compensation programs that are sufficient to ensure that victim compensation is not denied to any person except as authorized by law.

(b) **EXCLUSION FROM INCOME FOR PURPOSES OF MEANS TESTS.**—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by inserting after subsection (b) the following new subsection:

“(c) **EXCLUSION FROM INCOME FOR PURPOSES OF MEANS TESTS.**—Notwithstanding any other law, for the purpose of any maximum allowed income eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance) that becomes necessary to an applicant for such assistance in full or in part because of the commission of a crime against the applicant, as determined by the Director, any amount of crime victim

compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income of the applicant until the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.”

**SEC. 235. CLOSED CIRCUIT TELEVISED COURT PROCEEDINGS FOR VICTIMS OF CRIME.**

(a) In General.—Notwithstanding any provision of the Federal Rules of Criminal Procedure to the contrary, in order to permit victims of crime to watch criminal trial proceedings in cases where the venue of the trial is changed—

- (1) out of the State in which the case was initially brought; and
  - (2) more than 350 miles from the location in which those proceedings originally would have taken place;
- the trial court shall order closed circuit televising of the proceedings to that location, for viewing by such persons the court determines have a compelling interest in doing so and are otherwise unable to do so by reason of the inconvenience and expense caused by the change of venue.

(b) LIMITED ACCESS.—

(1) GENERALLY.—No other person, other than official court and security personnel, or other persons specifically designated by the court, shall be permitted to view the closed circuit televising of the proceedings.

(2) EXCEPTION.—The court shall not designate a person under paragraph (1) if the presiding judge at the trial determines that testimony by that person would be materially affected if that person heard other testimony at the trial.

(c) RESTRICTIONS.—

(1) The signal transmitted pursuant to subsection (a) shall be under the control of the court at all times and shall only be transmitted subject to the terms and conditions imposed by the court.

(2) No public broadcast or dissemination shall be made of the signal transmitted pursuant to subsection (a). In the event any tapes are produced in carrying out subsection (a), such tapes shall be the property of the court and kept under seal.

(3) Any violations of this subsection, or any rule or order made pursuant to this section, shall be punishable as contempt of court as described in section 402 of title 18, United States Code.

(d) DONATIONS.—The Administrative Office of the United States Courts may accept donations to enable the courts to carry out subsection (a).

(e) CONSTRUCTION.—

(1) Nothing in this section shall be construed—

(i) to create in favor of any person a cause of action against the United States or any officer or employees thereof, or

(ii) to provide any person with a defense in any action in which application of this section is made.

(f) DEFINITION.—As used in this section, the term “State” means any State, the District of Columbia, or any possession or territory of the United States.

(g) RULES.—The Judicial Conference of the United States, pursuant to its rule making authority under section 331 of title 28, United States Code, may promulgate and issue rules, or amend existing rules, to effectuate the policy addressed by this section. Upon the implementation of such rules, this section shall cease to be effective.

(h) EFFECTIVE DATE.—This section shall only apply to cases filed after January 1, 1995.

**SEC. 236. TECHNICAL CORRECTION.**

Section 1402(d)(3)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(3)(B)) is amended by striking “1404A” and inserting “1404(a)”.

## TITLE III—INTERNATIONAL TERRORISM PROHIBITIONS

### Subtitle A—Prohibition on International Terrorist Fundraising

**SEC. 301. FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds that—

(1) international terrorism is a serious and deadly problem that threatens the vital interests of the United States;

(2) the Constitution confers upon Congress the power to punish crimes against the law of nations and to carry out the treaty obligations of the United States, and therefore Congress may by law impose penalties relating to the provision of material support to foreign organizations engaged in terrorist activity;

(3) the power of the United States over immigration and naturalization permits the exclusion from the United States of persons belonging to international terrorist organizations;

(4) international terrorism affects the interstate and foreign commerce of the United States by harming international trade and market stability, and limiting international travel by United States citizens as well as foreign visitors to the United States;

(5) international cooperation is required for an effective response to terrorism, as demonstrated by the numerous multilateral conventions in force providing universal prosecutive jurisdiction over persons involved in a variety of terrorist acts, including hostage taking, murder of an internationally protected person, and aircraft piracy and sabotage;

(6) some foreign terrorist organizations, acting through affiliated groups or individuals, raise significant funds within the United States, or use the United States as a conduit for the receipt of funds raised in other nations; and

(7) foreign organizations that engage in terrorist activity are so tainted by their criminal conduct that any contribution to such an organization facilitates that conduct.

(b) PURPOSE.—The purpose of this subtitle is to provide the Federal Government the fullest possible basis, consistent with the Constitution, to prevent persons within the United States, or subject to the jurisdiction of the United States, from providing material support or resources to foreign organizations that engage in terrorist activities.

**SEC. 302. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.**

(a) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by adding at the end the following:

**“SEC. 219. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.**

“(a) DESIGNATION.—

“(1) IN GENERAL.— The Secretary is authorized to designate an organization as a foreign terrorist organization in accordance with this subsection if the Secretary finds that—

“(A) the organization is a foreign organization;

“(B) the organization engages in terrorist activity (as defined in section 212(a)(3)(B)); and

“(C) the terrorist activity of the organization threatens the security of United States nationals or the national security of the United States.

“(2) PROCEDURE.—

“(A) NOTICE.—Seven days before making a designation under this subsection, the Secretary shall, by classified communication—

“(i) notify the Speaker and Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees, in writing, of the intent to designate a foreign organization under this subsection, together with the findings made under paragraph (1) with respect to that organization, and the factual basis therefor; and

“(ii) seven days after such notification, publish the designation in the Federal Register.

“(B) EFFECT OF DESIGNATION.—

“(i) For purposes of section 2339B of title 18, United States Code, a designation under this subsection shall take effect upon publication under subparagraph (A).

“(ii) Any designation under this subsection shall cease to have effect upon an Act of Congress disapproving such designation.

“(C) FREEZING OF ASSETS.—Upon notification under paragraph (2), the Secretary of the Treasury may require United States financial institutions possessing or controlling any assets of any foreign organization included in the notification to block all financial transactions involving those assets until further directive from either the Secretary of the Treasury, Act of Congress, or order of court.

“(3) RECORD.—

“(A) IN GENERAL.— In making a designation under this subsection, the Secretary shall create an administrative record.

“(B) CLASSIFIED INFORMATION.— The Secretary may consider classified information in making a designation under this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

“(4) PERIOD OF DESIGNATION.—

“(A) IN GENERAL.—Subject to paragraphs (5) and (6), a designation under this subsection shall be effective for all purposes for a period of 2 years beginning on the effective date of the designation under paragraph (2)(B).

“(B) REDESIGNATION.—The Secretary may redesignate a foreign organization as a foreign terrorist organization for an additional 2-year period at the end of the 2-year period referred to in subparagraph (A) (but not sooner than 60 days prior to the termination of such period) upon a finding that the relevant circumstances described in paragraph (1) still exist. The procedural requirements of paragraphs (2) and (3) shall apply to a redesignation under this subparagraph.

“(5) REVOCATION BY ACT OF CONGRESS.—The Congress, by an Act of Congress, may block or revoke a designation made under paragraph (1).

“(6) REVOCATION BASED ON CHANGE IN CIRCUMSTANCES.—

“(A) IN GENERAL.—The Secretary may revoke a designation made under paragraph (1) if the Secretary finds that—

“(i) the circumstances that were the basis for the designation have changed in such a manner as to warrant revocation of the designation; or

“(ii) the national security of the United States warrants a revocation of the designation.

“(B) PROCEDURE.—The procedural requirements of paragraphs (2) through (4) shall apply to a revocation under this paragraph.

“(7) EFFECT OF REVOCATION.—The revocation of a designation under paragraph (5) or (6) shall not affect any action or proceeding based on conduct committed prior to the effective date of such revocation.

“(8) USE OF DESIGNATION IN TRIAL OR HEARING.—If a designation under this subsection has become effective under paragraph(1)(B), a defendant in a criminal action shall not be permitted to raise any question concerning the validity of the issuance of such designation as a defense or an objection at any trial or hearing.

“(b) JUDICIAL REVIEW OF DESIGNATION.—

“(1) IN GENERAL.— Not later than 30 days after publication of the designation in the Federal Register, an organization designated as a foreign terrorist organization may seek judicial review of the designation in the United States Court of Appeals for the District of Columbia Circuit.

“(2) BASIS OF REVIEW.— Review under this subsection shall be based solely upon the administrative record, except that the Government may submit, for ex parte and in camera review, classified information used in making the designation.

“(3) SCOPE OF REVIEW.— The Court shall hold unlawful and set aside a designation the court finds to be—

“(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

“(B) contrary to constitutional right, power, privilege, or immunity; or

“(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right.

“(4) JUDICIAL REVIEW INVOKED.—The pendency of an action for judicial review of a designation shall not affect the application of this section, unless the court issues a final order setting aside the designation.

“(c) DEFINITIONS.—As used in this section—

“(1) the term “classified information” has the meaning given that term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.);

“(2) the term “national security” means the national defense, foreign relations, or economic interests of the United States;

“(3) the term “relevant committees” means the Committees on the Judiciary, Intelligence, and Foreign Relations of the Senate and the Committees on the Judiciary, Intelligence, and International Relations of the House of Representatives; and

“(4) the term “Secretary” means the “Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General.”

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act, relating to terrorism, is amended by inserting after the item relating to section 218 the following new item:

“Sec. 219. Designation of foreign terrorist organizations.”

**SEC. 303. PROHIBITION ON TERRORIST FUNDRAISING.**

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following new section:

**“§ 2339B. Providing material support or resources to designated foreign terrorist organizations**

“(a) PROHIBITED ACTIVITIES.—

“(1) UNLAWFUL CONDUCT.—Whoever, within the United States or subject to the jurisdiction of the United States, knowingly provides material support or resources to a foreign terrorist organization, or attempts or conspires to do so, shall be fined under this title or imprisoned not more than 10 years, or both.

“(2) FINANCIAL INSTITUTIONS.—Except as authorized by the Secretary, any financial institution that becomes aware that it has possession of, or control over, any funds in which a foreign terrorist organization, or its agent, has an interest, shall—

“(A) retain possession of, or maintain control over, such funds; and

“(B) report to the Secretary the existence of such funds in accordance with regulations issued by the Secretary.

“(b) CIVIL PENALTY.—Any financial institution that knowingly fails to comply with subsection (a)(2) shall be subject to a civil penalty in an amount that is the greater of—

“(A) \$50,000 per violation; or

“(B) twice the amount of which the financial institution was required under subsection (a)(2) to retain possession or control.

“(c) INJUNCTION.—Whenever it appears to the Secretary or the Attorney General that any person is engaged in, or is about to engage in, any act that constitutes, or would constitute, a violation of this section, the Attorney General may initiate civil action in a district court of the United States to enjoin such violation.

“(d) EXTRATERRITORIAL JURISDICTION.— There is extraterritorial Federal jurisdiction over an offense under this section.

“(e) INVESTIGATIONS.—

“(1) IN GENERAL.—The Attorney General shall conduct any investigation of a possible violation of this section, or of any license, order, or regulation issued pursuant to this section.

“(2) COORDINATION WITH THE DEPARTMENT OF THE TREASURY.—The Attorney General shall work in coordination with the Secretary in investigations relating to—

“(A) the compliance or noncompliance by a financial institution with the requirements of subsection (a)(2); and

“(B) civil penalty proceedings authorized under subsection (b).

“(3) REFERRAL.—Any evidence of a criminal violation of this section arising in the course of an investigation by the Secretary or any other Federal agency shall be referred immediately to the Attorney General for further investigation. The Attorney General shall timely notify the Secretary of any action taken on referrals from the Secretary, and may refer investigations to the Secretary for remedial licensing or civil penalty action.

“(f) CLASSIFIED INFORMATION IN CIVIL PROCEEDINGS BROUGHT BY THE UNITED STATES.—

“(1) DISCOVERY OF CLASSIFIED INFORMATION BY DEFENDANTS.—

“(A) REQUEST BY UNITED STATES.—In any civil proceeding under this section, upon request made ex parte and in writing by the United States, a court, upon a sufficient showing, may authorize the United States to—

“(i) redact specified items of classified information from documents to be introduced into evidence or made available to the defendant through discovery under the Federal Rules of Civil Procedure;

“(ii) substitute a summary of the information for such classified documents; or

“(iii) substitute a statement admitting relevant facts that the classified information would tend to prove.

“(B) ORDER GRANTING REQUEST.—If the court enters an order granting a request under this paragraph, the entire text of the documents to which the request relates shall be sealed and preserved in the records of the court to be made available to the appellate court in the event of an appeal.

“(C) DENIAL OF REQUEST.—If the court enters an order denying a request of the United States under this paragraph, the United States may take an immediate, interlocutory appeal in accordance with paragraph (5). For purposes of such an appeal, the entire text of the documents to which the request relates, together with any transcripts of arguments made ex parte to the court in connection therewith, shall be maintained under seal and delivered to the appellate court.

“(2) INTRODUCTION OF CLASSIFIED INFORMATION; PRECAUTIONS BY COURT.—

“(A) EXHIBITS.—To prevent unnecessary or inadvertent disclosure of classified information in a civil proceeding

brought by the United States under this section, the United States may petition the court ex parte to admit, in lieu of classified writings, recordings, or photographs, one or more of the following:

“(i) Copies of items from which classified information has been redacted.

“(ii) Stipulations admitting relevant facts that specific classified information would tend to prove.

“(iii) A declassified summary of the specific classified information.

“(B) DETERMINATION BY COURT.—The court shall grant a request under this paragraph if the court finds that the redacted item, stipulation, or summary is sufficient to allow the defendant to prepare a defense.

“(3) TAKING OF TRIAL TESTIMONY.—

“(A) OBJECTION.—During the examination of a witness in any civil proceeding brought by the United States under this subsection, the United States may object to any question or line of inquiry that may require the witness to disclose classified information not previously found to be admissible.

“(B) ACTION BY COURT.—In determining whether a response is admissible, the court shall take precautions to guard against the compromise of any classified information, including—

“(i) permitting the United States to provide the court, ex parte, with a proffer of the witness’s response to the question or line of inquiry; and

“(ii) requiring the defendant to provide the court with a proffer of the nature of the information that the defendant seeks to elicit.

“(C) OBLIGATION OF DEFENDANT.—In any civil proceeding under this section, it shall be the defendant’s obligation to establish the relevance and materiality of any classified information sought to be introduced.

“(4) APPEAL.—If the court enters an order denying a request of the United States under this subsection, the United States may take an immediate interlocutory appeal in accordance with paragraph (5).

“(5) INTERLOCUTORY APPEAL.—

“(A) SUBJECT OF APPEAL.—An interlocutory appeal by the United States shall lie to a court of appeals from a decision or order of a district court—

“(i) authorizing the disclosure of classified information;

“(ii) imposing sanctions for nondisclosure of classified information; or

“(iii) refusing a protective order sought by the United States to prevent the disclosure of classified information.

“(B) EXPEDITED CONSIDERATION.—

“(i) IN GENERAL.—An appeal taken pursuant to this paragraph, either before or during trial, shall be expedited by the court of appeals.

“(ii) APPEALS PRIOR TO TRIAL.—If an appeal is of an order made prior to trial, an appeal shall be taken not later than 10 days after the decision or order ap-

pealed from, and the trial shall not commence until the appeal is resolved.

“(iii) APPEALS DURING TRIAL.—If an appeal is taken during trial, the trial court shall adjourn the trial until the appeal is resolved, and the court of appeals—

“(I) shall hear argument on such appeal not later than 4 days after the adjournment of the trial;

“(II) may dispense with written briefs other than the supporting materials previously submitted to the trial court;

“(III) shall render its decision not later than 4 days after argument on appeal; and

“(IV) may dispense with the issuance of a written opinion in rendering its decision.

“(C) EFFECT OF RULING.—An interlocutory appeal and decision shall not affect the right of the defendant, in a subsequent appeal from a final judgment, to claim as error reversal by the trial court on remand of a ruling appealed from during trial.

“(6) CONSTRUCTION.—Nothing in this subsection shall prevent the United States from seeking protective orders or asserting privileges ordinarily available to the United States to protect against the disclosure of classified information, including the invocation of the military and State secrets privilege.

“(g) DEFINITIONS.—As used in this section—

“(1) the term ‘classified information’ has the meaning given that term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.);

“(2) the term ‘financial institution’ has the same meaning as in section 5312(a)(2) of title 31, United States Code;

“(3) the term ‘funds’ includes coin or currency of the United States or any other country, traveler’s checks, personal checks, bank checks, money orders, stocks, bonds, debentures, drafts, letters of credit, any other negotiable instrument, and any electronic representation of any of the foregoing;

“(4) the term ‘material support or resources’ has the same meaning as in section 2339A;

“(5) the term ‘Secretary’ means the Secretary of the Treasury; and

“(6) the term ‘terrorist organization’ means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.”

(b) CLERICAL AMENDMENT TO TABLE OF SECTIONS.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding at the end the following new item:

“2339B. Providing material support or resources to designated foreign terrorist organizations.”.

(c) TECHNICAL AMENDMENT.—

(1) NEW ITEM.—Chapter 113B of title 18, United States Code, relating to torture, is redesignated as chapter 113C.

(2) TABLE OF CHAPTERS.—The table of chapters for part I of title 18, United States Code, is amended by striking “113B. Torture” and inserting “113C. Torture”.

## Subtitle B—Prohibition on Assistance to Terrorist States

### SEC. 321. FINANCIAL TRANSACTIONS WITH TERRORISTS.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by inserting after the section 2332c added by section 521 of this Act the following new section:

#### “§ 2332d. Financial transactions

“(a) OFFENSE.—Except as provided in regulations issued by the Secretary of the Treasury, in consultation with the Secretary of State, whoever, being a United States person, knowing or having reasonable cause to know that a country is designated under section 6(j) of the Export Administration Act (50 U.S.C. App. 2405) as a country supporting international terrorism, engages in a financial transaction with the government of that country, shall be fined under this title, imprisoned for not more than 10 years, or both.

“(b) DEFINITIONS.—As used in this section—

“(1) the term ‘financial transaction’ has the same meaning as in section 1956(c)(4); and

“(2) the term ‘United States person’ means any—

“(A) United States citizen or national;

“(B) permanent resident alien;

“(C) juridical person organized under the laws of the United States; or

“(D) any person in the United States.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, relating to terrorism, is amended by inserting after the item added by section 521 of this Act the following new item:

“2332d. Financial transactions.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective 120 days after the date of enactment of this Act.

### SEC. 322. FOREIGN AIR TRAVEL SAFETY.

Section 44906 of title 49, United States Code, is amended to read as follows:

#### “§ 44906. Foreign air carrier security programs

“The Administrator of the Federal Aviation Administration shall continue in effect the requirement of section 129.25 of title 14, Code of Federal Regulations, that a foreign air carrier must adopt and use a security program approved by the Administrator. The Administrator shall not approve a security program of a foreign air carrier under section 129.25, or any successor regulation, unless the security program requires the foreign air carrier in its operations to and from airports in the United States to adhere to the identical security measures that the Administrator requires air carriers serving the same airports to adhere to. The foregoing requirement shall not be interpreted to limit the ability of the Administrator to impose additional security measures on a foreign air carrier or an air carrier when the Administrator determines that a specific threat warrants such additional measures. The Administrator shall prescribe regulations to carry out this section.”.

**SEC. 323. MODIFICATION OF MATERIAL SUPPORT PROVISION.**

Section 2339A of title 18, United States Code, is amended to read as follows:

**“§ 2339A. Providing material support to terrorists**

“(a) OFFENSE.—Whoever, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, a violation of section 32, 37, 81, 175, 351, 831, 842 (m) or (n), 844 (f) or (i), 956, 1114, 1116, 1203, 1361, 1362, 1363, 1366, 1751, 2155, 2156, 2280, 2281, 2332, 2332a, 2332b, or 2340A of this title or section 46502 of title 49, or in preparation for, or in carrying out, the concealment from the commission of any such violation, shall be fined under this title, imprisoned not more than 10 years, or both.

“(b) DEFINITION.—In this section, the term “material support or resources” means currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.”.

**SEC. 324. FINDINGS.**

The Congress finds that—

(1) international terrorism is among the most serious transnational threats faced by the United States and its allies, far eclipsing the dangers posed by population growth or pollution;

(2) the President should continue to make efforts to counter international terrorism a national security priority;

(3) because the United Nations has been an inadequate forum for the discussion of cooperative, multilateral responses to the threat of international terrorism, the President should undertake immediate efforts to develop effective multilateral responses to international terrorism as a complement to national counter terrorist efforts;

(4) the President should use all necessary means, including covert action and military force, to disrupt, dismantle, and destroy international infrastructure used by international terrorists, including overseas terrorist training facilities and safe havens;

(5) the Congress deplors decisions to ease, evade, or end international sanctions on state sponsors of terrorism, including the recent decision by the United Nations Sanctions Committee to allow airline flights to and from Libya despite Libya's noncompliance with United Nations resolutions; and

(6) the President should continue to undertake efforts to increase the international isolation of state sponsors of international terrorism, including efforts to strengthen international sanctions, and should oppose any future initiatives to ease sanctions on Libya or other state sponsors of terrorism.

**SEC. 325. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT AID TERRORIST STATES.**

The Foreign Assistance Act of 1961 (22 U.S.C. 151 et seq.) is amended by adding immediately after section 620F the following new section:

**“SEC. 620G PROHIBITION ON ASSISTANCE TO COUNTRIES THAT AID TERRORIST STATES.**

“(a) **WITHHOLDING OF ASSISTANCE.**—The President shall withhold assistance under this Act to the government of any country that provides assistance to the government of any other country for which the Secretary of State has made a determination under section 620A.

“(b) **WAIVER.**—Assistance prohibited by this section may be furnished to a foreign government described in subsection (a) if the President determines that furnishing such assistance is important to the national interests of the United States and, not later than 15 days before obligating such assistance, furnishes a report to the appropriate committees of Congress including—

- “(1) a statement of the determination;
- “(2) a detailed explanation of the assistance to be provided;
- “(3) the estimated dollar amount of the assistance; and
- “(4) an explanation of how the assistance furthers United States national interests.”

**SEC. 326. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT PROVIDE MILITARY EQUIPMENT TO TERRORIST STATES.**

The Foreign Assistance Act of 1961 (22 U.S.C. 151 et seq.) is amended by adding immediately after section 620G the following new section:

**“SEC. 620H. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT PROVIDE MILITARY EQUIPMENT TO TERRORIST STATES.**

“(a) **PROHIBITION.**—

“(1) **IN GENERAL.**—The President shall withhold assistance under this Act to the government of any country that provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for the purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), or 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

“(2) **APPLICABILITY.**—The prohibition under this section with respect to a foreign government shall terminate 1 year after that government ceases to provide lethal military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after the date of enactment of this Act.

(b) **WAIVER.**—Notwithstanding any other provision of law, assistance may be furnished to a foreign government described in subsection (a) if the President determines that furnishing such assistance is important to the national interests of the United States and, not later than 15 days before obligating such assistance, furnishes a report to the appropriate committees of Congress including—

- “(1) a statement of the determination;
- “(2) a detailed explanation of the assistance to be provided;
- “(3) the estimated dollar amount of the assistance; and

“(4) an explanation of how the assistance furthers United States national interests.”

**SEC. 327. OPPOSITION TO ASSISTANCE BY INTERNATIONAL FINANCIAL INSTITUTIONS TO TERRORIST STATES.**

The International Financial Institutions Act (22 U.S.C. 262c et seq.) is amended by inserting after section 1620 the following new section:

**“SEC. 1621. OPPOSITION TO ASSISTANCE BY INTERNATIONAL FINANCIAL INSTITUTIONS TO TERRORIST STATES.**

“(a) **IN GENERAL.**—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose any loan or other use of the funds of the respective institution to or for a country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

“(b) **DEFINITION.**—For purposes of this section, the term ‘international financial institution’ includes—

“(1) the International Bank for Reconstruction and Development, the International Development Association, and the International Monetary Fund;

“(2) wherever applicable, the Inter-American Bank, the Asian Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund; and

“(3) any similar institution established after the date of enactment of this section.”

**SEC. 328. ANTITERRORISM ASSISTANCE.**

(a) **FOREIGN ASSISTANCE ACT.**—Section 573 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa-2) is amended—

(1) in subsection (c), by striking “development and implementation of the antiterrorism assistance program under this chapter, including”;

(2) by amending subsection (d) to read as follows:

“(d)(1) Arms and ammunition may be provided under this chapter only if they are directly related to antiterrorism assistance.

“(2) The value (in terms of original acquisition cost) of all equipment and commodities provided under this chapter in any fiscal year shall not exceed 30 percent of the funds made available to carry out this chapter for that fiscal year.”; and

(3) by striking subsection (f).

(b) **ASSISTANCE TO FOREIGN COUNTRIES TO PROCURE EXPLOSIVES DETECTION DEVICES AND OTHER COUNTERTERRORISM TECHNOLOGY.**—

(1) Subject to section 575(b), up to \$3,000,000 in any fiscal year may be made available—

(A) to procure explosives detection devices and other counterterrorism technology; and

(B) for joint counterterrorism research and development projects on such technology conducted with NATO and major non-NATO allies under the auspices of the Technical Support Working Group of the Department of State.

(2) As used in this subsection, the term “major non-NATO allies” means those countries designated as major non-NATO allies for purposes of section 2350a(i)(3) of title 10, United States Code.

(c) ASSISTANCE TO FOREIGN COUNTRIES.—Notwithstanding any other provision of law (except section 620A of the Foreign Assistance Act of 1961) up to \$1,000,000 in assistance may be provided to a foreign country for counterterrorism efforts in any fiscal year if—

(1) such assistance is provided for the purpose of protecting the property of the United States Government or the life and property of any United States citizen, or furthering the apprehension of any individual involved in any act of terrorism against such property or persons; and

(2) the appropriate committees of Congress are notified not later than 15 days prior to the provision of such assistance.

**SEC. 329. DEFINITION OF ASSISTANCE.**

For purposes of this title—

(1) the term “assistance” means assistance to or for the benefit of a government of any country that is provided by grant, concessional sale, guaranty, insurance, or by any other means on terms more favorable than generally available in the applicable market, whether in the form of a loan, lease, credit, debt relief, or otherwise, including subsidies for exports to such country and favorable tariff treatment of articles that are the growth, product, or manufacture of such country; and

(2) the term “assistance” does not include assistance of the type authorized under chapter 9 of part 1 of the Foreign Assistance Act of 1961 (relating to international disaster assistance).

**SEC. 330. PROHIBITION ON ASSISTANCE UNDER ARMS EXPORT CONTROL ACT FOR COUNTRIES NOT COOPERATING FULLY WITH UNITED STATES ANTITERRORISM EFFORTS.**

Chapter 3 of the Arms Export Control Act (22 U.S.C. 2771 et seq.) is amended by adding at the end the following:

“SEC. 40A. TRANSACTIONS WITH COUNTRIES NOT FULLY COOPERATING WITH UNITED STATES ANTITERRORISM EFFORTS.—

“(a) PROHIBITED TRANSACTIONS.—No defense article or defense service may be sold or licensed for export under this Act in a fiscal year to a foreign country that the President determines and certifies to Congress, by May 15 of the calendar year in which that fiscal year begins, is not cooperating fully with United States antiterrorism efforts.

“(b) WAIVER.—The President may waive the prohibition set forth in subsection (a) with respect to a specific transaction if the President determines that the transaction is important to the national interests of the United States.”.

**TITLE IV—TERRORIST AND CRIMINAL  
ALIEN REMOVAL AND EXCLUSION**

**Subtitle A—Removal of Alien Terrorists**

**SEC. 401. ALIEN TERRORIST REMOVAL.**

(a) IN GENERAL.—The Immigration and Nationality Act is amended by adding at the end the following new title:

## “TITLE V—ALIEN TERRORIST REMOVAL PROCEDURES

### SEC. 501. DEFINITIONS.

“As used in this title—

“(1) the term ‘alien terrorist’ means any alien described in section 241(a)(4)(B);

“(2) the term ‘classified information’ has the same meaning as in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.);

“(3) the term ‘national security’ has the same meaning as in section 1(b) of the Classified Information Procedures Act (18 U.S.C. App.);

“(4) the term ‘removal court’ means the court described in section 502;

“(5) the term ‘removal hearing’ means the hearing described in section 504; and

“(6) the term ‘removal proceeding’ means a proceeding under this title.

### “SEC. 502. ESTABLISHMENT OF REMOVAL COURT.

“(a) DESIGNATION OF JUDGES.—The Chief Justice of the United States shall publicly designate 5 district court judges from 5 of the United States judicial circuits who shall constitute a court that shall have jurisdiction to conduct all removal proceedings. The Chief Justice may, in the Chief Justice’s discretion, designate the same judges under this section as are designated pursuant to section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

“(b) TERMS.—Each judge designated under subsection (a) shall serve for a term of 5 years and shall be eligible for redesignation, except that of the members first designated—

“(1) 1 member shall serve for a term of 1 year;

“(2) 1 member shall serve for a term of 2 years;

“(3) 1 member shall serve for a term of 3 years; and

“(4) 1 member shall serve for a term of 4 years.

“(c) CHIEF JUDGE.—

“(1) DESIGNATION.—The Chief Justice shall publicly designate one of the judges of the removal court to be the chief judge of the removal court.

“(2) RESPONSIBILITIES.—The chief judge shall—

“(A) promulgate rules to facilitate the functioning of the removal court; and

“(B) assign the consideration of cases to the various judges on the removal court.

“(d) EXPEDITIOUS AND CONFIDENTIAL NATURE OF PROCEEDINGS.—The provisions of section 103(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(c)) shall apply to removal proceedings in the same manner as they apply to proceedings under that Act.

### “SEC. 503. REMOVAL COURT PROCEDURE.

“(a) APPLICATION.—

“(1) IN GENERAL.—In any case in which the Attorney General has classified information that an alien is an alien terrorist, the Attorney General may seek removal of the alien under this

title by filing an application with the removal court that contains—

“(A) the identity of the attorney in the Department of Justice making the application;

“(B) a certification by the Attorney General or the Deputy Attorney General that the application satisfies the criteria and requirements of this section;

“(C) the identity of the alien for whom authorization for the removal proceeding is sought; and

“(D) a statement of the facts and circumstances relied on by the Department of Justice to establish probable cause that—

“(i) the alien is an alien terrorist;

“(ii) the alien is physically present in the United States; and

“(iii) with respect to such alien, removal under title II would pose a risk to the national security of the United States.

“(2) FILING.—An application under this section shall be submitted *ex parte* and *in camera*, and shall be filed under seal with the removal court.

“(b) RIGHT TO DISMISS.—The Attorney General may dismiss a removal action under this title at any stage of the proceeding.

“(c) CONSIDERATION OF APPLICATION.—

“(1) BASIS FOR DECISION.—In determining whether to grant an application under this section, a single judge of the removal court may consider, *ex parte* and *in camera*, in addition to the information contained in the application—

“(A) other information, including classified information, presented under oath or affirmation; and

“(B) testimony received in any hearing on the application, of which a verbatim record shall be kept.

“(2) APPROVAL OF ORDER.—The judge shall issue an order granting the application, if the judge finds that there is probable cause to believe that—

“(A) the alien who is the subject of the application has been correctly identified and is an alien terrorist present in the United States; and

“(B) removal under title II would pose a risk to the national security of the United States.

“(3) DENIAL OF ORDER.—If the judge denies the order requested in the application, the judge shall prepare a written statement of the reasons for the denial, taking all necessary precautions not to disclose any classified information contained in the Government’s application.

“(d) EXCLUSIVE PROVISIONS.—If an order is issued under this section granting an application, the rights of the alien regarding removal and expulsion shall be governed solely by this title, and except as they are specifically referenced in this title, no other provisions of this Act shall be applicable.

“SEC. 504. REMOVAL HEARING.

“(a) IN GENERAL.—

“(1) EXPEDITIOUS HEARING.—In any case in which an application for an order is approved under section 503(c)(2), a removal hearing shall be conducted under this section as expeditiously as practicable for the purpose of determining whether

the alien to whom the order pertains should be removed from the United States on the grounds that the alien is an alien terrorist.

“(2) PUBLIC HEARING.—The removal hearing shall be open to the public.

“(b) NOTICE.—An alien who is the subject of a removal hearing under this title shall be given reasonable notice of—

“(1) the nature of the charges against the alien, including a general account of the basis for the charges; and

“(2) the time and place at which the hearing will be held.

“(c) RIGHTS IN HEARING.—

“(1) RIGHT OF COUNSEL.—The alien shall have a right to be present at such hearing and to be represented by counsel. Any alien financially unable to obtain counsel shall be entitled to have counsel assigned to represent the alien. Such counsel shall be appointed by the judge pursuant to the plan for furnishing representation for any person financially unable to obtain adequate representation for the district in which the hearing is conducted, as provided for in section 3006A of title 18, United States Code. All provisions of that section shall apply and, for purposes of determining the maximum amount of compensation, the matter shall be treated as if a felony was charged.

“(2) INTRODUCTION OF EVIDENCE.—Subject to the limitations in subsection (e), the alien shall have a reasonable opportunity to introduce evidence on the alien’s own behalf.

“(3) EXAMINATION OF WITNESSES.—Subject to the limitations in subsection (e), the alien shall have a reasonable opportunity to examine the evidence against the alien and to cross-examine any witness.

“(4) RECORD.—A verbatim record of the proceedings and of all testimony and evidence offered or produced at such a hearing shall be kept.

“(5) REMOVAL DECISION BASED ON EVIDENCE AT HEARING.—The decision of the judge regarding removal shall be based only on that evidence introduced at the removal hearing.

“(d) SUBPOENAS.—

“(1) REQUEST.—At any time prior to the conclusion of the removal hearing, either the alien or the Department of Justice may request the judge to issue a subpoena for the presence of a named witness (which subpoena may also command the person to whom it is directed to produce books, papers, documents, or other objects designated therein) upon a satisfactory showing that the presence of the witness is necessary for the determination of any material matter. Such a request may be made ex parte except that the judge shall inform the Department of Justice of any request for a subpoena by the alien for a witness or material if compliance with such a subpoena would reveal classified evidence or the source of that evidence. The Department of Justice shall be given a reasonable opportunity to oppose the issuance of such a subpoena.

“(2) PAYMENT FOR ATTENDANCE.—If an application for a subpoena by the alien also makes a showing that the alien is financially unable to pay for the attendance of a witness so requested, the court may order the costs incurred by the process and the fees of the witness so subpoenaed to be paid from funds appropriated for the enforcement of title II.

“(3) NATIONWIDE SERVICE.—A subpoena under this subsection may be served anywhere in the United States.

“(4) WITNESS FEES.—A witness subpoenaed under this subsection shall receive the same fees and expenses as a witness subpoenaed in connection with a civil proceeding in a court of the United States.

“(5) NO ACCESS TO CLASSIFIED INFORMATION.—Nothing in this subsection is intended to allow an alien to have access to classified information.

“(e) DISCOVERY.—

“(1) IN GENERAL.—For purposes of this title—

“(A) discovery of information derived pursuant to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), or otherwise collected for national security purposes, shall not be authorized if disclosure would present a risk to the national security of the United States;

“(B) an alien subject to removal under this title shall not be entitled to suppress evidence that the alien alleges was unlawfully obtained; and

“(C) section 3504 of title 18, United States Code, and section 1806(c) of title 50, United States Code, shall not apply if the Attorney General determines that public disclosure would pose a risk to the national security of the United States because it would disclose classified information or otherwise threaten the integrity of a pending investigation.

“(2) PROTECTIVE ORDERS.—Nothing in this title shall prevent the United States from seeking protective orders and from asserting privileges ordinarily available to the United States to protect against the disclosure of classified information, including the invocation of the military and State secrets privileges.

“(3) TREATMENT OF CLASSIFIED INFORMATION.—

“(A) USE.—The judge shall examine, ex parte and in camera, any evidence for which the Attorney General determines that public disclosure would pose a risk to the national security of the United States or to the security of any individual because it would disclose classified information.

“(B) SUBMISSION.—With respect to such information, the Government shall submit to the removal court an unclassified summary of the specific evidence that does not pose that risk.

“(C) APPROVAL.—Not later than 15 days after submission, the judge shall approve the summary if the judge finds that it is sufficient to enable the alien to prepare a defense. The Government shall deliver to the alien a copy of the unclassified summary approved under this subparagraph.

“(D) DISAPPROVAL.—

“(i) IN GENERAL.—If an unclassified summary is not approved by the removal court under subparagraph (c), the Government shall be afforded 15 days to correct the deficiencies identified by the court and submit a revised unclassified summary.

“(ii) REVISED SUMMARY.—If the revised unclassified summary is not approved by the court within 15

days of its submission pursuant to subparagraph (c), the removal hearing shall be terminated.

“(f) ARGUMENTS.—Following the receipt of evidence, the Government and the alien shall be given fair opportunity to present argument as to whether the evidence is sufficient to justify the removal of the alien. The Government shall open the argument. The alien shall be permitted to reply. The Government shall then be permitted to reply in rebuttal.

“(g) BURDEN OF PROOF.—In the hearing, it is the Government’s burden to prove, by the preponderance of the evidence, that the alien is subject to removal because the alien is an alien terrorist.

“(h) RULES OF EVIDENCE.—The Federal Rules of Evidence shall not apply in a removal hearing.

“(i) DETERMINATION OF DEPORTATION.—If the judge, after considering the evidence on the record as a whole, finds that the Government has met its burden, the judge shall order the alien removed and detained pending removal from the United States. If the alien was released pending the removal hearing, the judge shall order the Attorney General to take the alien into custody.

“(j) WRITTEN ORDER.—At the time of issuing a decision as to whether the alien shall be removed, the judge shall prepare a written order containing a statement of facts found and conclusions of law.

“(k) NO RIGHT TO ANCILLARY RELIEF.—At no time shall the judge consider or provide for relief from removal based on—

“(1) asylum under section 208;

“(2) withholding of deportation under section 243(h);

“(3) suspension of deportation under subsection (a) or (e) of section 244;

“(4) adjustment of status under section 245; or

“(5) registry under section 249.

“SEC. 505. APPEALS.

“(a) APPEAL OF DENIAL OF APPLICATION FOR REMOVAL PROCEEDINGS.—

“(1) IN GENERAL.—The Attorney General may seek a review of the denial of an order sought in an application filed pursuant to section 503. The appeal shall be filed in the United States Court of Appeals for the District of Columbia Circuit by notice of appeal filed not later than 20 days after the date of such denial.

“(2) RECORD ON APPEAL.—The entire record of the proceeding shall be transmitted to the Court of Appeals under seal, and the Court of Appeals shall hear the matter ex parte.

“(3) STANDARD OF REVIEW.—The Court of Appeals shall—

“(A) review questions of law de novo; and

“(B) set aside a finding of fact only if such finding was clearly erroneous.

“(b) APPEAL OF DETERMINATION REGARDING SUMMARY OF CLASSIFIED INFORMATION.—

“(1) IN GENERAL.—The United States may take an interlocutory appeal to the United States Court of Appeals for the District of Columbia Circuit of—

“(A) any determination by the judge pursuant to section 504(e)(3); or

“(B) the refusal of the court to make the findings permitted by section 504(e)(3).

“(2) RECORD.—In any interlocutory appeal taken pursuant to this subsection, the entire record, including any proposed order of the judge, any classified information and the summary of evidence, shall be transmitted to the Court of Appeals. The classified information shall be transmitted under seal. A verbatim record of such appeal shall be kept under seal in the event of any other judicial review.

“(c) APPEAL OF DECISION IN HEARING.—

“(1) IN GENERAL.—The decision of the judge after a removal hearing may be appealed by either the alien or the Attorney General to the United States Court of Appeals for the District of Columbia Circuit by notice of appeal filed not later than 20 days after the date on which the order is issued. The order shall not be enforced during the pendency of an appeal under this subsection.

“(2) TRANSMITTAL OF RECORD.—In an appeal or review to the Court of Appeals pursuant to this subsection—

“(A) the entire record shall be transmitted to the Court of Appeals; and

“(B) information received in camera and ex parte, and any portion of the order that would reveal the substance or source of such information, shall be transmitted under seal.

“(3) EXPEDITED APPELLATE PROCEEDING.—In an appeal or review to the Court of Appeals under this subsection—

“(A) the appeal or review shall be heard as expeditiously as practicable and the court may dispense with full briefing and hear the matter solely on the record of the judge of the removal court and on such briefs or motions as the court may require to be filed by the parties;

“(B) the Court of Appeals shall issue an opinion not later than 60 days after the date of the issuance of the final order of the district court;

“(C) the court shall review all questions of law de novo; and

“(D) a finding of fact shall be accorded deference by the reviewing court and shall not be set aside unless such finding was clearly erroneous.

“(d) CERTIORARI.—Following a decision by the Court of Appeals pursuant to subsection (c), the alien or the Attorney General may petition the Supreme Court for a writ of certiorari. In any such case, any information transmitted to the Court of Appeals under seal shall, if such information is also submitted to the Supreme Court, be transmitted under seal. Any order of removal shall not be stayed pending disposition of a writ of certiorari, except as provided by the Court of Appeals or a Justice of the Supreme Court.

“(e) APPEAL OF DETENTION ORDER.—

“(1) IN GENERAL.—Sections 3145 through 3148 of title 18, United States Code, pertaining to review and appeal of a release or detention order, penalties for failure to appear, penalties for an offense committed while on release, and sanctions for violation of a release condition shall apply to an alien to whom section 507(b)(1) applies. In applying the previous sentence—

“(A) for purposes of section 3145 of such title an appeal shall be taken to the United States Court of Appeals for the District of Columbia Circuit; and

“(B) for purposes of section 3146 of such title the alien shall be considered released in connection with a charge of an offense punishable by life imprisonment.

(2) NO REVIEW OF CONTINUED DETENTION.—The determinations and actions of the Attorney General pursuant to section 507(b)(2)(c) shall not be subject to judicial review, including application for a writ of habeas corpus, except for a claim by the alien that continued detention violates the alien’s rights under the Constitution. Jurisdiction over any such challenge shall lie exclusively in the United States Court of Appeals for the District of Columbia Circuit.

**“SEC. 506. CUSTODY AND RELEASE PENDING REMOVAL HEARING.**

“(a) UPON FILING APPLICATION.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Attorney General may—

“(A) take into custody any alien with respect to whom an application under section 503 has been filed; and

“(B) retain such an alien in custody in accordance with the procedures authorized by this title.

“(2) SPECIAL RULES FOR PERMANENT RESIDENT ALIENS.—

“(A) RELEASE HEARING.—An alien lawfully admitted for permanent residence shall be entitled to a release hearing before the judge assigned to hear the removal hearing. Such an alien shall be detained pending the removal hearing, unless the alien demonstrates to the court that the alien—

“(i) is a person lawfully admitted for permanent residence in the United States;

“(ii) if released upon such terms and conditions as the court may prescribe (including the posting of any monetary amount), is not likely to flee; and

“(iii) will not endanger national security, or the safety of any person or the community, if released.

“(B) INFORMATION CONSIDERED.—The judge may consider classified information submitted in camera and ex parte in making a determination whether to release an alien pending the removal hearing.

“(3) RELEASE IF ORDER DENIED AND NO REVIEW SOUGHT.—

“(A) IN GENERAL.—Subject to subparagraph (B), if a judge of the removal court denies the order sought in an application filed pursuant to section 503, and the Attorney General does not seek review of such denial, the alien shall be released from custody.

“(B) APPLICATION OF REGULAR PROCEDURES.—Subparagraph (A) shall not prevent the arrest and detention of the alien pursuant to title II.

“(b) CONDITIONAL RELEASE IF ORDER DENIED AND REVIEW SOUGHT.—

“(1) IN GENERAL.—If a judge of the removal court denies the order sought in an application filed pursuant to section 503 and the Attorney General seeks review of such denial, the judge shall release the alien from custody subject to the least restrictive condition, or combination of conditions, of release described in section 3142(b) and clauses (i) through (xiv) of section 3142(c)(1)(B) of title 18, United States Code, that—

“(A) will reasonably assure the appearance of the alien at any future proceeding pursuant to this title; and

“(B) will not endanger the safety of any other person or the community.

“(2) NO RELEASE FOR CERTAIN ALIENS.—If the judge finds no such condition or combination of conditions, as described in paragraph (1), the alien shall remain in custody until the completion of any appeal authorized by this title.

“SEC. 507. CUSTODY AND RELEASE AFTER REMOVAL HEARING.—

“(a) RELEASE.—

“(1) IN GENERAL.—Subject to paragraph (2), if the judge decides that an alien should not be removed, the alien shall be released from custody.

“(2) CUSTODY PENDING APPEAL.—If the Attorney General takes an appeal from such decision, the alien shall remain in custody, subject to the provisions of section 3142 of title 18, United States Code.

“(b) CUSTODY AND REMOVAL.—

“(1) CUSTODY.—If the judge decides that an alien shall be removed, the alien shall be detained pending the outcome of any appeal. After the conclusion of any judicial review thereof which affirms the removal order, the Attorney General shall retain the alien in custody and remove the alien to a country specified under paragraph (2).

“(2) REMOVAL.—

“(A) IN GENERAL.—The removal of an alien shall be to any country which the alien shall designate if such designation does not, in the judgment of the Attorney General, in consultation with the Secretary of State, impair the obligation of the United States under any treaty (including a treaty pertaining to extradition) or otherwise adversely affect the foreign policy of the United States.

“(B) ALTERNATE COUNTRIES.—If the alien refuses to designate a country to which the alien wishes to be removed or if the Attorney General, in consultation with the Secretary of State, determines that removal of the alien to the country so designated would impair a treaty obligation or adversely affect United States foreign policy, the Attorney General shall cause the alien to be removed to any country willing to receive such alien.

“(C) CONTINUED DETENTION.—If no country is willing to receive such an alien, the Attorney General may, notwithstanding any other provision of law, retain the alien in custody. The Attorney General, in coordination with the Secretary of State, shall make periodic efforts to reach agreement with other countries to accept such an alien and at least every 6 months shall provide to the attorney representing the alien at the removal hearing a written report on the Attorney General’s efforts. Any alien in custody pursuant to this subparagraph shall be released from custody solely at the discretion of the Attorney General and subject to such conditions as the Attorney General shall deem appropriate.

“(D) FINGERPRINTING.—Before an alien is removed from the United States pursuant to this subsection, or pursuant to an order of exclusion because such alien is

excludable under section 212(a)(3)(B), the alien shall be photographed and fingerprinted, and shall be advised of the provisions of section 276(b).

“(c) CONTINUED DETENTION PENDING TRIAL.—

“(1) DELAY IN REMOVAL.—The Attorney General may hold in abeyance the removal of an alien who has been ordered removed, pursuant to this title, to allow the trial of such alien on any Federal or State criminal charge and the service of any sentence of confinement resulting from such a trial.

“(2) MAINTENANCE OF CUSTODY.—Pending the commencement of any service of a sentence of confinement by an alien described in paragraph (1), such an alien shall remain in the custody of the Attorney General, unless the Attorney General determines that temporary release of the alien to the custody of State authorities for confinement in a State facility is appropriate and would not endanger national security or public safety.

“(3) SUBSEQUENT REMOVAL.—Following the completion of a sentence of confinement by an alien described in paragraph (1), or following the completion of State criminal proceedings which do not result in a sentence of confinement of an alien released to the custody of State authorities pursuant to paragraph (2), such an alien shall be returned to the custody of the Attorney General who shall proceed to the removal of the alien under this title.

“(d) APPLICATION OF CERTAIN PROVISIONS RELATING TO ESCAPE OF PRISONERS.—For purposes of sections 751 and 752 of title 18, United States Code, an alien in the custody of the Attorney General pursuant to this title shall be subject to the penalties provided by those sections in relation to a person committed to the custody of the Attorney General by virtue of an arrest on a charge of a felony.

“(e) RIGHTS OF ALIENS IN CUSTODY.—

“(1) FAMILY AND ATTORNEY VISITS.—An alien in the custody of the Attorney General pursuant to this title shall be given reasonable opportunity, as determined by the Attorney General, to communicate with and receive visits from members of the alien’s family, and to contact, retain, and communicate with an attorney.

“(2) DIPLOMATIC CONTACT.—An alien in the custody of the Attorney General pursuant to this title shall have the right to contact an appropriate diplomatic or consular official of the alien’s country of citizenship or nationality or of any country providing representation services therefore. The Attorney General shall notify the appropriate embassy, mission, or consular office of the alien’s detention.”

(b) JURISDICTION OVER EXCLUSION ORDERS FOR ALIEN TERRORISTS.—Section 106(b) of the Immigration and Nationality Act (8 U.S.C. 1105a(b)) is amended by adding at the end the following sentence: “Jurisdiction to review an order entered pursuant to the provisions of section 235(c) concerning an alien excludable under section 212(a)(3)(B) shall rest exclusively in the United States Court of Appeals for the District of Columbia Circuit.”

(c) CRIMINAL PENALTY FOR REENTRY OF ALIEN TERRORISTS.—Section 276(b) of such Act (8 U.S.C. 1326(b)) is amended—

(1) by striking “or” at the end of paragraph (1),

(2) by striking the period at the end of paragraph (2) and inserting “; or”, and

(3) by inserting after paragraph (2) the following new paragraph:

“(3) who has been excluded from the United States pursuant to section 235(c) because the alien was excludable under section 212(a)(3)(B) or who has been removed from the United States pursuant to the provisions of title V, and who thereafter, without the permission of the Attorney General, enters the United States, or attempts to do so, shall be fined under title 18, United States Code, and imprisoned for a period of 10 years, which sentence shall not run concurrently with any other sentence.”.

(d) TABLE OF CONTENTS.—The Immigration and Nationality Act is amended by adding at the end of the table of contents the following:

“TITLE V—ALIEN TERRORIST REMOVAL PROCEDURES

“Sec. 501. Definitions.

“Sec. 502. Establishment of removal court.

“Sec. 503. Removal court procedure.

“Sec. 504. Removal hearing.

“Sec. 505. Appeals.

“Sec. 506. Custody and release pending removal hearing.

“Sec. 507. Custody and release after removal hearing.”.

(e) ELIMINATION OF CUSTODY REVIEW BY HABEAS CORPUS.—Section 106(a) of the Immigration and Nationality Act (8 U.S.C. 1105a(a)) is amended—

(1) in paragraph (8), by adding “and” at the end;

(2) in paragraph (9), by striking “; and” at the end and inserting a period; and

(3) by striking paragraph (10).

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply to all aliens without regard to the date of entry or attempted entry into the United States.

## Subtitle B—Exclusion of Members and Representatives of Terrorist Organizations

### SEC. 411. EXCLUSION OF ALIEN TERRORISTS.

Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (i)—

(A) in subclause (I), by striking “or” at the end;

(B) in subclause (II), by inserting “is engaged in or” after “believe,”; and

(C) by inserting after subclause (II) the following:

“(III) is a representative (as defined in clause (iv)) of a foreign terrorist organization, as designated by the Secretary under section 219, or

“(IV) is a member of a foreign terrorist organization, as designated by the Secretary under section 219,”; and

(2) by adding at the end the following:

“(iv) REPRESENTATIVE DEFINED.—As used in this paragraph, the term “representative” includes an officer, official,

or spokesman of an organization, and any person who directs, counsels, commands, or induces an organization or its members to engage in terrorist activity.”

**SEC. 412. WAIVER AUTHORITY CONCERNING NOTICE OF DENIAL OF APPLICATION FOR VISAS.**

Section 212(b) of the Immigration and Nationality Act (8 U.S.C. 1182(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting each new subparagraph 2 ems to the right;

(2) by striking “If” and inserting “(1) Subject to paragraphs (2) and (3), if”; and

(3) by adding at the end the following new paragraphs:

“(2) The Secretary of State may waive the requirements of paragraph (1) with respect to a particular alien or any class or classes of excludable aliens.

“(3) Paragraph (1) does not apply to any alien excludable under paragraph (2) or (3) of subsection (a).”

**SEC. 413. DENIAL OF OTHER RELIEF FOR ALIEN TERRORISTS.**

(a) **WITHHOLDING OF DEPORTATION.**—Section 243(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1253(h)(2)) is amended by adding at the end the following new sentence: “For purposes of subparagraph (D), an alien who is described in section 241(a)(4)(B) shall be considered to be an alien for whom there are reasonable grounds for regarding as a danger to the security of the United States.”

(b) **SUSPENSION OF DEPORTATION.**—Section 244(a) of such Act (8 U.S.C. 1254(a)) is amended by striking “section 241(a)(4)(D)” and inserting “subparagraph (B) or (D) of section 241(a)(4)”.

(c) **VOLUNTARY DEPARTURE.**—Section 244(e)(2) of such Act (8 U.S.C. 1254(e)(2)) is amended by inserting “under section 241(a)(4)(B) or” after “who is deportable”.

(d) **ADJUSTMENT OF STATUS.**—Section 245(c) of such Act (8 U.S.C. 1255(c)) is amended—

(1) by striking “or” before “(5)”, and

(2) by inserting before the period at the end the following:

“, or (6) an alien who is deportable under section 241(a)(4)(B)”.

(e) **REGISTRY.**—Section 249(d) of such Act (8 U.S.C. 1259(d)) is amended by inserting “and is not deportable under section 241(a)(4)(B)” after “ineligible to citizenship”.

(f) **WAIVER.**—Section 243(h) of such Act (8 U.S.C. 1253(h)) is amended by adding at the end the following:

“(3) Notwithstanding any other provision of law, paragraph (1) shall apply to any alien if the Attorney General determines, in the discretion of the Attorney General, that—

“(A) such alien’s life or freedom would be threatened, in the country to which such alien would be deported or returned, on account of race, religion, nationality, membership in a particular social group, or political opinion; and

“(B) the application of paragraph (1) to such alien is necessary to ensure compliance with the 1967 United Nations Protocol Relating to the Status of Refugees.”

(g) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act and shall

apply to applications filed before, on, or after such date if final action has not been taken on them before such date.

**SEC. 414. EXCLUSION OF ALIENS WHO HAVE NOT BEEN INSPECTED AND ADMITTED.**

(a) IN GENERAL.—Section 241 of the Immigration and Nationality Act (8 U.S.C. 1251) is amended by adding at the end the following new subsection:

“(d) Notwithstanding any other provision of this title, an alien found in the United States who has not been admitted to the United States after inspection in accordance with section 235 is deemed for purposes of this Act to be seeking entry and admission to the United States and shall be subject to examination and exclusion by the Attorney General under chapter 4. In the case of such an alien the Attorney General shall provide by regulation an opportunity for the alien to establish that the alien was so admitted.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning more than 180 days after the date of the enactment of this Act.

### Subtitle C—Modification to Asylum Procedures

**SEC. 421. DENIAL OF ASYLUM TO ALIEN TERRORISTS.**

(a) IN GENERAL.—Section 208(a) of the Immigration and Nationality Act (8 U.S.C. 1158(a)) is amended by adding at the end the following: “The Attorney General may not grant an alien asylum if the Attorney General determines that the alien is excludable under subclause (I), (II), or (III) of section 212(a)(3)(B)(i) or deportable under section 241(a)(4)(B), unless the Attorney General determines, in the discretion of the Attorney General, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply to asylum determinations made on or after such date.

**SEC. 422. INSPECTION AND EXCLUSION BY IMMIGRATION OFFICERS.**

(a) IN GENERAL.—Subsection (b) of section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended to read as follows:

“(b)(1)(A) If the examining immigration officer determines that an alien seeking entry—

“(i) is excludable under section 212(a)(6)(c) or 212(a)(7),  
and

“(ii) does not indicate either an intention to apply for asylum under section 208 or a fear of persecution, the officer shall order the alien excluded from the United States without further hearing or review.

“(B) The examining immigration officer shall refer for an interview by an asylum officer under subparagraph (c) any alien who is excludable under section 212(a)(6)(c) or 212(a)(7) and has indicated an intention to apply for asylum under section 208 or a fear of persecution.

“(C)(i) An asylum officer shall promptly conduct interviews of aliens referred under subparagraph (B).

“(ii) If the officer determines at the time of the interview that an alien has a credible fear of persecution (as defined in clause (v)), the alien shall be detained for an asylum hearing before an asylum officer under section 208.

“(iii)(I) Subject to subclause (II), if the officer determines that the alien does not have a credible fear of persecution, the officer shall order the alien excluded from the United States without further hearing or review.

“(II) The Attorney General shall promulgate regulations to provide for the immediate review by a supervisory asylum office at the port of entry of a determination under subclause (I).

“(iv) The Attorney General shall provide information concerning the asylum interview described in this subparagraph to aliens who may be eligible. An alien who is eligible for such interview may consult with a person or persons of the alien’s choosing prior to the interview or any review thereof, according to regulations prescribed by the Attorney General. Such consultation shall be at no expense to the Government and shall not delay the process.

“(v) For purposes of this subparagraph, the term “credible fear of persecution” means (I) that it is more probable than not that the statements made by the alien in support of the alien’s claim are true, and (II) that there is a significant possibility, in light of such statements and of such other facts as are known to the officer, that the alien could establish eligibility for asylum under section 208.

“(D) As used in this paragraph, the term “asylum officer” means an immigration officer who—

“(i) has had professional training in country conditions, asylum law, and interview techniques; and

“(ii) is supervised by an officer who meets the condition in clause (i).

“(E)(i) An exclusion order entered in accordance with subparagraph (A) is not subject to administrative appeal, except that the Attorney General shall provide by regulation for prompt review of such an order against an alien who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to have been lawfully admitted for permanent residence.

“(ii) In any action brought against an alien under section 275(a) or section 276, the court shall not have jurisdiction to hear any claim attacking the validity of an order of exclusion entered under subparagraph (A).

“(2)(A) Except as provided in subparagraph (B), if the examining immigration officer determines that an alien seeking entry is not clearly and beyond a doubt entitled to enter, the alien shall be detained for a hearing before a special inquiry officer.

“(B) The provisions of subparagraph (A) shall not apply—

“(i) to an alien crewman,

“(ii) to an alien described in paragraph (1)(A) or (1)(c)(iii)(I),

or

“(iii) if the conditions described in section 273(d) exist.

“(3) The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take

the alien whose privilege to enter is so challenged, before a special inquiry officer for a hearing on exclusion of the alien.”

(b) CONFORMING AMENDMENT.—Section 237(a) of such Act (8 U.S.C. 1227(a)) is amended—

(1) in the second sentence of paragraph (1), by striking “Deportation” and inserting “Subject to section 235(b)(1), deportation”, and

(2) in the first sentence of paragraph (2), by striking “If” and inserting “Subject to section 235(b)(1), if”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins more than 180 days after the date of the enactment of this Act.

**SEC. 423. JUDICIAL REVIEW.**

(a) PRECLUSION OF JUDICIAL REVIEW.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(1) by amending the section heading to read as follows: “JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND EXCLUSION, AND SPECIAL EXCLUSION”; and

(2) by adding at the end the following new subsection:

“(e)(1) Notwithstanding any other provision of law, and except as provided in this subsection, no court shall have jurisdiction to review any individual determination, or to entertain any other cause or claim, arising from or relating to the implementation or operation of section 235(b)(1). Regardless of the nature of the action or claim, or the party or parties bringing the action, no court shall have jurisdiction or authority to enter declaratory, injunctive, or other equitable relief not specifically authorized in this subsection nor to certify a class under Rule 23 of the Federal Rules of Civil Procedure.

“(2) Judicial review of any cause, claim, or individual determination covered under paragraph (1) shall only be available in habeas corpus proceedings, and shall be limited to determinations of—

“(A) whether the petitioner is an alien, if the petitioner makes a showing that the petitioner’s claim of United States nationality is not frivolous;

“(B) whether the petitioner was ordered specially excluded under section 235(b)(1)(A); and

“(C) whether the petitioner can prove by a preponderance of the evidence that the petitioner is an alien lawfully admitted for permanent residence and is entitled to such review as is provided by the Attorney General pursuant to section 235(b)(1)(E)(i).

“(3) In any case where the court determines that an alien was not ordered specially excluded, or was not properly subject to special exclusion under the regulations adopted by the Attorney General, the court may order no relief beyond requiring that the alien receive a hearing in accordance with section 236, or a determination in accordance with section 235(c) or 273(d).

“(4) In determining whether an alien has been ordered specially excluded, the court’s inquiry shall be limited to whether such an order was in fact issued and whether it relates to the petitioner.”

(b) PRECLUSION OF COLLATERAL ATTACKS.—Section 235 of such Act (8 U.S.C. 1225) is amended by adding at the end the following new subsection:

“(d) In any action brought for the assessment of penalties for improper entry or re-entry of an alien under section 275 or section 276, no court shall have jurisdiction to hear claims collaterally attacking the validity of orders of exclusion, special exclusion, or deportation entered under this section or sections 236 and 242.”

(c) CLERICAL AMENDMENT.—The item relating to section 106 in the table of contents of such Act is amended to read as follows:

“Sec. 106. Judicial review of orders of deportation and exclusion, and special exclusion.”

## Subtitle D—Criminal Alien Procedural Improvements

### SEC. 431. ACCESS TO CERTAIN CONFIDENTIAL IMMIGRATION AND NATURALIZATION FILES THROUGH COURT ORDER.

(a) CONFIDENTIALITY OF INFORMATION.—Section 245A(c)(5) of the Immigration and Nationality Act (8 U.S.C. 1255a(c)(5)) is amended—

(1) by inserting “(i)” after “except the Attorney General”; and

(2) by inserting after “Title 13” the following: “and (ii) may authorize an application to a Federal court of competent jurisdiction for, and a judge of such court may grant, an order authorizing disclosure of information contained in the application of the alien to be used—

“(I) for identification of the alien when there is reason to believe that the alien has been killed or severely incapacitated; or

“(II) for criminal law enforcement purposes against the alien whose application is to be disclosed.”

(b) APPLICATIONS FOR ADJUSTMENT OF STATUS.—Section 210(b) of the Immigration and Nationality Act (8 U.S.C. 1160(b)) is amended—

(1) in paragraph (5), by inserting “, except as allowed by a court order issued pursuant to paragraph (6) of this subsection” after “consent of the alien”; and

(2) in paragraph (6), by inserting the following sentence before “Anyone who uses”: “Notwithstanding the preceding sentence, the Attorney General may authorize an application to a Federal court of competent jurisdiction for, and a judge of such court may grant an order authorizing, disclosure of information contained in the application of the alien to be used for identification of the alien when there is reason to believe that the alien has been killed or severely incapacitated, or for criminal law enforcement purposes against the alien whose application is to be disclosed or to discover information leading to the location or identity of the alien.”

### SEC. 432. CRIMINAL ALIEN IDENTIFICATION SYSTEM.

Section 130002(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) is amended to read as follows:

“(a) OPERATION AND PURPOSE.—The Commissioner of Immigration and Naturalization shall, under the authority of section 242(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(3)(A)), operate a criminal alien identification system. The

criminal alien identification system shall be used to assist Federal, State, and local law enforcement agencies in identifying and locating aliens who may be subject to deportation by reason of their conviction of aggravated felonies.”.

**SEC. 433. ESTABLISHING CERTAIN ALIEN SMUGGLING-RELATED CRIMES AS RICO-PREDICATE OFFENSES.**

Section 1961(1) of title 18, United States Code, is amended—

(1) by inserting “section 1028 (relating to fraud and related activity in connection with identification documents) if the act indictable under section 1028 was committed for the purpose of financial gain,” before “section 1029”;

(2) by inserting “section 1542 (relating to false statement in application and use of passport) if the act indictable under section 1542 was committed for the purpose of financial gain, section 1543 (relating to forgery or false use of passport) if the act indictable under section 1543 was committed for the purpose of financial gain, section 1544 (relating to misuse of passport) if the act indictable under section 1544 was committed for the purpose of financial gain, section 1546 (relating to fraud and misuse of visas, permits, and other documents) if the act indictable under section 1546 was committed for the purpose of financial gain, sections 1581-1588 (relating to peonage and slavery),” after “section 1513 (relating to retaliating against a witness, victim, or an informant),”;

(3) by striking “or” before “(E)”;

(4) by inserting before the period at the end the following: “, or (F) any act which is indictable under the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain”.

**SEC. 434. AUTHORITY FOR ALIEN SMUGGLING INVESTIGATIONS.**

Section 2516(1) of title 18, United States Code, is amended—

(1) by striking “and” at the end of paragraph (n),

(2) by redesignating paragraph (o) as paragraph (p), and

(3) by inserting after paragraph (n) the following new paragraph:

“(o) a felony violation of section 1028 (relating to production of false identification documents), section 1542 (relating to false statements in passport applications), section 1546 (relating to fraud and misuse of visas, permits, and other documents) of this title or a violation of section 274, 277, or 278 of the Immigration and Nationality Act (relating to the smuggling of aliens); or”.

**SEC. 435. EXPANSION OF CRITERIA FOR DEPORTATION FOR CRIMES OF MORAL TURPITUDE.**

(a) IN GENERAL.—Section 241(a)(2)(A)(i)(II) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)(A)(i)(II)) is amended to read as follows:

“(II) is convicted of a crime for which a sentence of one year or longer may be imposed,”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to aliens against whom deportation proceedings are initiated after the date of the enactment of this Act.

**SEC. 436. MISCELLANEOUS PROVISIONS.**

(a) **USE OF ELECTRONIC AND TELEPHONIC MEDIA IN DEPORTATION HEARINGS.**—The second sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting before the period the following: “; except that nothing in this subsection shall preclude the Attorney General from authorizing proceedings by electronic or telephonic media (with the consent of the alien) or, where waived or agreed to by the parties, in the absence of the alien”.

(b) **CODIFICATION.**—

(1) Section 242(i) of such Act (8 U.S.C. 1252(i)) is amended by adding at the end the following: “Nothing in this subsection shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.”.

(2) Section 225 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416) is amended by striking “and nothing in” and all that follows through “1252(i)”.

(3) The amendments made by this subsection shall take effect as if included in the enactment of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416).

**SEC. 437. INTERIOR REPATRIATION PROGRAM.**

Not later than 180 days after the date of enactment of this Act, the Attorney General and the Commissioner of Immigration and Naturalization shall develop and implement a program in which aliens who previously have illegally entered the United States not less than 3 times and are deported or returned to a country contiguous to the United States will be returned to locations not less than 500 kilometers from that country’s border with the United States.

**SEC. 438. DEPORTATION OF NONVIOLENT OFFENDERS PRIOR TO COMPLETION OF SENTENCE OF IMPRISONMENT.**

(a) **IN GENERAL.**—Section 242(h) of the Immigration and Nationality Act (8 U.S.C. 1252(h)) is amended to read as follows:

“(h)(1) Except as provided in paragraph (2), an alien sentenced to imprisonment may not be deported until such imprisonment has been terminated by the release of the alien from confinement. Parole, supervised release, probation, or possibility of rearrest or further confinement in respect of the same offense shall not be a ground for deferral of deportation.

“(2) The Attorney General is authorized to deport an alien in accordance with applicable procedures under this Act prior to the completion of a sentence of imprisonment—

“(A) in the case of an alien in the custody of the Attorney General, if the Attorney General determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense (other than alien smuggling), and (ii) such deportation of the alien is appropriate and in the best interest of the United States; or

“(B) in the case of an alien in the custody of a State (or a political subdivision of a State), if the chief State official exercising authority with respect to the incarceration of the alien determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense (other than alien smuggling), (ii) such deportation is appropriate and in the best interest of the State, and (iii) submits a written request to the Attorney General that such alien be so deported.

“(3) Any alien deported pursuant to this subsection shall be notified of the penalties under the laws of the United States relating to the reentry of deported aliens, particularly the expanded penalties for aliens deported under paragraph (2).”

(b) REENTRY OF ALIEN DEPORTED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by adding at the end the following new subsection:

“(c) Any alien deported pursuant to section 242(h)(2) who enters, attempts to enter, or is at any time found in, the United States (unless the Attorney General has expressly consented to such alien’s reentry) shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release. Such alien shall be subject to such other penalties relating to the reentry of deported aliens as may be available under this section or any other provision of law.”

**SEC. 439. AUTHORIZING STATE AND LOCAL LAW ENFORCEMENT OFFICIALS TO ARREST AND DETAIN CERTAIN ILLEGAL ALIENS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, to the extent permitted by relevant State and local law, State and local law enforcement officials are authorized to arrest and detain an individual who—

(1) is an alien illegally present in the United States; and

(2) has previously been convicted of a felony in the United States and deported or left the United States after such conviction, but only after the State or local law enforcement officials obtain appropriate confirmation from the Immigration and Naturalization Service of the status of such individual and only for such period of time as may be required for the Service to take the individual into Federal custody for purposes of deporting or removing the alien from the United States.

(b) COOPERATION.—The Attorney General shall cooperate with the States to assure that information in the control of the Attorney General, including information in the National Crime Information Center, that would assist State and local law enforcement officials in carrying out duties under subsection (a) is made available to such officials.

**SEC. 440. CRIMINAL ALIEN REMOVAL.**

(a) JUDICIAL REVIEW.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a(a)(10)) is amended to read as follows:

“(10) Any final order of deportation against an alien who is deportable by reason of having committed a criminal offense covered in section 241(a)(2) (A)(iii), (B), (c), or (D), or any offense covered by section 241(a)(2)(A)(ii) for which both predicate of-

fenses are covered by section 241(a)(2)(A)(i), shall not be subject to review by any court.”

(b) FINAL ORDER OF DEPORTATION DEFINED.—Section 101(a) of such Act (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraph:

“(47)(A) The term “order of deportation” means the order of the special inquiry officer, or other such administrative officer to whom the Attorney General has delegated the responsibility for determining whether an alien is deportable, concluding that the alien is deportable or ordering deportation.

“(B) The order described under subparagraph (A) shall become final upon the earlier of—

“(i) a determination by the Board of Immigration Appeals affirming such order; or

“(ii) the expiration of the period in which the alien is permitted to seek review of such order by the Board of Immigration Appeals.”

(c) ARREST AND CUSTODY.—Section 242(a)(2) of such Act is amended—

(1) in subparagraph (A)—

(A) by striking “(2)(A) The Attorney” and inserting “(2) The Attorney”;

(B) by striking “an aggravated felony upon” and all that follows through “of the same offense” and inserting “any criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are covered by section 241(a)(2)(A)(i), upon release of the alien from incarceration, shall deport the alien as expeditiously as possible”; and

(C) by striking “but subject to subparagraph (B)”;

(2) by striking subparagraph (B).

(d) CLASSES OF EXCLUDABLE ALIENS.—Section 212(c) of such Act (8 U.S.C. 1182(c)) is amended—

(1) by striking “The first sentence of this” and inserting “This”; and

(2) by striking “has been convicted of one or more aggravated felonies” and all that follows through the end and inserting “is deportable by reason of having committed any criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are covered by section 241(a)(2)(A)(i).”

(e) AGGRAVATED FELONY DEFINED.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), as amended by section 222 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416), is amended—

(1) in subparagraph (J), by inserting “, or an offense described in section 1084 (if it is a second or subsequent offense) or 1955 of that title (relating to gambling offenses),” after “corrupt organizations”;

(2) in subparagraph (K)—

(A) by striking “or” at the end of clause (i),

(B) by redesignating clause (ii) as clause (iii), and

(C) by inserting after clause (i) the following new

clause:

“(ii) is described in section 2421, 2422, or 2423 of title 18, United States Code (relating to transporta-

tion for the purpose of prostitution) for commercial advantage; or”;

(3) by amending subparagraph (N) to read as follows:

“(N) an offense described in paragraph (1)(A) or (2) of section 274(a) (relating to alien smuggling) for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least 5 years;”;

(4) by amending subparagraph (O) to read as follows:

“(O) an offense (i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii) for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 18 months;”;

(5) in subparagraph (P), by striking “15 years” and inserting “5 years”, and by striking “and” at the end;

(6) by redesignating subparagraphs (O), (P), and (Q) as subparagraphs (P), (Q), and (U), respectively;

(7) by inserting after subparagraph (N) the following new subparagraph:

“(O) an offense described in section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph;” and

(8) by inserting after subparagraph (Q), as so redesignated, the following new subparagraphs:

“(R) an offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles the identification numbers of which have been altered for which a sentence of 5 years” imprisonment or more may be imposed;

“(S) an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which a sentence of 5 years” imprisonment or more may be imposed;

“(T) an offense relating to a failure to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony for which a sentence of 2 years” imprisonment or more may be imposed; and”.

(f) EFFECTIVE DATE.—The amendments made by subsection (e) shall apply to convictions entered on or after the date of the enactment of this Act, except that the amendment made by subsection (e)(3) shall take effect as if included in the enactment of section 222 of the Immigration and Nationality Technical Corrections Act of 1994.

(g) DEPORTATION OF CRIMINAL ALIENS.—Section 242A(a) of such Act (8 U.S.C. 1252a) is amended—

(1) in paragraph (1)—

(A) by striking “aggravated felonies (as defined in section 101(a)(43) of this title)” and inserting “any criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are covered by section 241(a)(2)(A)(i).”; and

(B) by striking “, where warranted,”;

(2) in paragraph (2), by striking “aggravated felony” and all that follows through “before any scheduled hearings.” and

inserting “any criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are covered by section 241(a)(2)(A)(i).”

(h) **DEADLINES FOR DEPORTING ALIEN.**—Section 242(c) of such Act (8 U.S.C. 1252(c)) is amended—

(1) by striking “(c) When a final order” and inserting “(c)(1) Subject to paragraph (2), when a final order”; and

(2) by inserting at the end the following new paragraph:

“(2) When a final order of deportation under administrative process is made against any alien who is deportable by reason of having committed a criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D) or any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are covered by section 241(a)(2)(A)(i), the Attorney General shall have 30 days from the date of the order within which to effect the alien’s departure from the United States. The Attorney General shall have sole and unreviewable discretion to waive the foregoing provision for aliens who are cooperating with law enforcement authorities or for purposes of national security.”

**SEC. 441. LIMITATION ON COLLATERAL ATTACKS ON UNDERLYING DEPORTATION ORDER.**

(a) **IN GENERAL.**—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by adding at the end the following new subsection:

“(d) In a criminal proceeding under this section, an alien may not challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates that—

“(1) the alien exhausted any administrative remedies that may have been available to seek relief against the order;

“(2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

“(3) the entry of the order was fundamentally unfair.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to criminal proceedings initiated after the date of enactment of this Act.

**SEC. 442. DEPORTATION PROCEDURES FOR CERTAIN CRIMINAL ALIENS WHO ARE NOT PERMANENT RESIDENTS.**

(a) **ADMINISTRATIVE HEARINGS.**—Section 242A(b) of the Immigration and Nationality Act (8 U.S.C. 1252a(b)), as added by section 130004(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), is amended—

(1) in paragraph (2)—

(A) by striking “and” at the end of subparagraph (A) and inserting “or”, and

(B) by amending subparagraph (B) to read as follows:

“(B) had permanent resident status on a conditional basis (as described in section 216) at the time that proceedings under this section commenced.”;

(2) in paragraph (3), by striking “30 calendar days” and inserting “14 calendar days”;

(3) in paragraph (4)(B), by striking “proceedings” and inserting “proceedings”;

(4) in paragraph (4)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (F) and (G), respectively; and

(B) by adding after subparagraph (C) the following new subparagraphs:

“(D) such proceedings are conducted in, or translated for the alien into, a language the alien understands;

“(E) a determination is made for the record at such proceedings that the individual who appears to respond in such a proceeding is an alien subject to such an expedited proceeding under this section and is, in fact, the alien named in the notice for such proceeding;”

(5) by adding at the end the following new paragraph:

“(5) No alien described in this section shall be eligible for any relief from deportation that the Attorney General may grant in the Attorney General’s discretion.”

(b) **LIMIT ON JUDICIAL REVIEW.**—Subsection (d) of section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a), as added by section 130004(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), is amended to read as follows:

“(d) Notwithstanding subsection (c), a petition for review or for habeas corpus on behalf of an alien described in section 242A(c) may only challenge whether the alien is in fact an alien described in such section, and no court shall have jurisdiction to review any other issue.”

(c) **PRESUMPTION OF DEPORTABILITY.**—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by inserting after subsection (b) the following new subsection:

“(c) **PRESUMPTION OF DEPORTABILITY.**—An alien convicted of an aggravated felony shall be conclusively presumed to be deportable from the United States.”

(d) **EFFECTIVE DATE.**—The amendments made by this section shall become effective no later than 60 days after the publication by the Attorney General of implementing regulations that shall be published on or before January 1, 1997.

**SEC. 443. EXTRADITION OF ALIENS.**

(a) **SCOPE.**—Section 3181 of title 18, United States Code, is amended—

(1) by inserting “(a)” before “The provisions of this chapter”; and

(2) by adding at the end the following new subsections:

“(b) The provisions of this chapter shall be construed to permit, in the exercise of comity, the surrender of persons, other than citizens, nationals, or permanent residents of the United States, who have committed crimes of violence against nationals of the United States in foreign countries without regard to the existence of any treaty of extradition with such foreign government if the Attorney General certifies, in writing, that—

“(1) evidence has been presented by the foreign government that indicates that had the offenses been committed in the United States, they would constitute crimes of violence as defined under section 16 of this title; and

“(2) the offenses charged are not of a political nature.

“(c) As used in this section, the term “national of the United States” has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).”

(b) FUGITIVES.—Section 3184 of title 18, United States Code, is amended—

(1) in the first sentence by inserting after “United States and any foreign government,” the following: “or in cases arising under section 3181(b),”;

(2) in the first sentence by inserting after “treaty or convention,” the following: “or provided for under section 3181(b),”;

and  
(3) in the third sentence by inserting after “treaty or convention,” the following: “or under section 3181(b),”.

## TITLE V—NUCLEAR, BIOLOGICAL, AND CHEMICAL WEAPONS RESTRICTIONS

### Subtitle A—Nuclear Materials

#### SEC. 501. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) nuclear materials, including byproduct materials, can be used to create radioactive dispersal devices that are capable of causing serious bodily injury as well as substantial damage to property and to the environment;

(2) the potential use of nuclear materials, including byproduct materials, enhances the threat posed by terrorist activities and thereby has a greater effect on the security interests of the United States;

(3) due to the widespread hazards presented by the threat of nuclear contamination, as well as nuclear bombs, the United States has a strong interest in ensuring that persons who are engaged in the illegal acquisition and use of nuclear materials, including byproduct materials, are prosecuted for their offenses;

(4) the threat that nuclear materials will be obtained and used by terrorist and other criminal organizations has increased substantially since the enactment in 1982 of the legislation that implemented the Convention on the Physical Protection of Nuclear Material, codified at section 831 of title 18, United States Code;

(5) the successful efforts to obtain agreements from other countries to dismantle nuclear weapons have resulted in increased packaging and transportation of nuclear materials, thereby decreasing the security of such materials by increasing the opportunity for unlawful diversion and theft;

(6) the trafficking in the relatively more common, commercially available, and usable nuclear and byproduct materials creates the potential for significant loss of life and environmental damage;

(7) report trafficking incidents in the early 1990's suggest that the individuals involved in trafficking in these materials from Eurasia and Eastern Europe frequently conducted their black market sales of these materials within the Federal Republic of Germany, the Baltic States, the former Soviet Union, Central Europe, and to a lesser extent in the Middle European countries;

(8) the international community has become increasingly concerned over the illegal possession of nuclear and nuclear byproduct materials;

(9) the potentially disastrous ramifications of increased access to nuclear and nuclear byproduct materials pose such a significant threat that the United States must use all lawful methods available to combat the illegal use of such materials;

(10) the United States has an interest in encouraging United States corporations to do business in the countries that comprised the former Soviet Union, and in other developing democracies;

(11) protection of such United States corporations from threats created by the unlawful use of nuclear materials is important to the success of the effort to encourage business ventures in these countries, and to further the foreign relations and commerce of the United States;

(12) the nature of nuclear contamination is such that it may affect the health, environment, and property of United States nationals even if the acts that constitute the illegal activity occur outside the territory of the United States, and are primarily directed toward foreign nationals; and

(13) there is presently no Federal criminal statute that provides adequate protection to United States interests from nonweapons grade, yet hazardous radioactive material, and from the illegal diversion of nuclear materials that are held for other than peaceful purposes.

(b) PURPOSE.—The purpose of this title is to provide Federal law enforcement agencies with the necessary means and the maximum authority permissible under the Constitution to combat the threat of nuclear contamination and proliferation that may result from the illegal possession and use of radioactive materials.

**SEC. 502. EXPANSION OF SCOPE AND JURISDICTIONAL BASES OF NUCLEAR MATERIALS PROHIBITIONS.**

Section 831 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “nuclear material” each place it appears and inserting “nuclear material or nuclear byproduct material”;

(B) in paragraph (1)—

(i) in subparagraph (A), by inserting “or to the environment” after “property”; and

(ii) so that subparagraph (B) reads as follows:

“(B) circumstances exist, or have been represented to the defendant to exist, that are likely to cause the death or serious bodily injury to any person, or substantial damage to property or to the environment;” and

(C) in paragraph (6), by inserting “or to the environment” after “property”;

(2) in subsection (c)—

(A) so that paragraph (2) reads as follows:

“(2) an offender or a victim is—

“(A) a national of the United States; or

“(B) a United States corporation or other legal entity;”;

(B) in paragraph (3)—

(i) by striking “at the time of the offense the nuclear material is in use, storage, or transport, for peaceful purposes, and”; and

(ii) by striking “or” at the end of the paragraph; (C) in paragraph (4)—

(i) by striking “nuclear material for peaceful purposes” and inserting “nuclear material or nuclear byproduct material”; and

(ii) by striking the period at the end of the paragraph and inserting “; or”; and

(D) by adding at the end the following new paragraph: “(5) either—

“(A) the governmental entity under subsection (a)(5) is the United States; or

“(B) the threat under subsection (a)(6) is directed at the United States.”; and

(3) in subsection (f)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “with an isotopic concentration not in excess of 80 percent plutonium 238”; and

(ii) in subparagraph (C), by striking “uranium” and inserting “enriched uranium, defined as uranium”;

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(C) by inserting after paragraph (1) the following new paragraph:

“(2) the term “nuclear byproduct material” means any material containing any radioactive isotope created through an irradiation process in the operation of a nuclear reactor or accelerator;”;

(D) in paragraph (4), as redesignated, by striking “and” at the end;

(E) in paragraph (5), as redesignated, by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following new paragraphs:

“(6) the term “national of the United States” has the same meaning as in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

“(7) the term “United States corporation or other legal entity” means any corporation or other entity organized under the laws of the United States or any State, Commonwealth, territory, possession, or district of the United States.”.

**SEC. 503. REPORT TO CONGRESS ON THEFTS OF EXPLOSIVE MATERIALS FROM ARMORIES.**

(a) **STUDY.**—The Attorney General and the Secretary of Defense shall jointly conduct a study of the number and extent of thefts from military arsenals (including National Guard armories) of firearms, explosives, and other materials that are potentially useful to terrorists.

(b) **REPORT TO THE CONGRESS.**—Not later than 6 months after the date of enactment of this Act, the Attorney General and the Secretary of Defense shall jointly prepare and transmit to the Congress a report on the findings of the study conducted under subsection (a).

## Subtitle B— Biological Weapons Restrictions

### SEC. 511. ENHANCED PENALTIES AND CONTROL OF BIOLOGICAL AGENTS.

(a) FINDINGS.—The Congress finds that—

(1) certain biological agents have the potential to pose a severe threat to public health and safety;

(2) such biological agents can be used as weapons by individuals or organizations for the purpose of domestic or international terrorism or for other criminal purposes;

(3) the transfer and possession of potentially hazardous biological agents should be regulated to protect public health and safety; and

(4) efforts to protect the public from exposure to such agents should ensure that individuals and groups with legitimate objectives continue to have access to such agents for clinical and research purposes.

(b) CRIMINAL ENFORCEMENT.—Chapter 10 of title 18, United States Code, is amended—

(1) in section 175(a), by inserting “or attempts, threatens, or conspires to do the same,” after “to do so,”;

(2) in section 177(a)(2), by inserting “threat,” after “attempt,”; and

(3) in section 178—

(A) in paragraph (1), by striking “or infectious substance” and inserting “infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product”;

(B) in paragraph (2)—

(i) by inserting “the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recombinant molecule” after “means”;

(ii) by striking “production—” and inserting “production, including—”;

(iii) in subparagraph (A), by inserting “or biological product that may be engineered as a result of biotechnology” after “substance”; and

(iv) in subparagraph (B), by inserting “or biological product” after “isomer”; and

(C) in paragraph (4), by inserting “, or molecule, including a recombinant molecule, or biological product that may be engineered as a result of biotechnology,” after “organism”.

(c) TERRORISM.—Section 2332a(a) of title 18, United States Code, is amended by inserting “, including any biological agent, toxin, or vector (as those terms are defined in section 178)” after “destruction”.

(d) REGULATORY CONTROL OF BIOLOGICAL AGENTS.—

(1) LIST OF BIOLOGICAL AGENTS.—

(A) IN GENERAL.—The Secretary shall, through regulations promulgated under subsection (f), establish and maintain a list of each biological agent that has the potential to pose a severe threat to public health and safety.

(B) CRITERIA.—In determining whether to include an agent on the list under subparagraph (A), the Secretary shall—

(i) consider—

(I) the effect on human health of exposure to the agent;

(II) the degree of contagiousness of the agent and the methods by which the agent is transferred to humans;

(III) the availability and effectiveness of immunizations to prevent and treatments for any illness resulting from infection by the agent; and

(IV) any other criteria that the Secretary considers appropriate; and

(ii) consult with scientific experts representing appropriate professional groups.

(e) REGULATION OF TRANSFERS OF LISTED BIOLOGICAL AGENTS.—The Secretary shall, through regulations promulgated under subsection (f), provide for—

(1) the establishment and enforcement of safety procedures for the transfer of biological agents listed pursuant to subsection (d)(1), including measures to ensure—

(A) proper training and appropriate skills to handle such agents; and

(B) proper laboratory facilities to contain and dispose of such agents;

(2) safeguards to prevent access to such agents for use in domestic or international terrorism or for any other criminal purpose;

(3) the establishment of procedures to protect the public safety in the event of a transfer or potential transfer of a biological agent in violation of the safety procedures established under paragraph (1) or the safeguards established under paragraph (2); and

(4) appropriate availability of biological agents for research, education, and other legitimate purposes.

(f) REGULATIONS.—The Secretary shall carry out this section by issuing—

(1) proposed rules not later than 60 days after the date of enactment of this Act; and

(2) final rules not later than 120 days after the date of enactment of this Act.

(g) DEFINITIONS.—For purposes of this section—

(1) the term “biological agent” has the same meaning as in section 178 of title 18, United States Code; and

(2) the term “Secretary” means the Secretary of Health and Human Services.

## Subtitle C—Chemical Weapons Restrictions

### SEC. 521. CHEMICAL WEAPONS OF MASS DESTRUCTION; STUDY OF FACILITY FOR TRAINING AND EVALUATION OF PERSONNEL WHO RESPOND TO USE OF CHEMICAL OR BIOLOGICAL WEAPONS IN URBAN AND SUBURBAN AREAS.

(a) CHEMICAL WEAPONS OF MASS DESTRUCTION.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by inserting after section 2332b as added by section 702 of this Act the following new section:

#### “§ 2332c. Use of chemical weapons

“(a) PROHIBITED ACTS—

“(1) OFFENSE.—A person shall be punished under paragraph (2) if that person, without lawful authority, uses, or attempts or conspires to use, a chemical weapon against—

“(A) a national of the United States while such national is outside of the United States;

“(B) any person within the United States; or

“(C) any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States.

“(2) PENALTIES.—A person who violates paragraph (1)—

“(A) shall be imprisoned for any term of years or for life; or

“(B) if death results from that violation, shall be punished by death or imprisoned for any term of years or for life.

“(b) DEFINITIONS.—As used in this section—

“(1) the term “national of the United States” has the same meaning as in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

“(2) the term “chemical weapon” means any weapon that is designed or intended to cause widespread death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or precursors of toxic or poisonous chemicals.

(b) STUDY OF FACILITY FOR TRAINING AND EVALUATION OF PERSONNEL WHO RESPOND TO USE OF CHEMICAL OR BIOLOGICAL WEAPONS IN URBAN AND SUBURBAN AREAS.—

(1) FINDINGS.—The Congress finds that—

(A) the threat of the use of chemical and biological weapons by Third World countries and by terrorist organizations has increased in recent years and is now a problem of worldwide significance;

(B) the military and law enforcement agencies in the United States that are responsible for responding to the use of such weapons require additional testing, training, and evaluation facilities to ensure that the personnel of such agencies discharge their responsibilities effectively; and

(C) a facility that recreates urban and suburban locations would provide an especially effective environment in

which to test, train, and evaluate such personnel for that purpose.

(2) STUDY OF FACILITY—

(A) IN GENERAL.—The President shall establish an interagency task force to determine the feasibility and advisability of establishing a facility that recreates both an urban environment and a suburban environment in such a way as to permit the effective testing, training, and evaluation in such environments of government personnel who are responsible for responding to the use of chemical and biological weapons in the United States.

(B) DESCRIPTION OF FACILITY.—The facility considered under subparagraph (A) shall include—

(i) facilities common to urban environments (including a multistory building and an underground rail transit system) and to suburban environments;

(ii) the capacity to produce controllable releases of chemical and biological agents from a variety of urban and suburban structures, including laboratories, small buildings, and dwellings;

(iii) the capacity to produce controllable releases of chemical and biological agents into sewage, water, and air management systems common to urban areas and suburban areas;

(iv) chemical and biocontaminant facilities at the P3 and P4 levels;

(v) the capacity to test and evaluate the effectiveness of a variety of protective clothing and facilities and survival techniques in urban areas and suburban areas; and

(vi) the capacity to test and evaluate the effectiveness of variable sensor arrays (including video, audio, meteorological, chemical, and biosensor arrays) in urban areas and suburban areas.

(C) SENSE OF CONGRESS.—It is the sense of Congress that the facility considered under subparagraph (A) shall, if established—

(i) be under the jurisdiction of the Secretary of Defense; and

(ii) be located at a principal facility of the Department of Defense for the testing and evaluation of the use of chemical and biological weapons during any period of armed conflict.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, relating to terrorism, is amended by inserting after the item added by section 702 of this Act that relates to section 2332b the following new item:

“2332c. Use of chemical weapons.”.

## TITLE VI—IMPLEMENTATION OF PLASTIC EXPLOSIVES CONVENTION

### SEC. 601. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) plastic explosives were used by terrorists in the bombings of Pan American Airlines flight number 103 in December 1988 and UTA flight number 722 in September 1989;

(2) plastic explosives can be used with little likelihood of detection for acts of unlawful interference with civil aviation, maritime navigation, and other modes of transportation;

(3) the criminal use of plastic explosives places innocent lives in jeopardy, endangers national security, affects domestic tranquillity, and gravely affects interstate and foreign commerce;

(4) the marking of plastic explosives for the purpose of detection would contribute significantly to the prevention and punishment of such unlawful acts; and

(5) for the purpose of deterring and detecting such unlawful acts, the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991, requires each contracting State to adopt appropriate measures to ensure that plastic explosives are duly marked and controlled.

(b) PURPOSE.—The purpose of this title is to fully implement the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991.

**SEC. 602. DEFINITIONS.**

Section 841 of title 18, United States Code, is amended by adding at the end the following new subsections:

“(o) “Convention on the Marking of Plastic Explosives” means the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991.

“(p) “Detection agent” means any one of the substances specified in this subsection when introduced into a plastic explosive or formulated in such explosive as a part of the manufacturing process in such a manner as to achieve homogeneous distribution in the finished explosive, including—

“(1) Ethylene glycol dinitrate (EGDN),  $C_2H_4(NO_3)_2$ , molecular weight 152, when the minimum concentration in the finished explosive is 0.2 percent by mass;

“(2) 2,3-Dimethyl-2,3-dinitrobutane (DMNB),  $C_6H_{12}(NO_2)_2$ , molecular weight 176, when the minimum concentration in the finished explosive is 0.1 percent by mass;

“(3) Para-Mononitrotoluene (p-MNT),  $C_7H_7NO_2$ , molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass;

“(4) Ortho-Mononitrotoluene (o-MNT),  $C_7H_7NO_2$ , molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass; and

“(5) any other substance in the concentration specified by the Secretary, after consultation with the Secretary of State and the Secretary of Defense, that has been added to the table in part 2 of the Technical Annex to the Convention on the Marking of Plastic Explosives.

“(q) “Plastic explosive” means an explosive material in flexible or elastic sheet form formulated with one or more high explosives which in their pure form has a vapor pressure less than  $10^{-4}$  Pa at a temperature of 25° C., is formulated with a binder material, and is as a mixture malleable or flexible at normal room temperature.”.

**SEC. 603. REQUIREMENT OF DETECTION AGENTS FOR PLASTIC EXPLOSIVES.**

Section 842 of title 18, United States Code, is amended by adding at the end the following new subsections:

“(l) It shall be unlawful for any person to manufacture any plastic explosive that does not contain a detection agent.

“(m)(1) It shall be unlawful for any person to import or bring into the United States, or export from the United States, any plastic explosive that does not contain a detection agent.

“(2) This subsection does not apply to the importation or bringing into the United States, or the exportation from the United States, of any plastic explosive that was imported or brought into, or manufactured in the United States prior to the date of enactment of this subsection by or on behalf of any agency of the United States performing military or police functions (including any military reserve component) or by or on behalf of the National Guard of any State, not later than 15 years after the date of entry into force of the Convention on the Marking of Plastic Explosives, with respect to the United States.

“(n)(1) It shall be unlawful for any person to ship, transport, transfer, receive, or possess any plastic explosive that does not contain a detection agent.

“(2) This subsection does not apply to—

“(A) the shipment, transportation, transfer, receipt, or possession of any plastic explosive that was imported or brought into, or manufactured in the United States prior to the date of enactment of this subsection by any person during the period beginning on that date and ending 3 years after that date of enactment; or

“(B) the shipment, transportation, transfer, receipt, or possession of any plastic explosive that was imported or brought into, or manufactured in the United States prior to the date of enactment of this subsection by or on behalf of any agency of the United States performing a military or police function (including any military reserve component) or by or on behalf of the National Guard of any State, not later than 15 years after the date of entry into force of the Convention on the Marking of Plastic Explosives, with respect to the United States.

“(o) It shall be unlawful for any person, other than an agency of the United States (including any military reserve component) or the National Guard of any State, possessing any plastic explosive on the date of enactment of this subsection, to fail to report to the Secretary within 120 days after such date of enactment the quantity of such explosives possessed, the manufacturer or importer, any marks of identification on such explosives, and such other information as the Secretary may prescribe by regulation.”.

**SEC. 604. CRIMINAL SANCTIONS.**

Section 844(a) of title 18, United States Code, is amended to read as follows:

“(a) Any person who violates any of subsections (a) through (i) or (l) through (o) of section 842 shall be fined under this title, imprisoned for not more than 10 years, or both.”.

**SEC. 605. EXCEPTIONS.**

Section 845 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “(l), (m), (n), or (o) of section 842 and subsections” after “subsections”; and

(B) in paragraph (1), by inserting before the semicolon “, and which pertain to safety”; and

(2) by adding at the end the following new subsection:

“(c) It is an affirmative defense against any proceeding involving subsections (l) through (o) of section 842 if the proponent proves by a preponderance of the evidence that the plastic explosive—

“(1) consisted of a small amount of plastic explosive intended for and utilized solely in lawful—

“(A) research, development, or testing of new or modified explosive materials;

“(B) training in explosives detection or development or testing of explosives detection equipment; or

“(C) forensic science purposes; or

“(2) was plastic explosive that, within 3 years after the date of enactment of the Antiterrorism and Effective Death Penalty Act of 1996, will be or is incorporated in a military device within the territory of the United States and remains an integral part of such military device, or is intended to be, or is incorporated in, and remains an integral part of a military device that is intended to become, or has become, the property of any agency of the United States performing military or police functions (including any military reserve component) or the National Guard of any State, wherever such device is located.

“(3) For purposes of this subsection, the term “military device” includes, but is not restricted to, shells, bombs, projectiles, mines, missiles, rockets, shaped charges, grenades, perforators, and similar devices lawfully manufactured exclusively for military or police purposes.”

**SEC. 606. SEIZURE AND FORFEITURE OF PLASTIC EXPLOSIVES.**

Section 596(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1595a(c)(1)) is amended—

(1) in subparagraph (B), by striking “or” at the end;

(2) in subparagraph (c), by striking the period and inserting “; or”; and

(3) by adding at the end the following new subparagraph:

“(D) is a plastic explosive, as defined in section 841(q) of title 18, United States Code, which does not contain a detection agent, as defined in section 841(p) of such title.”

**SEC. 607. EFFECTIVE DATE.**

Except as otherwise provided in this title, this title and the amendments made by this title shall take effect 1 year after the date of enactment of this Act.

## TITLE VII—CRIMINAL LAW MODIFICATIONS TO COUNTER TERRORISM

### Subtitle A—Crimes and Penalties

#### SEC. 701. INCREASED PENALTY FOR CONSPIRACIES INVOLVING EXPLOSIVES.

Section 844 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(n) Except as otherwise provided in this section, a person who conspires to commit any offense defined in this chapter shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense the commission of which was the object of the conspiracy.”

#### SEC. 702. ACTS OF TERRORISM TRANSCENDING NATIONAL BOUNDARIES.

(a) OFFENSE.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by inserting after section 2332a the following new section:

##### “§ 2332b. Acts of terrorism transcending national boundaries

“(a) PROHIBITED ACTS.—

“(1) OFFENSES.—Whoever, involving conduct transcending national boundaries and in a circumstance described in subsection (b)—

“(A) kills, kidnaps, maims, commits an assault resulting in serious bodily injury, or assaults with a dangerous weapon any person within the United States; or

“(B) creates a substantial risk of serious bodily injury to any other person by destroying or damaging any structure, conveyance, or other real or personal property within the United States or by attempting or conspiring to destroy or damage any structure, conveyance, or other real or personal property within the United States; in violation of the laws of any State, or the United States, shall be punished as prescribed in subsection (c).

“(2) TREATMENT OF THREATS, ATTEMPTS AND CONSPIRACIES.—Whoever threatens to commit an offense under paragraph (1), or attempts or conspires to do so, shall be punished under subsection (c).

“(b) JURISDICTIONAL BASES.—

“(1) CIRCUMSTANCES.—The circumstances referred to in subsection (a) are—

“(A) any of the offenders uses the mail or any facility of interstate or foreign commerce in furtherance of the offense;

“(B) the offense obstructs, delays, or affects interstate or foreign commerce, or would have so obstructed, delayed, or affected interstate or foreign commerce if the offense had been consummated;

“(C) the victim, or intended victim, is the United States Government, a member of the uniformed services, or any official, officer, employee, or agent of the legislative, execu-

tive, or judicial branches, or of any department or agency, of the United States;

“(D) the structure, conveyance, or other real or personal property is, in whole or in part, owned, possessed, or leased to the United States, or any department or agency of the United States;

“(E) the offense is committed in the territorial sea (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) of the United States; or

“(F) the offense is committed within the special maritime and territorial jurisdiction of the United States.

“(2) CO-CONSPIRATORS AND ACCESSORIES AFTER THE FACT.—Jurisdiction shall exist over all principals and co-conspirators of an offense under this section, and accessories after the fact to any offense under this section, if at least one of the circumstances described in subparagraphs (A) through (F) of paragraph (1) is applicable to at least one offender.

“(c) PENALTIES.—

“(1) PENALTIES.—Whoever violates this section shall be punished—

“(A) for a killing, or if death results to any person from any other conduct prohibited by this section, by death, or by imprisonment for any term of years or for life;

“(B) for kidnapping, by imprisonment for any term of years or for life;

“(C) for maiming, by imprisonment for not more than 35 years;

“(D) for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 30 years;

“(E) for destroying or damaging any structure, conveyance, or other real or personal property, by imprisonment for not more than 25 years;

“(F) for attempting or conspiring to commit an offense, for any term of years up to the maximum punishment that would have applied had the offense been completed; and

“(G) for threatening to commit an offense under this section, by imprisonment for not more than 10 years.

“(2) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law, the court shall not place on probation any person convicted of a violation of this section; nor shall the term of imprisonment imposed under this section run concurrently with any other term of imprisonment.

“(d) PROOF REQUIREMENTS.—The following shall apply to prosecutions under this section:

“(1) KNOWLEDGE.—The prosecution is not required to prove knowledge by any defendant of a jurisdictional base alleged in the indictment.

“(2) STATE LAW.—In a prosecution under this section that is based upon the adoption of State law, only the elements of the offense under State law, and not any provisions pertaining to criminal procedure or evidence, are adopted.

“(e) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction—

“(1) over any offense under subsection (a), including any threat, attempt, or conspiracy to commit such offense; and

“(2) over conduct which, under section 3, renders any person an accessory after the fact to an offense under subsection (a).

“(f) INVESTIGATIVE AUTHORITY.—In addition to any other investigative authority with respect to violations of this title, the Attorney General shall have primary investigative responsibility for all Federal crimes of terrorism, and the Secretary of the Treasury shall assist the Attorney General at the request of the Attorney General. Nothing in this section shall be construed to interfere with the authority of the United States Secret Service under section 3056.

“(g) DEFINITIONS.—As used in this section—

“(1) the term “conduct transcending national boundaries” means conduct occurring outside of the United States in addition to the conduct occurring in the United States;

“(2) the term “facility of interstate or foreign commerce” has the meaning given that term in section 1958(b)(2);

“(3) the term “serious bodily injury” has the meaning given that term in section 1365(g)(3);

“(4) the term “territorial sea of the United States” means all waters extending seaward to 12 nautical miles from the baselines of the United States, determined in accordance with international law; and

“(5) the term “Federal crime of terrorism” means an offense that—

“(A) is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct; and

“(B) is a violation of—

“(i) section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175 (relating to biological weapons), 351 (relating to congressional, cabinet, and Supreme Court assassination, kidnapping, and assault), 831 (relating to nuclear materials), 842 (m) or (n) (relating to plastic explosives), 844(e) (relating to certain bombings), 844 (f) or (i) (relating to arson and bombing of certain property), 956 (relating to conspiracy to injure property of a foreign government), 1114 (relating to protection of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1361 (relating to injury of Government property or contracts), 1362 (relating to destruction of communication lines, stations, or systems), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366 (relating to destruction of an energy facility), 1751 (relating to Presidential and Presidential staff assassination, kidnapping, and assault), 2152 (relating to injury of fortifications, harbor defenses, or defensive sea areas), 2155 (relating to destruction of national defense materials, premises, or utilities), 2156

(relating to production of defective national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture);

“(ii) section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284); or

“(iii) section 46502 (relating to aircraft piracy) or section 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, relating to terrorism, is amended by inserting after the item relating to section 2332a the following new item:

“2332b. Acts of terrorism transcending national boundaries.”

(c) STATUTE OF LIMITATIONS AMENDMENT.—Section 3286 of title 18, United States Code, is amended—

(1) by striking “any offense” and inserting “any non-capital offense”;

(2) by striking “36” and inserting “37”;

(3) by striking “2331” and inserting “2332”;

(4) by striking “2339” and inserting “2332a”; and

(5) by inserting “2332b (acts of terrorism transcending national boundaries),” after “(use of weapons of mass destruction),”.

(d) PRESUMPTIVE DETENTION.—Section 3142(e) of title 18, United States Code, is amended by inserting “, 956(a), or 2332b” after “section 924(c)”.

**SEC. 703. EXPANSION OF PROVISION RELATING TO DESTRUCTION OR INJURY OF PROPERTY WITHIN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.**

Section 1363 of title 18, United States Code, is amended by striking “any building,” and all that follows through “shipping” and inserting “any structure, conveyance, or other real or personal property”.

**SEC. 704. CONSPIRACY TO HARM PEOPLE AND PROPERTY OVERSEAS.**

(a) IN GENERAL.—Section 956 of chapter 45 of title 18, United States Code, is amended to read as follows:

**“§ 956. Conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country**

“(a)(1) Whoever, within the jurisdiction of the United States, conspires with one or more other persons, regardless of where such other person or persons are located, to commit at any place outside the United States an act that would constitute the offense of murder, kidnapping, or maiming if committed in the special maritime and territorial jurisdiction of the United States shall, if any of the con-

spirators commits an act within the jurisdiction of the United States to effect any object of the conspiracy, be punished as provided in subsection (a)(2).

“(2) The punishment for an offense under subsection (a)(1) of this section is—

“(A) imprisonment for any term of years or for life if the offense is conspiracy to murder or kidnap; and

“(B) imprisonment for not more than 35 years if the offense is conspiracy to maim.

“(b) Whoever, within the jurisdiction of the United States, conspires with one or more persons, regardless of where such other person or persons are located, to damage or destroy specific property situated within a foreign country and belonging to a foreign government or to any political subdivision thereof with which the United States is at peace, or any railroad, canal, bridge, airport, airfield, or other public utility, public conveyance, or public structure, or any religious, educational, or cultural property so situated, shall, if any of the conspirators commits an act within the jurisdiction of the United States to effect any object of the conspiracy, be imprisoned not more than 25 years.”

(b) CLERICAL AMENDMENT.—The item relating to section 956 in the table of sections at the beginning of chapter 45 of title 18, United States Code, is amended to read as follows:

“956. Conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country.”

**SEC. 705. INCREASED PENALTIES FOR CERTAIN TERRORISM CRIMES.**

(a) IN GENERAL.—Title 18, United States Code, is amended—

(1) in section 114, by striking “maim or disfigure” and inserting “torture (as defined in section 2340), maim, or disfigure”;

(2) in section 755, by striking “two years” and inserting “5 years”;

(3) in section 756, by striking “one year” and inserting “five years”;

(4) in section 878(a), by striking “by killing, kidnapping, or assaulting a foreign official, official guest, or internationally protected person”;

(5) in section 1113, by striking “three years” and inserting “seven years”; and

(6) in section 2332(c), by striking “five” and inserting “ten”.

(b) PENALTY FOR CARRYING WEAPONS OR EXPLOSIVES ON AN AIRCRAFT.—Section 46505 of title 49, United States Code, is amended—

(1) in subsection (b), by striking “one year” and inserting “10 years”; and

(2) in subsection (c), by striking “5” and inserting “15”.

**SEC. 706. MANDATORY PENALTY FOR TRANSFERRING AN EXPLOSIVE MATERIAL KNOWING THAT IT WILL BE USED TO COMMIT A CRIME OF VIOLENCE.**

Section 844 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(o) Whoever knowingly transfers any explosive materials, knowing or having reasonable cause to believe that such explosive materials will be used to commit a crime of violence (as defined in section 924(c)(3)) or drug trafficking crime (as defined in section 924(c)(2)) shall be subject to the same penalties as may be imposed under sub-

section (h) for a first conviction for the use or carrying of an explosive material.”

**SEC. 707. POSSESSION OF STOLEN EXPLOSIVES PROHIBITED.**

Section 842(h) of title 18, United States Code, is amended to read as follows:

“(h) It shall be unlawful for any person to receive, possess, transport, ship, conceal, store, barter, sell, dispose of, or pledge or accept as security for a loan, any stolen explosive materials which are moving as, which are part of, which constitute, or which have been shipped or transported in, interstate or foreign commerce, either before or after such materials were stolen, knowing or having reasonable cause to believe that the explosive materials were stolen.”

**SEC. 708. ENHANCED PENALTIES FOR USE OF EXPLOSIVES OR ARSON CRIMES.**

a) IN GENERAL.—Section 844 of title 18, United States Code, is amended—

- (1) in subsection (e), by striking “five” and inserting “10”;
- (2) by amending subsection (f) to read as follows:

“(f)(1) Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other personal or real property in whole or in part owned or possessed by, or leased to, the United States, or any department or agency thereof, shall be imprisoned for not less than 5 years and not more than 20 years, fined under this title, or both.

“(2) Whoever engages in conduct prohibited by this subsection, and as a result of such conduct, directly or proximately causes personal injury or creates a substantial risk of injury to any person, including any public safety officer performing duties, shall be imprisoned for not less than 7 years and not more than 40 years, fined under this title, or both.

“(3) Whoever engages in conduct prohibited by this subsection, and as a result of such conduct directly or proximately causes the death of any person, including any public safety officer performing duties, shall be subject to the death penalty, or imprisoned for not less than 20 years or for life, fined under this title, or both.”;

(3) in subsection (h)—

(A) in the first sentence, by striking “5 years but not more than 15 years” and inserting “10 years”; and

(B) in the second sentence, by striking “10 years but not more than 25 years” and inserting “20 years”; and

(4) in subsection (i)—

(A) by striking “not more than 20 years, fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed,” and inserting “not less than 5 years and not more than 20 years, fined under this title”; and

(B) by striking “not more than 40 years, fined the greater of a fine under this title or the cost of repairing or replacing any property that is damaged or destroyed,” and inserting “not less than 7 years and not more than 40 years, fined under this title”.

(b) CONFORMING AMENDMENT.—Section 81 of title 18, United States Code, is amended by striking “fined under this title or impris-

oned not more than five years, or both” and inserting “imprisoned for not more than 25 years, fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed, or both”.

(c) STATUTE OF LIMITATION FOR ARSON OFFENSES.—

(1) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

**“§ 3295. Arson offenses**

“No person shall be prosecuted, tried, or punished for any non-capital offense under section 81 or subsection (f), (h), or (i) of section 844 unless the indictment is found or the information is instituted not later than 10 years after the date on which the offense was committed.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following new item:

“3295. Arson offenses.”.

(3) CONFORMING AMENDMENT.—Section 844(i) of title 18, United States Code, is amended by striking the last sentence.

**SEC. 709. DETERMINATION OF CONSTITUTIONALITY OF RESTRICTING THE DISSEMINATION OF BOMB-MAKING INSTRUCTIONAL MATERIALS.**

(a) STUDY.—The Attorney General, in consultation with such other officials and individuals as the Attorney General considers appropriate, shall conduct a study concerning—

(1) the extent to which there is available to the public material in any medium (including print, electronic, or film) that provides instruction on how to make bombs, destructive devices, or weapons of mass destruction;

(2) the extent to which information gained from such material has been used in incidents of domestic or international terrorism;

(3) the likelihood that such information may be used in future incidents of terrorism;

(4) the application of Federal laws in effect on the date of enactment of this Act to such material;

(5) the need and utility, if any, for additional laws relating to such material; and

(6) an assessment of the extent to which the first amendment protects such material and its private and commercial distribution.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to the Congress a report that contains the results of the study required by this section.

(2) AVAILABILITY.—The Attorney General shall make the report submitted under this subsection available to the public.

## Subtitle B—Criminal Procedures

### SEC. 721. CLARIFICATION AND EXTENSION OF CRIMINAL JURISDICTION OVER CERTAIN TERRORISM OFFENSES OVERSEAS.

(a) AIRCRAFT PIRACY.—Section 46502(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking “and later found in the United States”;

(2) so that paragraph (2) reads as follows:

“(2) There is jurisdiction over the offense in paragraph (1) if—

“(A) a national of the United States was aboard the aircraft;

“(B) an offender is a national of the United States; or

“(C) an offender is afterwards found in the United States.”;

and

(3) by inserting after paragraph (2) the following:

“(3) For purposes of this subsection, the term ‘national of the United States’ has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).”

(b) DESTRUCTION OF AIRCRAFT OR AIRCRAFT FACILITIES.—Section 32(b) of title 18, United States Code, is amended—

(1) by striking “, if the offender is later found in the United States,”; and

(2) by inserting at the end the following: “There is jurisdiction over an offense under this subsection if a national of the United States was on board, or would have been on board, the aircraft; an offender is a national of the United States; or an offender is afterwards found in the United States. For purposes of this subsection, the term ‘national of the United States’ has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act.”

(c) MURDER OF FOREIGN OFFICIALS AND CERTAIN OTHER PERSONS.—Section 1116 of title 18, United States Code, is amended—

(1) in subsection (b), by adding at the end the following:

“(7) ‘National of the United States’ has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).”; and

(2) in subsection (c), by striking the first sentence and inserting the following: “If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.”

(d) PROTECTION OF FOREIGN OFFICIALS AND CERTAIN OTHER PERSONS.—Section 112 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting “national of the United States,” before “and”; and

(2) in subsection (e), by striking the first sentence and inserting the following: “If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the

United States, or (3) an offender is afterwards found in the United States.”.

(e) THREATS AND EXTORTION AGAINST FOREIGN OFFICIALS AND CERTAIN OTHER PERSONS.—Section 878 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting “national of the United States,” before “and”; and

(2) in subsection (d), by striking the first sentence and inserting the following: “If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.”.

(f) KIDNAPPING OF INTERNATIONALLY PROTECTED PERSONS.—Section 1201(e) of title 18, United States Code, is amended—

(1) by striking the first sentence and inserting the following: “If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.”; and (2) by adding at the end the following: “For purposes of this subsection, the term ‘national of the United States’ has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).”.

(g) VIOLENCE AT INTERNATIONAL AIRPORTS.—Section 37(b)(2) of title 18, United States Code, is amended—

(1) by inserting “(A)” before “the offender is later found in the United States”; and

(2) by inserting “; or (B) an offender or a victim is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)))” after “the offender is later found in the United States”.

(h) BIOLOGICAL WEAPONS.—Section 178 of title 18, United States Code, is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding the following at the end:

“(5) the term ‘national of the United States’ has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).”.

**SEC. 722. CLARIFICATION OF MARITIME VIOLENCE JURISDICTION.**

Section 2280(b)(1)(A) of title 18, United States Code, is amended—

(1) in clause (ii), by striking “and the activity is not prohibited as a crime by the State in which the activity takes place”; and

(2) in clause (iii), by striking “the activity takes place on a ship flying the flag of a foreign country or outside the United States,”.

**SEC. 723. INCREASED AND ALTERNATE CONSPIRACY PENALTIES FOR TERRORISM OFFENSES.**

(a) TITLE 18 OFFENSES.—

(1) Sections 32(a)(7), 32(b)(4), 37(a), 115(a)(1)(A), 115(a)(2), 1203(a), 2280(a)(1)(H), and 2281(a)(1)(F) of title 18, United States Code, are each amended by inserting “or conspires” after “attempts”.

(2) Section 115(b)(2) of title 18, United States Code, is amended by striking “or attempted kidnapping” both places it appears and inserting “, attempted kidnapping, or conspiracy to kidnap”.

(3)(A) Section 115(b)(3) of title 18, United States Code, is amended by striking “or attempted murder” and inserting “, attempted murder, or conspiracy to murder”.

(B) Section 115(b)(3) of title 18, United States Code, is amended by striking “and 1113” and inserting “, 1113, and 1117”.

(b) AIRCRAFT PIRACY.—

(1) Section 46502(a)(2) of title 49, United States Code, is amended by inserting “or conspiring” after “attempting”.

(2) Section 46502(b)(1) of title 49, United States Code, is amended by inserting “or conspiring to commit” after “committing”.

**SEC. 724. CLARIFICATION OF FEDERAL JURISDICTION OVER BOMB THREATS.**

Section 844(e) of title 18, United States Code, is amended by striking “commerce,” and inserting “interstate or foreign commerce, or in or affecting interstate or foreign commerce,”.

**SEC. 725. EXPANSION AND MODIFICATION OF WEAPONS OF MASS DESTRUCTION STATUTE.**

Section 2332a of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting “AGAINST A NATIONAL OF THE UNITED STATES OR WITHIN THE UNITED STATES” after “OFFENSE”;

(B) by striking “uses, or attempts” and inserting “, without lawful authority, uses, threatens, or attempts”; and

(c) in paragraph (2), by inserting “, and the results of such use affect interstate or foreign commerce or, in the case of a threat, attempt, or conspiracy, would have affected interstate or foreign commerce” before the semicolon at the end;

(2) in subsection (b), by striking subparagraph (B) and inserting the following:

“(B) any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;”;

(3) by redesignating subsection (b) as subsection (c); and

(4) by inserting after subsection (a) the following new subsection:

“(b) OFFENSE BY NATIONAL OF THE UNITED STATES OUTSIDE OF THE UNITED STATES.—Any national of the United States who, without lawful authority, uses, or threatens, attempts, or conspires to use,

a weapon of mass destruction outside of the United States shall be imprisoned for any term of years or for life, and if death results, shall be punished by death, or by imprisonment for any term of years or for life.”

**SEC. 726. ADDITION OF TERRORISM OFFENSES TO THE MONEY LAUNDERING STATUTE.**

Section 1956(c)(7) of title 18, United States Code, is amended—  
(1) in subparagraph (B), by amending clause (ii) to read as follows:

“(ii) murder, kidnapping, robbery, extortion, or destruction of property by means of explosive or fire;” and  
(2) in subparagraph (D)—

(A) by inserting after “an offense under” the following: “section 32 (relating to the destruction of aircraft), section 37 (relating to violence at international airports), section 115 (relating to influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member),”;

(B) by inserting after “section 215 (relating to commissions or gifts for procuring loans),” the following: “section 351 (relating to congressional or Cabinet officer assassination),”;

(C) by inserting after “section 798 (relating to espionage),” the following: “section 831 (relating to prohibited transactions involving nuclear materials), section 844 (f) or (i) (relating to destruction by explosives or fire of Government property or property affecting interstate or foreign commerce),”;

(D) by inserting after “section 875 (relating to interstate communications),” the following: “section 956 (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country),”;

(E) by inserting after “section 1032 (relating to concealment of assets from conservator, receiver, or liquidating agent of financial institution),” the following: “section 1111 (relating to murder), section 1114 (relating to murder of United States law enforcement officials), section 1116 (relating to murder of foreign officials, official guests, or internationally protected persons),”;

(F) by inserting after “section 1203 (relating to hostage taking),” the following: “section 1361 (relating to willful injury of Government property), section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),”;

(G) by inserting after “section 1708 (relating to theft from the mail),” the following: “section 1751 (relating to Presidential assassination),”;

(H) by inserting after “2114 (relating to bank and postal robbery and theft),” the following: “section 2280 (relating to violence against maritime navigation), section 2281 (relating to violence against maritime fixed platforms),”;

(I) by striking “or section 2320” and inserting “section 2320”; and

(J) by striking “of this title” and inserting the following: “, section 2332 (relating to terrorist acts abroad against

United States nationals), section 2332a (relating to use of weapons of mass destruction), section 2332b (relating to international terrorist acts transcending national boundaries), or section 2339A (relating to providing material support to terrorists) of this title, section 46502 of title 49, United States Code.”

**SEC. 727. PROTECTION OF FEDERAL EMPLOYEES;  
PROTECTION OF CURRENT OR FORMER  
OFFICIALS, OFFICERS, OR EMPLOYEES OF THE  
UNITED STATES.**

(a) **HOMICIDE.**—Section 1114 of title 18, United States Code, is amended to read as follows:

**“§ 1114. Protection of officers and employees of the United States**

“Whoever kills or attempts to kill any officer or employee of the United States or of any agency in any branch of the United States Government (including any member of the uniformed services) while such officer or employee is engaged in or on account of the performance of official duties, or any person assisting such an officer or employee in the performance of such duties or on account of that assistance, shall be punished—

“(1) in the case of murder, as provided under section 1111;

“(2) in the case of manslaughter, as provided under section 1112; or

“(3) in the case of attempted murder or manslaughter, as provided in section 1113.”

(b) **THREATS AGAINST FORMER OFFICERS AND EMPLOYEES.**—

(1) **IN GENERAL.**—Section 115(a)(2) of title 18, United States Code, is amended by inserting “, or threatens to assault, kidnap, or murder, any person who formerly served as a person designated in paragraph (1), or” after “assaults, kidnaps, or murders, or attempts to kidnap or murder”.

(2) **LIMITATION.**—Section 115 of title 18, United States Code, is amended by adding at the end the following:

“(d) This section shall not interfere with the investigative authority of the United States Secret Service, as provided under sections 3056, 871, and 879 of this title.”

(c) **AMENDMENT TO CLARIFY THE MEANING OF THE TERM DEADLY OR DANGEROUS WEAPON IN THE PROHIBITION ON ASSAULT ON FEDERAL OFFICERS OR EMPLOYEES.**—Section 111(b) of title 18, United States Code, is amended by inserting “(including a weapon intended to cause death or danger but that fails to do so by reason of a defective component)” after “deadly or dangerous weapon”.

**SEC. 728. DEATH PENALTY AGGRAVATING FACTOR.**

Section 3592(c) of title 18, United States Code, is amended by inserting after paragraph (15) the following new paragraph:

“(16) **MULTIPLE KILLINGS OR ATTEMPTED KILLINGS.**—The defendant intentionally killed or attempted to kill more than one person in a single criminal episode.”

**SEC. 729. DETENTION HEARING.**

Section 3142(f) of title 18, United States Code, is amended by inserting “(not including any intermediate Saturday, Sunday, or legal holiday)” after “five days” and after “three days”.

**SEC. 730. DIRECTIONS TO SENTENCING COMMISSION.**

The United States Sentencing Commission shall forthwith, in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that section had not expired, amend the sentencing guidelines so that the chapter 3 adjustment relating to international terrorism only applies to Federal crimes of terrorism, as defined in section 2332b(g) of title 18, United States Code.

**SEC. 731. EXCLUSION OF CERTAIN TYPES OF INFORMATION FROM DEFINITIONS.**

Section 2510 of title 18, United States Code, is amended—

(1) in paragraph (12)—

- (A) by striking “or” at the end of subparagraph (B);
- (B) by adding “or” at the end of subparagraph (c); and
- (C) by adding at the end the following new subparagraph:

“(D) electronic funds transfer information stored by a financial institution in a communications system used for the electronic storage and transfer of funds;” and

(2) in paragraph (16)—

- (A) by adding “or” at the end of subparagraph (D);
- (B) by striking “or” at the end of subparagraph (E);

and

- (C) by striking subparagraph (F).

**SEC. 732. MARKING, RENDERING INERT, AND LICENSING OF EXPLOSIVE MATERIALS.**

(a) STUDY.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary of the Treasury (referred to in this section as the “Secretary”) shall conduct a study of—

- (A) the tagging of explosive materials for purposes of detection and identification;
- (B) the feasibility and practicability of rendering common chemicals used to manufacture explosive materials inert;
- (C) the feasibility and practicability of imposing controls on certain precursor chemicals used to manufacture explosive materials; and
- (D) State licensing requirements for the purchase and use of commercial high explosives, including—

- (i) detonators;
- (ii) detonating cords;
- (iii) dynamite;
- (iv) water gel;
- (v) emulsion;
- (vi) blasting agents; and
- (vii) boosters.

(2) EXCLUSION.—No study conducted under this subsection or regulation proposed under subsection (e) shall include black or smokeless powder among the explosive materials considered.

(b) CONSULTATION.—

(1) IN GENERAL.—In conducting the study under subsection (a), the Secretary shall consult with—

(A) Federal, State, and local officials with expertise in the area of chemicals used to manufacture explosive materials; and

(B) such other individuals as the Secretary determines are necessary.

(2) FERTILIZER RESEARCH CENTERS.—In conducting any portion of the study under subsection (a) relating to the regulation and use of fertilizer as a pre-explosive material, the Secretary of the Treasury shall consult with and receive input from non-profit fertilizer research centers.

(c) REPORT.—Not later than 30 days after the completion of the study conducted under subsection (a), the Secretary shall submit a report to the Congress, which shall be made public, that contains—

- (1) the results of the study;
- (2) any recommendations for legislation; and
- (3) any opinions and findings of the fertilizer research centers.

(d) HEARINGS.—Congress shall have not less than 90 days after the submission of the report under subsection (c) to—

- (1) review the results of the study; and
- (2) hold hearings and receive testimony regarding the recommendations of the Secretary.

(e) REGULATIONS.—

(1) IN GENERAL.—Not later than 6 months after the submission of the report required by subsection (c), the Secretary may submit to Congress and publish in the Federal Register draft regulations for the addition of tracer elements to explosive materials manufactured in or imported into the United States, of such character and in such quantity as the Secretary may authorize or require, if the results of the study conducted under subsection (a) indicate that the tracer elements—

- (A) will not pose a risk to human life or safety;
- (B) will substantially assist law enforcement officers in their investigative efforts;
- (C) will not substantially impair the quality of the explosive materials for their intended lawful use;
- (D) will not have a substantially adverse effect on the environment; and
- (E) the costs associated with the addition of the tracers will not outweigh benefits of their inclusion.

(2) EFFECTIVE DATE.—The regulations under paragraph (1) shall take effect 270 days after the Secretary submits proposed regulations to Congress pursuant to paragraph (1), except to the extent that the effective date is revised or the regulation is otherwise modified or disapproved by an Act of Congress.

## TITLE VIII—ASSISTANCE TO LAW ENFORCEMENT

### Subtitle A—Resources and Security

#### SEC. 801. OVERSEAS LAW ENFORCEMENT TRAINING ACTIVITIES.

The Attorney General and the Secretary of the Treasury are authorized to support law enforcement training activities in foreign

countries, in consultation with the Secretary of State, for the purpose of improving the effectiveness of the United States in investigating and prosecuting transnational offenses.

**SEC. 802. SENSE OF CONGRESS.**

It is the sense of the Congress that, whenever practicable, each recipient of any sum authorized to be appropriated by this Act, should use the money to purchase American-made products.

**SEC. 803. PROTECTION OF FEDERAL GOVERNMENT BUILDINGS IN THE DISTRICT OF COLUMBIA.**

The Attorney General and the Secretary of the Treasury may prohibit—

(1) any vehicles from parking or standing on any street or roadway adjacent to any building in the District of Columbia used by law enforcement authorities subject to their jurisdiction, that is in whole or in part owned, possessed, or leased to the Federal Government; and

(2) any person or entity from conducting business on any property immediately adjacent to any building described in paragraph (1).

**SEC. 804. REQUIREMENT TO PRESERVE RECORD EVIDENCE.**

Section 2703 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(f) REQUIREMENT TO PRESERVE EVIDENCE.—

“(1) IN GENERAL.—A provider of wire or electronic communication services or a remote computing service, upon the request of a governmental entity, shall take all necessary steps to preserve records and other evidence in its possession pending the issuance of a court order or other process.

“(2) PERIOD OF RETENTION.—Records referred to in paragraph (1) shall be retained for a period of 90 days, which shall be extended for an additional 90-day period upon a renewed request by the governmental entity.”

**SEC. 805. DETERRENT AGAINST TERRORIST ACTIVITY DAMAGING A FEDERAL INTEREST COMPUTER.**

(a) REVIEW.—Not later than 60 calendar days after the date of enactment of this Act, the United States Sentencing Commission shall review the deterrent effect of existing guideline levels as they apply to paragraphs (4) and (5) of section 1030(a) of title 18, United States Code.

(b) REPORT.—The United States Sentencing Commission shall prepare and transmit a report to the Congress on the findings under the study conducted under subsection (a).

(c) AMENDMENT OF GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the sentencing guidelines to ensure any individual convicted of a violation of paragraph (4) or (5) of section 1030(a) of title 18, United States Code, is imprisoned for not less than 6 months.

**SEC. 806. COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT.**

(a) ESTABLISHMENT.—There is established a commission to be known as the “Commission on the Advancement of Federal Law En-

forcement” (hereinafter in this section referred to as the “Commission”).

(b) DUTIES.—The Commission shall review, ascertain, evaluate, report, and recommend action to the Congress on the following matters:

(1) The Federal law enforcement priorities for the 21st century, including Federal law enforcement capability to investigate and deter adequately the threat of terrorism facing the United States.

(2) In general, the manner in which significant Federal criminal law enforcement operations are conceived, planned, coordinated, and executed.

(3) The standards and procedures used by Federal law enforcement to carry out significant Federal criminal law enforcement operations, and their uniformity and compatibility on an interagency basis, including standards related to the use of deadly force.

(4) The investigation and handling of specific Federal criminal law enforcement cases by the United States Government and the Federal law enforcement agencies therewith, selected at the Commission’s discretion.

(5) The necessity for the present number of Federal law enforcement agencies and units.

(6) The location and efficacy of the office or entity directly responsible, aside from the President of the United States, for the coordination on an interagency basis of the operations, programs, and activities of all of the Federal law enforcement agencies.

(7) The degree of assistance, training, education, and other human resource management assets devoted to increasing professionalism for Federal law enforcement officers.

(8) The independent accountability mechanisms that exist, if any, and their efficacy to investigate, address, and to correct Federal law enforcement abuses.

(9) The degree of coordination among law enforcement agencies in the area of international crime and the extent to which deployment of resources overseas diminishes domestic law enforcement.

(10) The extent to which Federal law enforcement agencies coordinate with State and local law enforcement agencies on Federal criminal enforcement operations and programs that directly affect a State or local law enforcement agency’s geographical jurisdiction.

(11) Such other related matters as the Commission deems appropriate.

(c) MEMBERSHIP AND ADMINISTRATIVE PROVISIONS.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 5 members appointed as follows:

(A) 1 member appointed by the President pro tempore of the Senate.

(B) 1 member appointed by the minority leader of the Senate.

(C) 1 member appointed by the Speaker of the House of Representatives.

(D) 1 member appointed by the minority leader of the House of Representatives.

(E) 1 member (who shall chair the Commission) appointed by the Chief Justice of the Supreme Court.

(2) DISQUALIFICATION.—A person who is an officer or employee of the United States shall not be appointed a member of the Commission.

(3) TERMS.—Each member shall be appointed for the life of the Commission.

(4) QUORUM.—3 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(5) MEETINGS.—The Commission shall meet at the call of the Chair of the Commission.

(6) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day, including travel time, during which the member is engaged in the performance of the duties of the Commission.

(d) STAFFING AND SUPPORT FUNCTIONS.—

(1) DIRECTOR.—The Commission shall have a director who shall be appointed by the Chair of the Commission.

(2) STAFF.—Subject to rules prescribed by the Commission, the Director may appoint additional personnel as the Commission considers appropriate.

(3) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(e) POWERS.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purposes of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it. The Commission may establish rules for its proceedings.

(2) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chair of the Commission, the head of that department or agency shall furnish that information to the Commission, unless doing so would threaten the national security, the health or safety of any individual, or the integrity of an ongoing investigation.

(4) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this title.

(f) REPORT.—The Commission shall transmit a report to the Congress and the public not later than 2 years after a quorum of the Commission has been appointed. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with the Commission's recommendations for such actions as the Commission considers appropriate.

(g) TERMINATION.—The Commission shall terminate 30 days after submitting the report required by this section.

**SEC. 807. COMBATTING INTERNATIONAL COUNTERFEITING OF UNITED STATES CURRENCY.**

(a) IN GENERAL.—The Secretary of the Treasury (hereafter in this section referred to as the "Secretary"), in consultation with the advanced counterfeit deterrence steering committee, shall—

(1) study the use and holding of United States currency in foreign countries; and

(2) develop useful estimates of the amount of counterfeit United States currency that circulates outside the United States each year.

(b) EVALUATION AUDIT PLAN.—

(1) IN GENERAL.—The Secretary shall develop an effective international evaluation audit plan that is designed to enable the Secretary to carry out the duties described in subsection (a) on a regular and thorough basis.

(2) SUBMISSION OF DETAILED WRITTEN SUMMARY.—The Secretary shall submit a detailed written summary of the evaluation audit plan developed pursuant to paragraph (1) to the Congress before the end of the 6-month period beginning on the date of the enactment of this Act.

(3) FIRST EVALUATION AUDIT UNDER PLAN.—The Secretary shall begin the first evaluation audit pursuant to the evaluation audit plan no later than the end of the 1-year period beginning on the date of the enactment of this Act.

(4) SUBSEQUENT EVALUATION AUDITS.—At least 1 evaluation audit shall be performed pursuant to the evaluation audit plan during each 3-year period beginning after the date of the commencement of the evaluation audit referred to in paragraph (3).

(c) REPORTS.—

(1) IN GENERAL.—The Secretary shall submit a written report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the results of each evaluation audit conducted pursuant to subsection (b) within 90 days after the completion of the evaluation audit.

(2) CONTENTS.—In addition to such other information as the Secretary may determine to be appropriate, each report submitted to the Congress pursuant to paragraph (1) shall include the following information:

(A) A detailed description of the evaluation audit process and the methods used to develop estimates of the amount of counterfeit United States currency in circulation outside the United States.

(B) The method used to determine the currency sample examined in connection with the evaluation audit and a statistical analysis of the sample examined.

(C) A list of the regions of the world, types of financial institutions, and other entities included.

(D) An estimate of the total amount of United States currency found in each region of the world.

(E) The total amount of counterfeit United States currency and the total quantity of each counterfeit denomination found in each region of the world.

(3) CLASSIFICATION OF INFORMATION.—

(A) IN GENERAL.—To the greatest extent possible, each report submitted to the Congress under this subsection shall be submitted in an unclassified form.

(B) CLASSIFIED AND UNCLASSIFIED FORMS.—If, in the interest of submitting a complete report under this subsection, the Secretary determines that it is necessary to include classified information in the report, the report shall be submitted in a classified and an unclassified form.

(d) SUNSET PROVISION.—This section shall cease to be effective as of the end of the 10-year period beginning on the date of the enactment of this Act.

(e) RULE OF CONSTRUCTION.—No provision of this section shall be construed as authorizing any entity to conduct investigations of counterfeit United States currency.

(f) FINDINGS.—The Congress hereby finds the following:

(1) United States currency is being counterfeited outside the United States.

(2) The One Hundred Third Congress enacted, with the approval of the President on September 13, 1994, section 470 of title 18, United States Code, making such activity a crime under the laws of the United States.

(3) The expeditious posting of agents of the United States Secret Service to overseas posts, which is necessary for the effective enforcement of section 470 and related criminal provisions, has been delayed.

(4) While section 470 of title 18, United States Code, provides for a maximum term of imprisonment of 20 years as opposed to a maximum term of 15 years for domestic counterfeiting, the United States Sentencing Commission has failed to provide, in its sentencing guidelines, for an appropriate enhancement of punishment for defendants convicted of counterfeiting United States currency outside the United States.

(g) TIMELY CONSIDERATION OF REQUESTS FOR CONCURRENCE IN CREATION OF OVERSEAS POSTS.—

(1) IN GENERAL.—The Secretary of State shall—

(A) consider in a timely manner the request by the Secretary of the Treasury for the placement of such number of agents of the United States Secret Service as the Secretary of the Treasury considers appropriate in posts in overseas embassies; and

(B) reach an agreement with the Secretary of the Treasury on such posts as soon as possible and, in any event, not later than December 31, 1996.

(2) COOPERATION OF TREASURY REQUIRED.—The Secretary of the Treasury shall promptly provide any information requested by the Secretary of State in connection with such requests.

(3) **REPORTS REQUIRED.**—The Secretary of the Treasury and the Secretary of State shall each submit, by February 1, 1997, a written report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate explaining the reasons for the rejection, if any, of any proposed post and the reasons for the failure, if any, to fill any approved post by such date.

(h) **ENHANCED PENALTIES FOR INTERNATIONAL COUNTERFEITING OF UNITED STATES CURRENCY.**—Pursuant to the authority of the United States Sentencing Commission under section 994 of title 28, United States Code, the Commission shall amend the sentencing guidelines prescribed by the Commission to provide an appropriate enhancement of the punishment for a defendant convicted under section 470 of title 18 of such Code.

**SEC. 808. COMPILATION OF STATISTICS RELATING TO INTIMIDATION OF GOVERNMENT EMPLOYEES.**

(a) **FINDINGS.**—The Congress finds that—

(1) threats of violence and acts of violence against Federal, State, and local government employees and their families are increasing as the result of attempts to stop public servants from performing their lawful duties;

(2) these acts are a danger to the constitutional form of government of the United States; and

(3) more information is needed relating to the extent and nature of the danger to these employees and their families so that actions can be taken to protect public servants at all levels of government in the performance of their duties.

(b) **STATISTICS.**—The Attorney General shall collect data, for the calendar year 1990 and each succeeding calendar year thereafter, relating to crimes and incidents of threats of violence and acts of violence against Federal, State, and local government employees and their families in the performance of their lawful duties. Such data shall include—

(1) in the case of crimes against such employees and their families, the nature of the crime; and

(2) in the case of incidents of threats of violence and acts of violence, including verbal and implicit threats against such employees and their families, the deterrent effect on the performance of their jobs.

(c) **GUIDELINES.**—The Attorney General shall establish guidelines for the collection of the data under subsection (b), including a definition of the sufficiency of evidence of noncriminal incidents required to be reported.

(d) **USE OF DATA.**—

(1) **ANNUAL PUBLISHING.**—The Attorney General shall publish an annual summary of the data collected under this section.

(2) **USE OF DATA.**—Except with respect to the summary published under paragraph (1), data collected under this section shall be used only for research and statistical purposes.

(e) **EXEMPTION.**—The Attorney General, the Secretary of State, and the United States Secret Service is not required to participate in any statistical reporting activity under this section with respect to any direct or indirect threat made against any individual for whom that official or Service is authorized to provide protection.

**SEC. 809. ASSESSING AND REDUCING THE THREAT TO LAW ENFORCEMENT OFFICERS FROM THE CRIMINAL USE OF FIREARMS AND AMMUNITION.**

(a) The Secretary of the Treasury, in conjunction with the Attorney General, shall conduct a study and make recommendations concerning—

(1) the extent and nature of the deaths and serious injuries, in the line of duty during the last decade, for law enforcement officers, including—

(A) those officers who were feloniously killed or seriously injured and those that died or were seriously injured as a result of accidents or other non-felonious causes;

(B) those officers feloniously killed or seriously injured with firearms, those killed or seriously injured with, separately, handguns firing handgun caliber ammunition, handguns firing rifle caliber ammunition, rifles firing rifle caliber ammunition, rifles firing handgun caliber ammunition and shotguns;

(C) those officers feloniously killed or seriously injured with firearms, and killings or serious injuries committed with firearms taken by officers' assailants from officers, and those committed with other officers' firearms; and

(D) those killed or seriously injured because shots attributable to projectiles defined as "armor piercing ammunition" under section 921(a)(17)(B) (i) and (ii) of title 18, United States Code, pierced the protective material of bullet resistant vests and bullet resistant headgear;

(2) whether current passive defensive strategies, such as body armor, are adequate to counter the criminal use of firearms against law officers; and

(3) the calibers of ammunition that are—

(A) sold in the greatest quantities;

(B) their common uses, according to consultations with industry, sporting organizations and law enforcement;

(C) the calibers commonly used for civilian defensive or sporting uses that would be affected by any prohibition on non-law enforcement sales of such ammunition, if such ammunition is capable of penetrating minimum level bullet resistant vests; and

(D) recommendations for increase in body armor capabilities to further protect law enforcement from threat.

(b) In conducting the study, the Secretary shall consult with other Federal, State and local officials, non-governmental organizations, including all national police organizations, national sporting organizations and national industry associations with expertise in this area and such other individuals as shall be deemed necessary. Such study shall be presented to Congress twelve months after the enactment of this Act and made available to the public, including any data tapes or data used to form such recommendations.

(c) There are authorized to be appropriated for the study and recommendations such sums as may be necessary.

**SEC. 810. STUDY AND REPORT ON ELECTRONIC SURVEILLANCE.**

(a) **STUDY.**—The Attorney General and the Director of the Federal Bureau of Investigation shall study all applicable laws and guidelines relating to electronic surveillance and the use of pen registers and other trap and trace devices.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a report to the Congress that includes—

(1) the findings of the study conducted pursuant to subsection (a);

(2) recommendations for the use of electronic devices in conducting surveillance of terrorist or other criminal organizations, and for any modifications in the law necessary to enable the Federal Government to fulfill its law enforcement responsibilities within appropriate constitutional parameters;

(3) a summary of instances in which Federal law enforcement authorities may have abused electronic surveillance powers and recommendations, if needed, for constitutional safeguards relating to the use of such powers; and

(4) a summary of efforts to use current wiretap authority, including detailed examples of situations in which expanded authority would have enabled law enforcement authorities to fulfill their responsibilities.

## Subtitle B—Funding Authorizations for Law Enforcement

### SEC. 811. FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—With funds made available pursuant to subsection (c)—

(1) the Attorney General shall—

(A) provide support and enhance the technical support center and tactical operations of the Federal Bureau of Investigation;

(B) create a Federal Bureau of Investigation counterterrorism and counterintelligence fund for costs associated with the investigation of cases involving cases of terrorism;

(C) expand and improve the instructional, operational support, and construction of the Federal Bureau of Investigation Academy;

(D) construct a Federal Bureau of Investigation laboratory, provide laboratory examination support, and provide for a command center;

(E) make grants to States to carry out the activities described in subsection (b); and

(F) increase personnel to support counterterrorism activities; and

(2) the Director of the Federal Bureau of Investigation may expand the combined DNA Identification System (CODIS) to include Federal crimes and crimes committed in the District of Columbia.

(b) STATE GRANTS.—

(1) AUTHORIZATION.—The Attorney General, in consultation with the Director of the Federal Bureau of Investigation, may make grants to each State eligible under paragraph (2) to be used by the chief executive officer of the State, in conjunction with units of local government, other States, or any combination thereof, to carry out all or part of a program to establish, develop, update, or upgrade—

(A) computerized identification systems that are compatible and integrated with the databases of the National Crime Information Center of the Federal Bureau of Investigation;

(B) the capability to analyze deoxyribonucleic acid (DNA) in a forensic laboratory in ways that are compatible and integrated with the combined DNA Identification System (CODIS) of the Federal Bureau of Investigation; and

(C) automated fingerprint identification systems that are compatible and integrated with the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation.

(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, a State shall require that each person convicted of a felony of a sexual nature shall provide to appropriate State law enforcement officials, as designated by the chief executive officer of the State, a sample of blood, saliva, or other specimen necessary to conduct a DNA analysis consistent with the standards established for DNA testing by the Director of the Federal Bureau of Investigation.

(3) INTERSTATE COMPACTS.—A State may enter into a compact or compacts with another State or States to carry out this subsection.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for the activities of the Federal Bureau of Investigation, to help meet the increased demands for activities to combat terrorism—

- (A) \$114,000,000 for fiscal year 1997;
- (B) \$166,000,000 for fiscal year 1998;
- (C) \$96,000,000 for fiscal year 1999; and
- (D) \$92,000,000 for fiscal year 2000.

(2) AVAILABILITY OF FUNDS.—Funds made available pursuant to paragraph (1), in any fiscal year, shall remain available until expended.

(3) ALLOCATION.—

(A) IN GENERAL.—Of the total amount appropriated to carry out subsection (b) in a fiscal year—

(i) the greater of 0.25 percent of such amount or \$500,000 shall be allocated to each eligible State; and

(ii) of the total funds remaining after the allocation under clause (i), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of such State bears to the population of all States.

(B) DEFINITION.—For purposes of this paragraph, the term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, except that for purposes of the allocation under this subparagraph, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as one State and that for these purposes, 67 percent of the amounts allocated shall be

allocated to American Samoa, and 33 percent to the Commonwealth of the Northern Mariana Islands.

**SEC. 812. UNITED STATES CUSTOMS SERVICE.**

(a) **IN GENERAL.**—There are authorized to be appropriated for the activities of the United States Customs Service, to help meet the increased needs of the United States Customs Service—

- (1) \$8,000,000 for fiscal year 1997;
- (2) \$8,000,000 for fiscal year 1998;
- (3) \$8,000,000 for fiscal year 1999; and
- (4) \$7,000,000 for fiscal year 2000.

(b) **AVAILABILITY OF FUNDS.**—Funds made available pursuant to subsection (a), in any fiscal year, shall remain available until expended.

**SEC. 813. IMMIGRATION AND NATURALIZATION SERVICE.**

(a) **IN GENERAL.**—There are authorized to be appropriated for the activities of the Immigration and Naturalization Service, to help meet the increased needs of the Immigration and Naturalization Service, including the detention and removal of alien terrorists, \$5,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.

(b) **AVAILABILITY OF FUNDS.**—Funds made available pursuant to subsection (a), in any fiscal year, shall remain available until expended.

**SEC. 814. DRUG ENFORCEMENT ADMINISTRATION.**

(a) **ACTIVITIES OF DRUG ENFORCEMENT ADMINISTRATION.**—The Attorney General shall use funds made available pursuant to subsection (b) to—

- (1) fund antiviolenace crime initiatives;
- (2) fund initiatives to address major violators of Federal antidrug statutes; and
- (3) enhance or replace infrastructure of the Drug Enforcement Administration.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Drug Enforcement Administration, to help meet the increased needs of the Drug Enforcement Administration—

- (1) \$35,000,000 for fiscal year 1997;
- (2) \$40,000,000 for fiscal year 1998;
- (3) \$45,000,000 for fiscal year 1999; and
- (4) \$52,000,000 for fiscal year 2000.

(c) **AVAILABILITY OF FUNDS.**—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

**SEC. 815. DEPARTMENT OF JUSTICE.**

(a) **IN GENERAL.**—The Attorney General shall use funds made available pursuant to subsection (b) to—

- (1) hire additional Assistant United States Attorneys and attorneys within the Criminal Division of the Department of Justice; and
- (2) provide for increased security at courthouses and other facilities in which Federal workers are employed.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

- (1) \$10,000,000 for fiscal year 1997;
- (2) \$10,000,000 for fiscal year 1998;

(3) \$10,000,000 for fiscal year 1999; and

(4) \$11,000,000 for fiscal year 2000.

(c) AVAILABILITY OF FUNDS.—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

(d) EXEMPTION AUTHORITY.—Notwithstanding any other provision of law, section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993 (Public Law 102-395), shall remain in effect until specifically repealed, subject to any limitation on appropriations contained in any Department of Justice Appropriation Authorization Act.

(e) GENERAL REWARD AUTHORITY OF THE ATTORNEY GENERAL.—

(1) IN GENERAL.—Chapter 203 of title 18, United States Code, is amended by adding immediately after section 3059A the following section:

**“§ 3059B. General reward authority**

“(a) Notwithstanding any other provision of law, the Attorney General may pay rewards and receive from any department or agency funds for the payment of rewards under this section to any individual who assists the Department of Justice in performing its functions.

“(b) Not later than 30 days after authorizing a reward under this section that exceeds \$100,000, the Attorney General shall give notice to the respective chairmen of the Committees on Appropriations and the Committees on the Judiciary of the Senate and the House of Representatives.

“(c) A determination made by the Attorney General to authorize an award under this section and the amount of any reward authorized shall be final and conclusive, and not subject to judicial review.”

**SEC. 816. DEPARTMENT OF THE TREASURY.**

(a) IN GENERAL.—There are authorized to be appropriated for Department of Treasury law enforcement agencies engaged in counterterrorism efforts to augment those efforts—

- (1) \$10,000,000 for fiscal year 1997;
- (2) \$10,000,000 for fiscal year 1998;
- (3) \$10,000,000 for fiscal year 1999; and
- (4) \$10,000,000 for fiscal year 2000.

(b) UNITED STATES SECRET SERVICE.—There are authorized to be appropriated for the activities of the United States Secret Service, to augment White House security and expand Presidential protection activities—

- (1) \$11,000,000 for fiscal year 1997;
- (2) \$11,000,000 for fiscal year 1998;
- (3) \$13,000,000 for fiscal year 1999; and
- (4) \$15,000,000 for fiscal year 2000.

**SEC. 817. UNITED STATES PARK POLICE.**

(a) IN GENERAL.—There are authorized to be appropriated for the activities of the United States Park Police, to help meet the increased needs of the United States Park Police, \$500,000 for each of the fiscal years 1997, 1998, 1999, and 2000.

(b) AVAILABILITY OF FUNDS.—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

**SEC. 818. THE JUDICIARY.**

(a) **IN GENERAL.**—There are authorized to be appropriated to the Federal judiciary, to help meet the increased demands for judicial branch activities, including supervised release, and pretrial and probation services, resulting from the enactment of this Act—

- (1) \$10,000,000 for fiscal year 1997;
- (2) \$10,000,000 for fiscal year 1998;
- (3) \$10,000,000 for fiscal year 1999; and
- (4) \$11,000,000 for fiscal year 2000.

(b) **AVAILABILITY OF FUNDS.**—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

**SEC. 819. LOCAL FIREFIGHTER AND EMERGENCY SERVICES TRAINING.**

(a) **GRANT AUTHORIZATION.**—The Attorney General, in consultation with the Director of the Federal Emergency Management Agency, may make grants to provide specialized training and equipment to enhance the capability of metropolitan fire and emergency service departments to respond to terrorist attacks.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for fiscal year 1997, \$5,000,000 to carry out this section.

**SEC. 820. ASSISTANCE TO FOREIGN COUNTRIES TO PROCURE EXPLOSIVE DETECTION DEVICES AND OTHER COUNTERTERRORISM TECHNOLOGY.**

There are authorized to be appropriated to the National Institute of Justice Office of Science and Technology not more than \$10,000,000 for each of the fiscal years 1997 and 1998 to provide assistance to foreign countries facing an imminent danger of terrorist attack that threatens the national interest of the United States, or puts United States nationals at risk, in—

- (1) obtaining explosive detection devices and other counterterrorism technology;
- (2) conducting research and development projects on such technology; and
- (3) testing and evaluating counterterrorism technologies in those countries.

**SEC. 821. RESEARCH AND DEVELOPMENT TO SUPPORT COUNTERTERRORISM TECHNOLOGIES.**

There are authorized to be appropriated to the National Institute of Justice Office of Science and Technology not more than \$10,000,000 for fiscal year 1997, to—

- (1) develop technologies that can be used to combat terrorism, including technologies in the areas of—
  - (A) detection of weapons, explosives, chemicals, and persons;
  - (B) tracking;
  - (C) surveillance;
  - (D) vulnerability assessment; and
  - (E) information technologies;
- (2) develop standards to ensure the adequacy of products produced and compatibility with relevant national systems; and
- (3) identify and assess requirements for technologies to assist State and local law enforcement in the national program to combat terrorism.

**SEC. 822. GRANTS TO STATE AND LOCAL LAW ENFORCEMENT FOR TRAINING AND EQUIPMENT.**

(a) AMENDMENT OF BYRNE GRANT PROGRAM.—Section 501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)) is amended—

- (1) by striking “and” at the end of paragraph (24);
- (2) by striking the period at the end of paragraph (25) and inserting “; and”; and
- (3) by adding at the end the following new paragraph:
 

“(26) to develop and implement antiterrorism training programs and to procure equipment for use by local law enforcement authorities.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$25,000,000 for each of fiscal years 1997 through 2000 for grants under section 501 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)) to be used for the development and implementation of antiterrorism training programs and to procure equipment for use by local law enforcement authorities.

**SEC. 823. FUNDING SOURCE.**

Appropriations for activities authorized in this subtitle may be made from the Violent Crime Reduction Trust Fund.

**TITLE IX—MISCELLANEOUS****SEC. 901. EXPANSION OF TERRITORIAL SEA.**

(a) TERRITORIAL SEA EXTENDING TO TWELVE MILES INCLUDED IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.—The Congress declares that all the territorial sea of the United States, as defined by Presidential Proclamation 5928 of December 27, 1988, for purposes of Federal criminal jurisdiction is part of the United States, subject to its sovereignty, and is within the special maritime and territorial jurisdiction of the United States for the purposes of title 18, United States Code.

(b) ASSIMILATED CRIMES IN EXTENDED TERRITORIAL SEA.—Section 13 of title 18, United States Code, is amended—

- (1) in subsection (a), by inserting after “title,” the following: “or on, above, or below any portion of the territorial sea of the United States not within the jurisdiction of any State, Commonwealth, territory, possession, or district”; and
- (2) by adding at the end the following new subsection:

“(c) Whenever any waters of the territorial sea of the United States lie outside the territory of any State, Commonwealth, territory, possession, or district, such waters (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) shall be deemed, for purposes of subsection (a), to lie within the area of the State, Commonwealth, territory, possession, or district that it would lie within if the boundaries of such State, Commonwealth, territory, possession, or district were extended seaward to the outer limit of the territorial sea of the United States.”.

**SEC. 902. PROOF OF CITIZENSHIP**

Notwithstanding any other provision of law, a Federal, State, or local government agency may not use a voter registration card (or other related document) that evidences registration for an election

for Federal office, as evidence to prove United States citizenship.

**SEC. 903. REPRESENTATION FEES IN CRIMINAL CASES.**

(a) IN GENERAL.—Section 3006A of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(B) by inserting after paragraph (3) the following:

“(4) DISCLOSURE OF FEES.—The amounts paid under this subsection, for representation in any case, shall be made available to the public.”; and

(2) in subsection (e) by adding at the end the following:

“(4) DISCLOSURE OF FEES.—The amounts paid under this subsection for services in any case shall be made available to the public.”.

(b) FEES AND EXPENSES AND CAPITAL CASES.—Section 408(q)(10) of the Controlled Substances Act (21 U.S.C. 848(q)(10)) is amended to read as follows:

“(10)(A) Compensation shall be paid to attorneys appointed under this subsection at a rate of not more than \$125 per hour for in-court and out-of-court time. Not less than 3 years after the date of the enactment of the Antiterrorism and Effective Death Penalty Act of 1996, the Judicial Conference is authorized to raise the maximum for hourly payment specified in the paragraph up to the aggregate of the overall average percentages of the adjustments in the rates of pay for the General Schedule made pursuant to section 5305 of title 5 on or after such date. After the rates are raised under the preceding sentence, such hourly range may be raised at intervals of not less than one year, up to the aggregate of the overall average percentages of such adjustments made since the last raise under this paragraph.

“(B) Fees and expenses paid for investigative, expert, and other reasonably necessary services authorized under paragraph (9) shall not exceed \$7,500 in any case, unless payment in excess of that limit is certified by the court, or by the United States magistrate judge, if the services were rendered in connection with the case disposed of entirely before such magistrate judge, as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the circuit. The chief judge of the circuit may delegate such approval authority to an active circuit judge.

“(C) The amounts paid under this paragraph for services in any case shall be disclosed to the public, after the disposition of the petition.”.

(c) EFFECTIVE DATE.—The amendments made by this section apply to—

(1) cases commenced on or after the date of the enactment of this Act; and

(2) appellate proceedings, in which an appeal is perfected, on or after the date of the enactment of this Act.



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**SEC. 904. SEVERABILITY.**

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.



## APPENDIX F: THE TRUTH ABOUT MILITIAS

"The Truth About Militias," by William Cooper and Betty Schier, CAJI News Service, *Veritas*, Issue No. 3, May 9, 1995, pages 1, 11, and 13.

Words have meaning. There is a process which we may use to determine the specific meaning of "militia" both in the language and under the law. The 1971 edition of *The Compact Edition of the Oxford English Dictionary* defines:

Militia—1. A system of military discipline, organization, and tactics; manner of conducting warfare; the arts of war. 2. The control and administration of the military and naval forces of a country. 3. A military force, esp. the body of soldiers in the service of a sovereign or a state; in later use employed in more restricted sense to denote a "citizen army" as distinguished from a body of mercenaries or professional soldiers. 4.b. U.S. "The whole body of men declared by law amendable to military service, without enlistment, whether armed and drilled or not."

Militia—To call out as militia.

Militiaman—A member of a military force.

*Black's Law Dictionary* further defines these terms. Bear in mind that words have meaning. Under the law the words may not mean what you think. Also, you will note in the following definition that the Militia is not subordinate to the state or any other body. The body of citizens, in fact, constitute the body of authority to which the Militia answers.

Militia—The body of citizens in a state, enrolled for discipline as a military force, but not engaged in actual service except in emergencies, as distinguished from regular troops, or a standing army. *State v. Dawson*, 272 N.C. 535, 159 S.E.2d 1, 9

Militiamen—Comprehends every temporary citizen-soldier who in time of war or emergency enters active military service of the country. *Critchlow v. Monson*, 102 Utah 378 131 P.2d 794, 798

The first U.S. document in law is "The unanimous Declaration of the thirteen united States of America." It sets out the reasons and justifications for our separation from England and the Revolutionary War that followed. The document places the decision and the power in the hands of the people, and was clearly meant to be enforced by the Militia, a citizens army. That army, the Continental Army of the Republic, won our Independence. The Declaration of Independence clearly states:

That whenever any form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and

to institute new Government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. ...

But when a long train of abuses and usurpations, pursuing invariably the same Object, evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future Security.

It becomes much clearer. Our Founding Fathers discussed the meaning and purpose of the Militia frequently. I suggest you read the whole of the *Federalist Papers*, No. 24 through 34. You will find a complete argument for the Militia as a "citizens army" consisting of "the whole of the people," designed to allay the public fears of a despotic central government. The following statements, among many others, may be found:

If the representatives of the people betray their constituents, there is then no resource left but in the exertion of that original right of self-defense which is paramount to all positive forms of government. ... *Federalist Papers*, No. 28, Section 8

It may safely be received as an axiom in our political system that the state governments will, in all possible contingencies, afford complete security against the invasions of public liberty by the national authority. *Federalist Papers*, No. 8, Section 8

The Constitution for the United States of America is the Supreme Law of the land. It recognizes the Militia as an already existing force outside the control of the federal government but allows for the Congress to call forth the Militia for only three very specific occurrences. The Militia cannot be called up to perform any other acts outside of the three specifically stated in the Constitution. The Militia cannot be called upon to do anything un-Constitutional, illegal, or unlawful. Indeed, the commanders must refuse any un-Constitutional, illegal, or unlawful order. The Constitution for the united States of America states in Article 1, Section 8:

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of Officers, and the Authority of training the Militia according to the discipline prescribed by Congress. ...

Still fearful of an oppressive central government, the states rejected the Constitution. They finally agreed to adopt the instrument, but only after penning further safeguards; to protect the individual and the several states,

10 amendments were added, which came to be known as the Bill of Rights. The Preamble of those amendments and Article 2 are of particular note:

Preamble—The conventions of a number of the States having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added; and as extending the ground of public confidence in the Government, will best insure the beneficent ends of its institution.

Article II—A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Because freedom, yours and mine, is ultimately dependent upon the rights guaranteed by all these words, all with specific meaning, it is imperative that we understand the meaning. A militia is an armed citizenry which, according to the *American Heritage Dictionary*, "is not a part of the regular armed forces, but is on call for service in an emergency." *The Federalist Papers* show that the "militia," referred to in the Second Amendment, is "the armed citizenry." It is the right of the "people," not the right of any government entity, which is protected.

"The security of a free state" clearly presupposes that the state (the citizenry) is free, and needs to secure that freedom by defending the Constitution for the United States—the guarantor of that freedom—"against all enemies, foreign and domestic," the oath I took twice when I entered the Air Force, and then the Navy.

"Enemies foreign" obviously refers to entities or governments not of our country. "Enemies domestic" can only refer to an entity or government of our country, i.e., a government which would choose to make itself an enemy of the people by depriving its citizens of their Constitutionally protected natural rights. This is called tyranny. The primary reason for, and purpose of, a militia, an armed citizenry—a militia available to a government of the people but beyond the purview of a government against the people is to secure the freedom of the people—against such a government.

The active clause in the second Article in amendment is "the right of the people to keep and bear Arms, shall not be infringed." "A well regulated Militia, being necessary to the security of a free State," is the descriptive clause. The meaning is clear.

The Militia, as you have just learned, is a "citizens army" made up of the "whole of the people" for the purpose of guarding against "betrayal by their representatives," to "afford complete security against the invasions of public liberty by the national authority," and if either occurs it is their right, their

duty, "to throw off such government, and to provide new guards for their future security." And that is not all ...

Jon Roland puts it this way:

Some commit the *non sequitur* that reserving the training of militias and the training of their officers to the states, as provided in Article 1, Section 8, Para. 16, means delegating an exclusive power to the state governments. It is clear from the language, and from historical analysis of the development of the Constitution that "reserving to the states" only means the power is denied to the national government. For the Framers, the State was the "people of the state," not the "government of the state." When they wanted to indicate the government of a state, they used the language "Legislature of the State," as they did in Article 1, Section 8, Para. 17. It was left to the people of each state to decide what powers, if any, to delegate to their state government for organizing and training militias and for the appointment of the officers.

In the absence of such delegation of authority, under common law and established practice during the period in which the Constitution was adopted, the authority defaults to local communities. The practice was for militias to be organized by county or township, usually under the authority of the highest elected law enforcement official, such as the sheriff or constable. However, any credible person could call up the militia, as Paul Revere did during his famous midnight ride.

My domicile is in Arizona. I cannot cover the Constitution and statutes of every state, so I will cover Arizona as representative of the average state. You should make a thorough study of the Constitution and statutes of your particular state because while most are essentially the same there are a few states with major differences, such as New York. The Constitution of Arizona states:

Article 2, Bearing Arms—Section 26. The right of the individual citizen to bear arms in defense of himself or the State shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain, or employ an armed body of men.

The laws of the state of Arizona are clear. Under Title 26, Article 2, Militia, Section 26-121 it outlines the composition of the militia and the persons exempt. Notice who is exempt. And understand that the definition of exempt in the law means prohibited. Those prohibited are the very ones who might betray the people. They therefore cannot be allowed to function as members of the militia, the last refuge of the people against tyranny.

The militia of the state of Arizona consists of all able-bodied citizens of the state between the ages of eighteen and forty-five years and

all residents of the state between such ages who have declared their intention to become citizens of the United States, except: "1. Persons exempted by the laws of the state or the United States. 2. Idiots, lunatics, totally blind persons and persons convicted of infamous crimes. 3. Judges and clerks of courts of record. 4. State and county civil officers holding office by election, and members of the legislature.

Title 26, Section 26-122. Components of militia—A. The militia is divided into the national guard of Arizona, the state guard when organized, and the unorganized militia. ... E. The unorganized militia consists of members of the militia not members of the national guard or state guard when organized.

Most people would stop here—that is, if they even got this far. But there is more, a lot more. The United States has a militia. It is outlined in the United States Code. We will use the 1988 edition, Volume Three, Title 10—Armed Forces:

Chapter 13—The Militia, Section 311, Militia: composition and classes—(a) The militia of the United States consists of all able-bodied males at least 17 years of age and except as provided in section 313 of title 32, under 45 years of age and who are, or who have made a declaration of intention to become, citizens of the United States and of female citizens of the United States who are commissioned officers of the National Guard. (b) The classes of the militia are—(1) the organized militia, which consists of the National Guard and the Naval Militia; and (2) the unorganized militia, which consists of the members of the militia who are not members of the National Guard or the Naval Militia.

So you see, there is a lot to this militia stuff. It goes on to list virtually the same and more exempted persons and for the same reasons as Arizona. Title 32 mentioned above makes persons who were honorably discharged from the armed forces members of the militia until the age of 64, the maximum age that one may become a member of the National Guard, up until no longer physically or mentally able to serve. Read all this yourself for a complete understanding. It is both easier to understand than you think and much more complicated than you ever dreamed.

There are many militias. The first is, and always will be, the Militia of the "whole of the people," armed to protect themselves from betrayal by their representatives and from a government that might become, or has become, a tyrant. The second, third, and fourth is the militia of the state, the national guard, state guard, and the unorganized militia of the several states of the union. The fifth, sixth, and seventh is the United states militia, the National Guard, Naval militia, and the unorganized militia of the federal government, its possessions, territories, and trusts.

Thomas Jefferson, in a letter to James Madison, said that “a bill of rights is what the people are entitled to against every government on earth, general and particular. ...” Again, in his First Inaugural Address, he included among the “essential principles of our government” ... a well-disciplined militia—[and] the supremacy of the civil over the military authority: ... and should we wander from [these principles] in moments of error and alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety.”

18 USCS, Section 1385—Use of Army and Air Force as posse comitatus—Whoever, except in cases and under circumstances expressly authorized by the constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined not more than \$10,000 or imprisoned not more than two years, or both. (added Aug. 10, 1956, ch. 1041, Section 18(a), 70 A Stat. 626; June 25, 1959, P.L. 86-70, Section 17(d), 73 Stat. 144.)

We the people, the citizenry, have both a right and a responsibility, a duty, individually and collectively, to keep and bear arms, in order to defend ourselves against all enemies of our Constitution and the rights and freedoms thereby guaranteed. What kind of arms? Any kind it takes! Obviously, arms must be kept and borne in a responsible manner in order to serve the Constitutionally stated need and purpose.

The Second Amendment is not concerned, as some absurdly would suggest, with hunting and sporting rights, albeit these rights exist, along with the right to defend our lives and property. The intent of the Second Amendment is to arm the citizenry to defend itself against “every government on earth,” foreign or domestic, which would make itself an enemy of the people by violating their Constitutionally protected rights.

Government is the servant of an armed citizenry; it is the tyrant over an unarmed citizenry. (Witness the many tragic illustrations of this deplorable state around the world today.) No government by the people and for the people need fear the arms of the people; only a government against the people and their rights needs fear their arms. To lay down our arms is to transfer all power, all control, from the people to the government, thereby destroying, not securing, our freedom, for which once men were willing to die. The price of liberty, as Thomas Jefferson and others have warned, is eternal vigilance.

This is not to be construed as an indictment against our present government. But vigilance requires that we be ever aware that tyrannies have arisen, both from within and from without, throughout history; that history, indeed, often repeats itself; and that can happen here!

Arise from indifference, take a stand, unite, form militias, and advise your congressmen of your resolve. Remind them that their duty is to serve the people as provided by our Constitution, and that any action which would violate our Constitutionally protected rights will not be tolerated. And don't neglect to thank those congressmen who support and defend our rights—that is, if you can find one.

On September 15, 1994, President Clinton, in his speech, praised the patriots of the American Revolution for having taken up arms against a tyrannical government. I wonder if he even knew what it was that he said. I wonder if he knows that he is dangerously close to being another tyrant. These days, I wonder if he knows anything at all.

Where does this leave us? The Report of the Subcommittee on the Constitution of the Committee on the Judiciary, United States Senate, 97<sup>th</sup> Congress, 2<sup>nd</sup> Session, February 1982, page 11 states:

The "militia" refers to a concept of a universally armed people, not to any specifically organized unit. When the framers referred to the equivalent of our National Guard, they uniformly used the term "select militia" and distinguished this from Militia." Debates over the Constitution constantly referred to organized militia units as a threat to freedom comparable to that of a standing army, and stressed that such organized units did not constitute and indeed were philosophically opposed to, the concept of a militia.

That the National Guard is not the "militia" referred to in the Second Amendment is even clearer today. Congress has organized the National Guard under its power to "raise and support armies" and not its power to "provide for organizing, arming and disciplining the militia." (H.R. Report No. 141, 73<sup>rd</sup> Congress, 1<sup>st</sup> Session, February 5, 1953.) This Congress chose to do in the interests of organizing reserve military units which were not limited in deployment by the strictures of our power over the constitutional militia, which can be called forth only "to execute the laws of the Union, suppress Insurrections, and repel invasions." The modern National Guard was specifically intended to avoid status as the constitutional militia, a distinction recognized by Title 10 U.S.C. Section 311(a).

A militiaman is simply any citizen in his capacity as a defender of the community, who is obliged to do so within his or her ability. Militiahood is a role which citizens may play as the situation requires. It is not a permanent condition. But just as each citizen has a duty to defend the community, he also has the duty to prepare himself to play that role effectively, and to join with others in his community to train and to function as organized forces; and the elected officials of his community have the duty to facilitate that

organization and training. If those officials fail in their duty, the militiaman must carry on without their participation.

The militia can only be called up by the federal government for those things specifically outlined in Article 1, Section 8 of the Constitution for the united States of America. Militiamen cannot answer a call from the federal government for any other purpose. The militia may be called up by a state governor for many reasons other than those cited in the U.S. Constitution. No militiaman can ever answer any call which would involve him or his militia unit in anything that is illegal, unlawful, or un-Constitutional. No militia unit or militia man can ever accept or carry out any order which is illegal, unlawful, or un-Constitutional. If the federal or state government ignores the restraints put upon them by their constitutions and constitutional laws, the Militia is obligated, it is their duty, to march upon that government and enforce the laws of the state and of the federal government and restore those Constitutions as the supreme law of the land.

A nation or world of people who will not use their intelligence are no better than animals who have no intelligence. Such people are beasts of burden and steaks on the table by choice and consent. Find and join a militia or form one of your own. For information send a large self-addressed stamped envelope to:

USCMO  
P.O. Drawer 912  
Kerryville, Texas 78029

or

The Texas Militia Correspondence Committee  
6900 San Pedro #147-230  
San Antonio, Texas 78216

Telephone (210) 224-2868 to locate a militia in your area.



## APPENDIX G: VIDEOTAPE REFERENCES

### VIDEO TAPE NUMBER 00A

<b>Time</b>	<b>Tape No. 00A ACTIVITY ON SCREEN KFOR Channel 4—Broadcast Video Coverage</b>
0:00:00	[Tape is NOT nonstop—has “time skips”—begins at approximately 10:30 a.m.] Leader of tape
0:00:22	Reports on scene—2½ year old girl found, fair skin, red hair, blue eyes, needs surgery—must find the parents
0:01:11	Water-main break in the basement—fire department preparing to go in—Governor’s office reports eight dead—two men move injured woman using chair as a litter
0:01:50	News conference with Dr. Thomas Coniglione, Medical Director of St. Anthony Hospital—concerned about delay because of second bomb threat—says police confirmed presence of bombs, gives statistics, personnel status, and conditions—over 200 individuals treated at 8 hospitals—6 of the dead are children
0:07:41	Devin Scillian—“First bomb did go off ... second was found and defused.” Info about day care center—file footage from earlier in the day—disaster of international proportions
0:10:11	Water lines and gas mains broken—live electrical lines exposed—extreme danger—working to shut off utilities
0:10:42	Little red-haired girl’s mother found at another hospital, mother’s sister is with the child at this time, telephone number given for loved ones to seek information about missing persons
0:11:21	Don’t use mobile phones, lines are jammed—each call takes up a frequency
0:11:49	Evacuation of 50 Penn Place, Capitol Complex, federal buildings in other locations—Ft. Worth, IRS building in Boston
0:12:06	Mayor Ron Norick telephones KFOR, says the bomb was in a car, left eight-foot crater, compares to World Trade Center bombing
0:12:34	Kevin Ogle says: “Other explosives were put in cars that were driven into the parking garage” and is cut off abruptly by Devin Scillian talking about Beirut
0:12:55	Oklahoma Blood Bank has been deluged with donors—emergency blood donation centers set up at alternative locations—traffic is too snarled and lines too long—find another donation center if possible—lists other donor sites
0:14:01	Dan Threldkeld: FEMA has been activated on a regional level, dispatched by FBI. Red Cross asks that only trained medical personnel go to the bomb scene



**Time**                      **Tape No. 00A ACTIVITY ON SCREEN**  
**KFOR Channel 4—Broadcast Video Coverage**

0:15:15    Lee Evans: At about 9:45 a.m., KFOR received phone call from someone saying they were from Nation of Islam, claimed responsibility for bombing—said it could happen elsewhere. Checked with Nation of Islam headquarters in Chicago, will have press conference later

0:16:15    Governor Frank Keating called President Clinton asking for an emergency declaration and more investigative and rescue workers. President says he is sending same team that investigated World Trade Center bombing in 1993

0:16:37    From newswire, Kevin Ogle reads that head of ATF now says the explosion appears to have been caused by a car bomb containing 1200 lbs. of explosives

0:17:15    Tara Blume: At triage center at NE 5<sup>th</sup> and Harrison—no victims to treat because of other bomb threats, equipment and personnel gathered and waiting, ambulances lined up on both sides of the street waiting, area is also being set up to serve as a temporary morgue

0:18:43    From AP wire: Dr. Brian Espe of the U.S. Dept. of Agriculture says his entire staff of seven is lost, lucky to be alive—his co-worker Jack Gobin says it felt like an earthquake, but then the windows blew into his office. He had climbed under his desk and was not hurt

0:20:26    Security tightened everywhere—interview with survivor from the building—“rebar as big around as my arm bent like a pretzel”

0:21:30    Security tightened nationwide at all federal buildings because of copycats—said it was a car bomb, 1200 lbs. of explosives—map shown of the area—workers are now allowed back in the building

0:22:13    Two more bombs were found, the second ones larger than the first that blew up

0:23:20    NBC News live coverage—Mike McCurry, White House spokesman—praised federal response plan, James Lee Witt will head up FEMA operations, Dept. of Justice will coordinate with local law enforcement

0:26:26    ATF confirms Mayor Ron Norick’s account that it was a car bomb

0:26:28    Jayna Davis interviews Assistant Fire Chief Jon Hansen—estimates 900 people inside the building at the time of the explosions, slow to clear the building because of secondary collapses, are talking to victims, trying to get them out, dogs are working, floors are pancaked, buildings in a 6- or 7-block area have suffered structural damage, Hansen finds crankshaft blown half a block away

0:31:59    Mayor Ron Norick told his own account of the bombing—shown on file footage, asked about the car bomb, says searchers are going through the entire area, the eight-foot crater, explosion so fierce two cars melted together

0:34:06    Secondary blood donation centers established in Norman

0:36:30    File footage—comparisons to World Trade Center—eight fatalities so far, six children, review of events

Time	Tape No. 00A ACTIVITY ON SCREEN KFOR Channel 4—Broadcast Video Coverage
0:37:20	About other bombs—lists those found and defused, etc.
0:38:29	Triage at NE 5 <sup>th</sup> and Harrison (Oklahoma St.), Feed the Children coordinating with local restaurateurs, EMSA has triage at Couch and Harvey Streets, restaurant convention at the Myriad is gearing up to feed rescue and relief workers
0:40:30	Tom Brokaw interviews Neil Livingston, expert on terrorism and terrorist bombings—had recently given lectures in OKC on terrorist attacks
0:43:38	Stay off all phone lines—little red-haired girl named Rebecca Denny, mother has been found—brother Brandon still missing
0:43:55	From AP wire: Phoenix special search-and-rescue team is on the way
0:44:37	Interview by Uze Brown-Washington with Mr. Ramsey, whose son works for OKCPD as bicycle patrolman—his account of the explosions—300 officers drew their guns at the police station when the explosions occurred
0:47:25	[TAPED EARLIER, shown now] Interview with Carole Lawton, victim in shock—said she didn't hear a noise, but then the building began crumbling and the glass came in—during interview, the 10:30 a.m. bomb scare occurs—anchor says that second and third devices were found in the building
0:54:19	(approximately 1:00 p.m.) Interview with Dr. Randall Heather, terrorism expert from the University of Oklahoma—says FBI received a bomb threat last week, targets are symbolic, says defused bombs were recovered from the building—experts will be able to track bombers by working with unexploded devices
1:02:49	Lee Evans interviews Sen. Ernst Istook, who says explosion caused by a car bomb, says crater is 30 feet in diameter, says "It is the work of a sophisticated group using a sophisticated device. The work had to have been done by an explosives expert."—footage shown of Dr. Espe's rescue from the building
1:04:29	Jeff Lazalier interviews Assistant Fire Chief Jon Hansen—asked about other devices, Hansen gives a non-answer, deals with secondary collapses, other building damage, emotional toll to firefighters and rescuers, critical incident stress debriefing
1:09:00	Theresa Green tells of interview with survivor—tells how he crawled out from the bottom floor of the basement, met two women on the way, got out together—other comments about no second wave of injured coming out of the building, medical personnel beginning to fear the worst
1:09:27	Meteorologists predicting rain—storm moving rapidly toward OKC from the southwest, high winds, hail, torrential rains, began setting up temporary shelters—delay in rescue because of bombs—now must deal with severe weather



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<b>Time</b>	<b>Tape No. 00A ACTIVITY ON SCREEN KFOR Channel 4—Broadcast Video Coverage</b>
1:12:01	Lee Evans: Four doctors are sent from University Hospital to the scene with amputation kits—victims must be cut away from the rubble in order to remove them from the building
1:13:18	Evacuations at other federal buildings across the country—if you are not telephoned by your supervisor tomorrow, stay home—do not come to OKC
1:18:24	Uze Brown-Washington interviews Officer Adrian Neal of the Edmond Police Department—tells his story of helping with the search and rescue operations—rain is on the way
1:20:54	Two 23-month-old twin boys, Don and Ryan Hammond cannot find their parents—Norman blood center is full—no more medical personnel needed—other devices were found
1:23:00	Suzanne Steely downtown, live shots of the building
1:25:23	Telephone interview with C.A. Davis who was involved in rescue operation, working with blueprints at the building to get the utilities turned off—bringing in heavy equipment and cranes—live and file footage
1:27:50	Lee Evans: Hospitals on Disaster Alert, still prepared for second wave of injured, children who live in the evacuated area in OKC public schools will be taken to Wilson Elementary School. Parents should pick them up there. Counselors in the schools have been dispatched to help the children
1:29:53	Rebecca Denny's mother worked in the IRS Building; brother, Brandon, is still missing
1:30:07	Theresa Green interviews Bill Carpenter from out-patient counseling services at Baptist Hospital—dealing with trauma, post traumatic stress syndrome
1:32:53	Death toll has risen to 19 dead, 17 children, two adults
1:33:17	(approximately 1:30 p.m.)—medical personnel not needed, only the dead are being found now—Kent Ogle reports from the University Hospital Trauma Center—triage center is being disassembled
1:36:00	Another bomb threat—"Get back!"—media is moved back again
1:37:33	Personnel are first given an "all clear" and then moved back again. Reports of another explosive device found at the west corner of the Murrah Building; according to ATF officials, more bombs are found that are set to go off
1:38:17	Suzanne Steely story of the second bomb threat, reviews the confusion about this second bomb scare, says police did find another bomb, the building is being evacuated again, the bomb squad is on the scene again
1:40:13	(2:00 p.m.) Tara Blume interviews two nurses (Robin Gibson) at a triage center—it's been gruesome, but looks like now only dead will be found, very disheartening for the nurses



<b>Time</b>	<b>Tape No. 00A ACTIVITY ON SCREEN KFOR Channel 4—Broadcast Video Coverage</b>
1:42:52	Anthony Foster prepares to interview two nurses, Nicky Smith and Pam Burns with Passion Health Care—went into the building but could find no survivors, have started tagging bodies—the Murrah Building is now a morgue
1:44:54	Foster's interview with Nicky Smith and Pam Burns
1:47:36	Tara Blume: medics have started bringing out some bodies, interview with Governor Keating
1:53:02	Two black male children at Baptist Hospital Cafeteria cannot find their parents
1:56:27	All-points bulletin issued about two or three Middle Eastern men wearing blue jogging suits seen leaving the area in a brown pickup truck with tinted windows—suspects
1:57:51	Witnesses
2:02:12	Weather—Lee Evans: Nation of Islam headquarters in Chicago issued a statement
2:09:19	Second device may have been a training device used by the ATF offices in the Murrah Building
2:10:15	Interview with Gary Jenkins who worked in the morgue area
2:12:40	Newscasters stress only one explosion, also explain Nation of Islam is not Islam
2:13:33	Sonic Restaurants are collecting money for the bomb victims, two black boys lost at Baptist Hospital have been reunited with their family, Holiday Inn North donated rooms to relief workers, High Point Mental Health Facilities have donated counseling to all
2:14:30	List of 12 hospitals involved, weather report
2:17:00	Interview with Miss Chrys Moore, a medical worker, says over 150 still trapped in the building, most believed dead, dealing with gas leaks, two more undetonated bombs were found
2:19:20	Uze Brown-Washington—situation is sickening, amputations, talks about old military devices stored in the basement of the building
2:20:04	Old military shells—weather report
2:21:09	Weather reports—predicting 15 to 18 hours of rain
2:22:40	Southwest Medical Center doctor
2:23:14	Rebecca Denny's father is still looking for brother, Brandon
2:24:01	Lee Evans speaks about Chrys Moore, footage of her blood-stained hat
2:26:41	Jeff Lazalier: about law enforcement, U.S. Marshals, World Trade Center bombing
2:28:58	Profile of the Murrah Building day care center—footage from 1989 when it was called "Uncle Sam's Kids' Corner"—report by Anita Vanetti



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<b>Time</b>	<b>Tape No. 00A ACTIVITY ON SCREEN</b>
<b>KFOR Channel 4—Broadcast Video Coverage</b>	
2:31:10	Hospital treatment count—"Help for survivors will not be as necessary as space for the dead will be."
2:34:51	Raining downtown now
2:40:40	Announcement that Presidential press conference is scheduled for later in the afternoon
2:42:34	Tara Blume: speaks about Brad Riggan at ground zero—speaks with Galen Culver at SW Medical Center—hospital has gone off of "Code Black"
2:46:34	File footage of Carole Lawton
2:49:41	Jeff Lazalier with Larry Jones of Feed the Children
2:52:57	Asst. Fire Chief Jon Hansen says bomb threats are unconfirmed—ATF stored training ordnance in the building
2:53:54	Waiting for FBI news conference at the Civic Center
2:55:21	Anthony Foster at NW 5 <sup>th</sup> and Oklahoma triage center—workers are numb, told to leave the scene and go back to work
2:59:01	Comments by Governor Frank Keating
3:02:10	Interview with Dr. Stewart Beasley, clinical psychologist
3:05:00	Telephone number to call for information about loved ones

**VIDEO TAPE NUMBER 00B**

<b>Time</b>	<b>Tape No. 00B ACTIVITY ON SCREEN</b>
<b>KFOR Channel 4—"Unedited" Footage</b>	
0:00:00	Leader
0:00:05	Sound—scanner reports—videotaped from traveling car
0:00:24	Interview with ladies—heard a big boom, felt like an earthquake—learned it was an explosion—woman with injury to back of head
0:01:24	Screaming—group of wounded being treated, ambulance transports, sirens
0:02:20	Smoke, fire, tree with leaves, police moving a mother back who is looking for her child in the building
0:03:10	People inside the building seen moving around—east end on the second floor—another cop moves another mother back, second warning
0:03:57	White smoke—observers
0:04:11	Rebecca Denny being carried by female to ambulance, sirens, crying
0:04:46	Woman victim carried from the building by two men using a chair as a litter—directed to a different transport—lady cop in sunglasses walks past camera (who later caught Rebecca Anderson as she collapsed in the street)



<b>Time</b>	<b>Tape No. 00B ACTIVITY ON SCREEN KFOR Channel 4—"Unedited" Footage</b>
0:05:27	Victims seated on the ground, many wounded—man removes his shirt to cover a bleeding victim, woman in shock
0:06:05	Transport, stretchers, ambulances
0:06:20	Fire trucks arrive, sirens
0:06:30	Looking toward Regency Tower Apartments
0:07:08	Smoky area, fire, littered streets
0:07:48	Street medical assistance, transports, smoke, victims
0:08:13	Dr. Tom Coniglione, Medical Director of St. Anthony Hospital—other bombs in the area delaying rescue
0:10:10	Triage center, sound of scanner radio, wrapping wounds, injured in blankets, stretcher removals, evacuation instructions via radio, gas meter blowing gas at NW 5 <sup>th</sup> and Harvey
0:11:30	Man with two injured children at triage—all walking patients instructed to go to NW 6 <sup>th</sup> and Robinson for triage—on radio, report says "We just got a call from some people who called in from the second floor of the Federal Building said they were trapped."—wrapping chest wound—smoke—ambulance
0:13:08	Mounted police—sheriff's department—directing traffic and pedestrians
0:13:40	Streets—crying woman whose child is inside—black smoke seen over the rooftops—observers—littered streets
0:14:32	Triage—media woman says, "Such a nightmare! What a news day!"
0:14:56	Walking wounded—woman with injured hand and feet, patient in shock
0:15:25	Woman organizing employees and wounded, making sure all are accounted for—wounded, triage scenes—medics arriving, littered streets
0:16:36	Two walking wounded, small boy, day care at YMCA
0:17:02	The Kerr-McGee man
0:17:11	Building seen from behind the trees on the north side
0:17:26	Close view of interior damage
0:18:00	Gary Hunt and accomplice step from behind trees in front of the Murrah Building carrying some kind of electronic device with large, thick antenna—close up of the building—burning cars close up—triage scenes—lady who escaped—street scenes—end of tape

**VIDEO TAPE NUMBER 00C**

<b>Time</b>	<b>Tape No. 00C ACTIVITY ON SCREEN Sheriff's Department Video</b>
0:00:00	Leader—opening credits—crews waiting to go into the building—looking upward from street level to the top of the building—date and time video was copied for Rep. Charles Key—firetrucks at base of building
0:02:07	Pile of rubble against the Journal Record Building which used to be in front of the Murrah Building—firetrucks—waiting crews—pans from east to west upper floors—looks west toward Regency Tower Apartments—south side of Journal Record Building—parking lot—debris
0:04:30	SE corner of the Murrah Building—remains of the BATF office on the ninth floor—panning of other floors
0:04:56	Removal of Dr. Brian Espe down the extension ladder—approximately 9:45 a.m.—street level debris—work crews—worker inside the building—extension ladder work
0:08:33	Ruins of the Athenian Restaurant, just west of the Journal Record Building
0:09:08	Back of deceased victim, head covered—distant shot of Murrah Building
0:09:56	"Got another bomb over there—you want to move out of the way!"—10:30 a.m.—distant shot of Murrah Building shot from northeast corner, across the street
0:11:47	Pan shots east to west of the eight and ninth floors of the Murrah Building
0:12:40	Damage to the YMCA
0:13:41	Corner of NW 6 <sup>th</sup> and Robinson—east side of the Journal Record Building (temple side)—other damage
0:15:15	NW 6 <sup>th</sup> Street—north side of the Journal Record Building—north side of NW 6 <sup>th</sup> Street
0:15:51	Southwestern Bell Building—NW corner of NW 6 <sup>th</sup> and Robinson—camera looks east on NW 6 <sup>th</sup> Street
0:19:50	Looking west on NW 5 <sup>th</sup> Street—Murrah Building and Regency Tower Apartments
0:20:30	Organizing the troops for rescue operation
0:21:25	Sheriff's Bomb Disposal representative—"Y'all are way the hell too close!"
0:23:57	Victim under sheet in the rubble, hand exposed
0:24:35	Looking west on NW 5 <sup>th</sup> Street, past the Athenian Restaurant, toward Regency Tower Apartments
0:25:30	Section of vehicle damage and license plates in the parking lot of the Journal Record Building—south side parking lot—long section of tape—vehicle evidence
0:40:39	Walking west on NW 5 <sup>th</sup> Street toward the Regency Tower Apartments

<b>Time</b>	<b>Tape No. 00C ACTIVITY ON SCREEN Sheriff's Department Video</b>
0:41:32	Intersection of NW 5 <sup>th</sup> and Harvey, moving west
0:41:36	Same intersection, looking east; then south down Harvey; then west again
0:42:42	Post Office Resource Center, NW corner of NW 5 <sup>th</sup> and Harvey
0:42:48	Regency Tower Apartments, just west of Post Office Resource Center
0:43:30	More license plates from damaged vehicles on the south side of the Journal Record Building
0:43:54	Murrah Building from the NW corner
0:44:15	Close up of a car part from two angles
0:44:24	From in front of the Regency Tower Apartments, looking east toward the Murrah Building
0:44:32	The "axle"—one of many
0:45:16	Close up of numbers on "axle"
0:45:39	Close up of numbers on another automotive piece—between Regency Tower Apartments and the Post Office Resource Center
0:46:12	Close up of automotive part—parking lot of the Post Office Resource Center
0:46:26	Corner of NW 4 <sup>th</sup> Street and Harvey, panning from east to northeast and back
0:47:10	Front (south side) of Federal Courthouse—NW 4 <sup>th</sup> Street between Harvey and Robinson
0:47:24	NE corner of Murrah Building—"damage" to "original" videotape—let this tape roll—it corrects itself and reviews material
0:48:03	South side of Murrah Building, southeast corner
0:48:10	Automobile part located east of Murrah Building near NW 5 <sup>th</sup> and Broadway
0:48:38	Close up of auto part (same one)
0:49:00	Evidence—close up—east of Murrah Building near Broadway—brake part?
0:49:53	Close up of auto part
0:50:00	Inside business on NW 5 <sup>th</sup> Street, east of YMCA—evidence inside business, looking west down NW 5 <sup>th</sup> to Murrah Building
0:50:52	Close up of parts with numbers
0:51:09	Close up of lock
0:51:16	Murrah Building from a rooftop—possible from the roof of the C. R. Anthony Building at NW 6 <sup>th</sup> and Broadway
0:51:20	Close up of evidence on roof
0:51:46	Plaza between the Murrah Building and the Federal Courthouse—on rooftop?—SW corner of south side of Murrah Building



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<b>Time</b>	<b>Tape No. 00C ACTIVITY ON SCREEN Sheriff's Department Video</b>
0:52:16	Federal Courthouse
0:52:46	Ground level—south side of Murrah Building
0:53:26	Crews waiting to work, south side of Murrah Building—rain gear—around 3:00 p.m.—workers
0:54:29	Children's playground area, south side of the Murrah Building
0:54:40	Workers going into Murrah Building from the south side—dog handlers and dogs
0:55:41	Inside the underground parking area—some dark footage
0:59:04	Inside underground parking area with lights
1:01:27	Outside again—NW corner of Murrah Building— $\frac{3}{4}$ circle pan from SE to W to N
1:02:30	Victim under sheet—SE side of Murrah Building—children's playground workers waiting on the south side
1:04:16	Workers waiting, north side of Murrah Building
1:04:45	Guns, ammo, packets, etc., removed from the north side mountain of debris
1:05:10	"Move back! Get out of here!" during removal of guns
1:09:35	Close up of firefighter removing packets
1:11:12	Victim found—north side of the building
1:11:38	Murrah Building south side—perimeter goes up
1:13:02	Removal of body from the north side—"damage" to "original"—keep rolling—tape reviews material
1:14:46	Workers waiting to go inside—south side of the Murrah Building
1:17:18	Close up of something inside the south side of the Murrah Building
1:17:50	South side—evening rains beginning (sunset was at 8:07 p.m.)—this is after sunset
1:20:46	Heavy rains and high winds—between 9:00 and 9:30 p.m.
1:23:30	"Back out!"—Two victims removed on gurneys
1:24:50	Talk of tornadoes—weather danger—blowing debris
1:25:36	Wind-blown flag atop Federal Courthouse—high winds
1:26:41	Tacked-on implosion footage from KWTW Channel 9
1:29:10	End of video



**VIDEO TAPE NUMBER 00D**

<b>Time</b>	<b>TAPE No. 00D ACTIVITY ON SCREEN "Oklahoma City: What Really Happened"</b>
0:00:00	Leader
0:00:14	Introduction by State Representative Charles Key—disclaimer
0:00:42	Background information—OKC is now famous for the most deadly terrorist act in American History
0:01:08	Opening title—comments by Charles Key, questions about the size of the bomb, reports of other explosive devices found in the building, questions about John Doe No. 2, references to remarks made by Gen. Partin at press conference of 06/30/95—decisions because of questions
0:03:31	Two kinds of people in the building—survivors and recoveries—Firefighter Mike Shannon comments from inside the building—FEMA footage—during first bomb scare had three survivors who had to be left behind
0:05:30	Interview with Toni and Earl Garrett—nurse who tagged bodies and her husband—Toni tagged over 120 victims on the first afternoon
0:06:37	Government officials claimed only one bomb, but building was evacuated several times—Toni tells of first bomb scare—at least four other people told Toni that they knew of other bombs, some saw another bomb removed—a timing device on one bomb removed from the building set to detonate ten minutes after the initial explosions—witnesses said it was an active bomb
0:08:19	Interview with Glen Wilburn—questions about explosives—witnesses told of BATF explosives being removed from the building in the days following the blasts—Wilburn's beliefs about the first bomb scare
0:09:23	Interview with John D. Cash—comments about Dick Miller, Assistant Fire Marshall for OKC Fire Marshall's Office—confirmed other explosive devices removed—discusses BATF training device statements
0:10:54	File footage from Sheriff's Department video showing removal of guns from the north side debris mound
0:11:09	J.D. Cash tells story about 2'x2'x2' box marked "High Explosives" full of percussion caps—Cash makes speculation about presence of C4 in the building—arsenal rooms on the 9 <sup>th</sup> floor and its contents
0:12:58	File footage of rescue operation
0:14:07	Comments about the 2 <sup>nd</sup> anniversary of Waco incident—was this date significant for BATF? Was there a bomb threat? Where were the BATF agents?
0:14:24	Interview with Pat Briley—discusses U.S. Marshal's 03/22/95 alert on all federal buildings by Director Gonzales because of threats from Arab terrorists—had to be approved by Janet Reno and FBI and BATF had to have been notified in advance—memo reported in <i>Star-Ledger</i> newspaper—article shown on screen

<b>Time</b>	<b>TAPE No. 00D ACTIVITY ON SCREEN</b> <b>"Oklahoma City: What Really Happened"</b>
0:16:25	Toni Garrett—there were bomb threats for two weeks before the bombing—BATF and FBI knew about it
0:16:51	Interview with Michael Hinton—tells about federal building evacuation before April 19—Federal Building had had bomb threat a week before
0:18:08	Glen Wilburn—comments about prior knowledge by federal officials—information from witnesses to Wilburn about prior bomb threats at the Federal Building during the week before—story of husband of victim who spoke with BATF agent outside the building who said no BATF agents were inside—bomb squad was in front of the building at 7:30 a.m. on April 19 according to witness reports
0:20:50	Is there a Middle Eastern connection? What about John Doe No. 2?
0:21:12	Glen Wilburn—discusses John Doe No. 2, Todd Bunting, comments about Elliott's testimony, two people with McVeigh at the body shop—discusses McVeigh's appearance at 10 <sup>th</sup> & Harvey tire shop
0:23:12	Interview with Mike Moroz—tells of his encounter with McVeigh at Johnny's Tire Store—says John Doe No. 2 was in the truck, McVeigh was wearing baseball cap backwards—truck came in from the west—three days after the bombing, Moroz was taken to the FBI line-up and allegedly identified McVeigh
0:26:13	File footage of rescue effort
0:26:28	John D. Cash—tells of an interview with the man from the Journal Record Building—saw the yellow Marquis in the parking lot with one person in the vehicle—sees Marquis now with two people racing toward him, jumps curb guards, identifies McVeigh and John Doe No. 2—says he helped FBI with their composite of JD2—license plate is Oklahoma plate dangling by one bolt—minutes later the Murrah Building explodes—exits west side of the building—sees Middle Eastern man in the intersection staring at the Murrah Building smiling from ear to ear
0:30:50	Charles Key interviewed by Chuck Allen—why jeopardize your political career? Government experts say ANFO bomb did the damage—other experts say no—comparison with Lebanon explosion—no intent to interfere with federal investigation—just deal with public information
0:33:23	Toni Garrett—about work at triage unit, volunteered to tag the bodies with another nurse and a doctor—describes horribly burned and mangled victim—at south side of the building saw people dead at their desks in the building—people blown out of the windows
0:35:44	Press conference of 06/30/95—General Benton Partin—some statements by Partin about the internally-placed explosives at the column bases—inability of the truck bomb to do the damage which was done to the Murrah building
0:41:09	Discussion of damage—inconsistent with truck bomb parked outside the building, quotes from Partin's letter—rear truck axle with VIN number from Sheriff's department video

<b>Time</b>	<b>TAPE No. 00D ACTIVITY ON SCREEN "Oklahoma City: What Really Happened"</b>
0:41:58	Brief intermission
0:42:17	Continuation—could there have been more than one explosion?
0:42:37	Interview with Dr. Raymond Brown at Sarkeys Energy Center, University of Oklahoma campus in Norman, OK—discusses seismic record from April 19
0:49:11	Was the Waco anniversary significant to the BATF? Did they have prior knowledge? Glen Wilburn comments on contradictory information received from local BATF agents and comments made by John Magaw
0:51:05	John D. Cash discusses BATF agent Alex MacCaulley's alleged "free fall" in the elevator of the building—elevator operators contradict the BATF statements—no elevators fell, no passengers were aboard
0:54:09	Toni and Earl Garrett discuss attitudes of federal agents at the triage center—FBI arrives and takes over—Toni and Earl are told to keep their mouths shut about the actual death toll
1:01:18	John D. Cash discusses federal intimidation of witnesses
1:02:08	Roger A. Raubach gives his opinion of Gen. Partin's position of the bombing—agrees that ANFO could not have destroyed the building
1:02:46	Mike Shannon remarks that most survivors were found against the north wall—not sure about the tie-in, but will be interesting to look at that aspect—crater covered with plywood
1:04:01	John D. Cash says truck brought down front of building and accidental explosion of alleged C4 took out the rest of the building—FALSE!!
1:05:51	Michael Hinton tells his story of being on the bus at the time of the explosions—two blasts, two pressure forces
1:07:00	John D. Cash discusses BATF arsenal room location and the rupturing of it
1:07:41	Toni Garrett—talked to a worker at Water Resources Board Building—heard two explosions
1:08:04	Disclaimer—why are witnesses talking?
1:08:21	Glen Wilburn's reason for talking
1:09:14	Toni and Earl Garrett's reason for talking
1:10:44	Dr. Raymond Brown's reason for talking
1:11:49	John D. Cash's reason for talking
1:12:29	Michael Hinton's reason for talking
1:13:27	Charles Key's reason for investigating
1:14:34	Conclusion—file footage—credits
1:16:18	End of video

**VIDEO TAPE NUMBER 001**

<b>Time</b>	<b>TAPE No. 001 ACTIVITY ON SCREEN KWTV Channel 9—Broadcast Video</b>
(04/19/95—3:30 p.m.—9:30 p.m.)	
0:00:00	Leader—tuning in—(tape begins between 3:30 p.m. and 4:00 p.m. CDT)
0:00:08	Red Cross counselor w/Tammy Payne—mental health
0:02:42	Dr. Stephen Sloan—Univ. of OK expert on domestic terrorism—soft target—sophisticated bomb and group—no connection with Waco Massacre anniversary
0:05:05	Shot of alleged “bomb car”
0:06:10	Sloan’s comments about sophistication of bomb—“very heavy level of sophistication”
0:07:06	Info about other bomb threats
0:07:48	Murrah Building—computer animation, before and after
0:08:15	More Dr. Sloan—symbolic target, balance between freedom of movement and security
0:09:45	Reported that ATF said bomb, possibly in a car
0:10:10	Rain is falling, wind is picking up
0:11:15	Hospital update about victims
0:12:48	Tammy Payne—about Medical Examiner—don’t call—physically go to 1 <sup>st</sup> Christian Church Family Crisis Assistance Center with information for information
0:13:33	Cancellations of community activities
0:14:07	Randy Renner downtown—rain, volunteerism, aerial shots, file footage—live shots of flapping debris—dangerous because of lightning earlier
0:17:10	Randy Renner—telephoto shot of firefighters in the building on 8 <sup>th</sup> floor
0:20:40	File footage from St. Anthony Hospital earlier in the day—emergency room drive-through—arrival of the injured
0:21:40	Cynthia Gunn interviews two Highway Patrol Troopers in the rain—1 unnamed, other is Craig Metcalf—reports from inside the building—can hear victims but can’t reach them—removal of children—shift changes now—about 2 <sup>nd</sup> bomb warning—did return after bomb warning to rescue a victim, still living—anger, cold-blooded murder
0:25:49	Seventeen children, 2 adults killed—total 19 dead, 300 taken to hospitals for treatment—setting up Helpline for telephone counseling
0:27:42	Jenifer Reynolds reads from AP Press Wire—all 15 BATF employees have survived

Time	TAPE No. 001 ACTIVITY ON SCREEN KWTV Channel 9—Broadcast Video
0:28:55	Tammy Payne—much rain at the television station—MWC Hospital report—do not use cellular phones, lines are jammed, emergency traffic being interrupted—mental health officials standing by to help—don't call the Medical Examiner's office, go to 1 <sup>st</sup> Christian Church for information about missing loved ones
0:30:51	Waiting for President Clinton's press conference—suspect information, 3 men, Middle Eastern, brown Chevy pickup truck description, allegedly rented from Dallas-Ft. Worth airport
0:31:37	Live at the scene—rain—workers at the building—telephoto lens view inside the building—pain relief to victims—difficulty removing victims safely
0:34:17	Helpline offered at TV Station—telephone number
0:34:34	Dr. Mary Ann Bauman—mental health panel of psychiatrists taking calls from the public—dealing with post traumatic stress, dealing with children—important to get help within first 24 hours—introduction of panel members
0:37:51	Getting ready for press conference—Robin Marsh at the OKC Civic Center—conference delayed because of call from Washington, DC—National Crisis Response Team setting up care-giving in OKC by experts from throughout U.S.
0:39:52	Back to station—end of innocence
0:40:15	Tammy Payne—Brigadier General Neal Balkan asks for all members of the Oklahoma Reserve Force to call headquarters to work—needed to work at the bomb site
0:40:50	Video shot by Greco <sp?> Productions (local production company)—scenes around the city, hospitals—repairs being made—glass companies replacing windows—fire company equipment and personnel from around the State—stay out of downtown OKC—all off ramps from highway have been closed
0:42:57	Dr. Mary Ann Bauman—calls from the public—reaction to the bombing—advice from doctors—dealing with visual impressions received by children—nightmares—dealing with sudden homelessness—helping rescuers to deal with events of the day—handling Post Traumatic Stress Syndrome—do not use alcohol to dull feelings of the day's activities—keep thoughts, images, memories, and feelings together as a mental whole—dealing with "survivor's guilt"—anger is an appropriate reaction to the bombing
0:51:30	Tammy Payne—17 children confirmed dead—estimates of 590 employees inside the building—file footage—quote from Sen. Don Nickles, makes a case for the death penalty—second bomb was found with timer set to detonate later—advice to children at home alone waiting for parents—"don't worry, mom and dad will be home soon, everything will be OK"

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<b>Time</b>	<b>TAPE No. 001 ACTIVITY ON SCREEN KWTW Channel 9—Broadcast Video</b>
0:54:09	Kelly Ogle—numbers of people unaccounted for—40 federal workers, approx. 20 children—still waiting for press conference with the President and with local authorities
0:55:26	Information about suspect vehicle—late model Chevy pickup truck, brown, dark tinted windows, smoke colored bug shield—now only two suspects, ages, clothing, Middle Eastern—Arkansas authorities are alerted, not certain why
0:56:24	Robin Marsh at Civic Center—Bill Citty gave itinerary for conference—list of speakers—will discuss state, local, and federal involvement—FBI will be in charge of investigation—is it really a terrorist attack? Why in OKC?—Reminders of World Trade Center
0:58:14	OKC soft target—filler comments
0:58:42	Caller said it could not have been a car—had to have been a larger vehicle because amount of damage demands larger bomb than previously thought—stay open to that possibility—vehicle may be larger than originally estimated
0:59:15	Death toll now 20—58 people rescued during the day—carried out by rescuers in varying conditions—taken to area hospitals—expect death toll to rise
1:00:04	Computer animation again, review of details, file footage—downtown is closed—many felt and heard the blast—sound was sharper than thunder, saw the smoke—children in YMCA day care center near the Federal Building were also injured—National Guard is called out—Department of Public Safety has been mobilized—downtown area has been evacuated—a sweep near the 1 <sup>st</sup> Christian Church?? will get confirmation—this matter never mentioned again
1:02:14	Cynthia Gunn with Larry Jones of Feed the Children—supplies needed—don't come downtown—take supplies to 333 N. Meridian—families and relief workers will be fed meals—emotional toll about to hit—body bags being brought in—file footage—a solemn silence, despair—people need prayer and counseling—shock
1:06:00	President Clinton's News Conference Statement
1:08:23	Attorney General Janet Reno's News Conference Statement
1:11:00	Questions from the Press to Janet Reno
1:16:35	Robin Marsh at OKC Civic Center—introduction to the local press conference—waiting for local officials—two-minute warning—recap of President's and Reno's comments—death penalty remarks—file footage—Reno hesitant to call this a terrorist bombing, but local officials are certain that it was
1:19:00	Local Press Conference Introduction—instructions to the media about questions—more filler comments while waiting
1:20:22	Filler from station headquarters—review of suspect information and suspect vehicle—it is now 4:45 p.m.

<b>Time</b>	<b>TAPE No. 001 ACTIVITY ON SCREEN KWTV Channel 9—Broadcast Video</b>
1:21:57	Chief of Police Sam Gonzales' Comments—gives time of explosions as 9:04 a.m.—this is later changed by seismic reports—police have lead responsibility for perimeter control and traffic control—National Guard will also control perimeter—FBI is lead agency for investigating incident
1:23:50	Mayor Ron Norick's Comments—numbers to call if you were in the building at the time of the explosions—downtown area has been secured—thanks communities who have volunteered their services—gas lines cut off to the downtown area—water utilities also turned off—Norick requested National Guard around 11:30 a.m.—do not come downtown
1:27:18	Governor Frank Keating's Comments—ordered Army and Air National Guard to assist—Dept. of Public Safety asked to assist—declared state of emergency in OKC—emergency team will be in place around the clock to assist the "federal family"—thanks Clinton for his help—is sending in outside experts—thanks people of OKC for their outpouring of compassion and help
1:29:30	FBI Special Agent-in-Charge Bob Ricks' Comments—FEMA is running late—FBI is lead agency appointed by Clinton—no assumptions about perpetrators—many leads from those calling in
1:31:00	Question about suspects—information has been broadcast, what can Ricks tell us—Ricks says can't discuss the issue of suspects—hundreds of potential suspects
1:31:50	Question about numbers of victims—Fire Chief Gary Marrs' response—can offer confirmed numbers only—more fatalities in the building but unconfirmed
1:32:40	Question about numbers of people in building—Gary Marrs' response—accountability numbers are known by federal agencies
1:32:59	Comments about James Loftis and stability of the building—Gary Marrs' response
1:33:27	Signal Lost from Downtown Conference—back to the station news desk—telephone numbers to Mayor's office
1:34:00	Gary Marrs' discussing remains of building—one stairway remains
1:34:20	Questions about day care, numbers, etc.—Gary Marrs' response
1:34:39	Question about removal of those still trapped in building and other buildings—Gary Marrs' response
1:35:35	Gary Marrs—30% of building search completed
1:35:56	Questions to Bob Ricks about groups or reasons—no indications—cannot discuss
1:36:35	Questions to Bob Ricks about Waco connection—says no evidence of any connection, checking all leads—no possibility being excluded
1:37:00	Question about warnings—Bob Ricks says no prior warning to the FBI



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<b>Time</b>	<b>TAPE No. 001 ACTIVITY ON SCREEN KWTV Channel 9—Broadcast Video</b>
1:37:12	Question about memo to U.S. Marshal Service—Bob Ricks denies knowing about it
1:37:25	Regional FEMA Director Buddy Young's Comments—expresses sympathy to the families and victims—setting up to support the local authorities
1:37:39	Signal Lost from Downtown Conference—filler comments
1:38:31	Continuation of Buddy Young's Comments
1:38:40	Question about other bombs—Bob Ricks says news was only rumors—says no other devices were found—second device does not exist
1:39:24	Question about car bomb—Bob Ricks says nobody knows yet—looks like a car bomb but nobody knows yet—crater 20-feet in diameter—wait for experts
1:40:06	Question about bomb threat—Bob Ricks says doesn't know about any bomb threat
1:40:10	Reports about two separate explosions—Bob Ricks says it was an echo effect
1:40:48	Question about military ordnance found in building—Bob Ricks says it had no link to the bombing, cannot account for it
1:41:08	Question about the rocket launcher—Bob Ricks says it will be looked into
1:41:39	Question about explosive used—Bob Ricks says ANFO possibility, calls it a high explosive
1:42:04	Question about calls claiming responsibility—Bob Ricks says cannot make conclusions yet
1:42:30	Bob Ricks says explosive highly powerful
1:42:44	Question about how experts will work—Bob Ricks' response
1:43:15	Question about depth of crater—Bob Ricks doesn't know
1:43:23	Question about how an explosion outside the building could cause so much damage inside—Bob Ricks says building front sheared off—bomb went up and out
1:32:50	Questions to Fire Chief Marrs about medical response, Marrs' response
1:44:35	Questions to Gary Marrs about procedure to search building
1:45:21	Question about underground Conncourse safety—Gary Marrs' says no information about damage to Conncourse
1:46:48	Questions about relief and damage to the building—Gary Marrs' response—medical, Red Cross, etc.
1:46:31	Question to Police Chief Sam Gonzales about children in day-care center
1:46:50	Question to Mayor Norick about repair efforts to downtown area
1:47:30	Question to Mayor Norick about area within the perimeter



Time	TAPE No. 001 ACTIVITY ON SCREEN KWTV Channel 9—Broadcast Video
1:47:48	Question to Mayor Norick about evacuation of downtown businesses
1:48:10	Question to Mayor Norick about injuries in surrounding buildings
1:48:27	Question to Mayor Norick about injury reports
1:48:37	Question to Mayor Norick about federal office injuries, evacuations, utilities turned off
1:49:15	Cut away from news conference to Cynthia Gunn downtown, interviewing Governor Frank Keating at the bomb site—Clinton asked Keating to help draft a national response to similar future incidents
1:53:03	Close of Press Conference at Civic Center—announcement about FBI handling all press releases in the future—recap by Robin Marsh
1:54:35	Back to the station—computer animation again—review of present conditions—may not be a car bomb—death toll
1:55:47	Randy Renner downtown—review of the day's events, file footage
1:57:18	From file footage, comments by worker from Kerr-McGee who rescued little boy
1:57:28	Randy Renner—file footage of victims being rescued—comments—work in the building at the present moment, cannot see much of the building—review of events
1:58:35	Back to the station—search dogs
2:00:06	Heidi Browning—reporting from downtown, Heidi tells her story, she was downtown at the time of the explosion—file footage
2:00:55	Footage of Edye Smith weeping at the scene
2:01:13	Statement by rescue volunteer
2:01:30	File footage, statements by rescue worker
2:01:44	Heidi Browning—medical personnel have been told to go home, no second wave of injured to treat, mentions speaking with Toni Garrett
2:02:14	Review of suspects and suspect vehicle, live aerial shot, mention of no-fly zone, comments about night operations
2:04:39	Review of President Clinton's comments, excerpts from his speech
2:05:51	Comments about terrorism, even in OKC
2:06:14	Gan Matthews interviews Dr. Stephen Sloan, domestic terrorism expert from Univ. of OK
2:07:13	Dr. Sloan's comments about state-sponsored terrorism, degree of sophistication of the explosion, symbolic target
2:08:17	Angela Buckelew at the 1 <sup>st</sup> Christian Church Family Crisis Assistance Center—bring photographs, identifying characteristics of missing loved ones—counselors, priests, and funeral directors present to help
2:09:09	Angela Buckelew interviews Dr. Ed Beckham <sp?>, he is quite emotional trying to discuss the events of the day

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<b>Time</b>	<b>TAPE No. 001 ACTIVITY ON SCREEN KWTW Channel 9—Broadcast Video</b>
2:10:56	Back to the station—file footage—preparation for local evening news-cast
2:12:18	Special Edition of Newslines 9—Terror Hits Home—review of the day's events—believed to be a car bomb with ANFO—suspects
2:14:09	Hospital update of victims
2:14:29	Randy Renner downtown—describes the day's events—do not come downtown, emergency workers are out of patience, people will be escorted to jail—file footage
2:16:44	File footage—curbside interviews during the morning, comments from victims
2:20:02	Tammy Pratt with Asst. Fire Chief Jon Hansen (approx. 5:45 p.m.)
2:21:10	Tammy Pratt mentions Toni Garrett's comments
2:21:44	Toni Garrett—brief comments
2:22:22	Cynthia Gunn interview with Oklahoma Highway Patrol Trooper Joe Todd—he has a piece of the shattered granite—most unusual—makes comparison to World Trade Center explosion—(on screen shown as 5:47 p.m.)
2:23:51	Back to news desk—probably not a car bomb, will probably be a truck bomb—telephone number to call if you were in the building
2:24:43	Heidi Browning downtown—her story—she is numb—was downtown within minutes of explosions
2:25:15	File footage—curbside accounts—review of the events of the day—Edey Smith weeping—rescuers—the “angel” man—footage of the panic of the second bomb warning (on screen shown as 5:51 p.m.)
2:26:48	Interview with Jack Dockery <sp?>—his cousin was inside—he tells her story
2:27:37	Back to news desk—comments to Heidi—emotions of the day—review of Clinton's remarks
2:31:00	Comments by Governor Frank Keating—mentions other explosive devices found on the scene
2:31:34	Back to news desk—local officials say explosion was result of van or truck bomb—description of suspects and suspect vehicle—federal buildings across the country evacuated—helpline number
2:33:33	Angela Buckelew from 1 <sup>st</sup> Christian Church Family Crisis Assistance Center—people who cannot find family or friends—some unable to speak—a new list will soon be available of everyone taken to hospitals in any condition—file footage from St. Anthony Hospital moments after the blasts (on screen shows 5:59 p.m.)
2:35:54	Back to news desk—17 children killed, 20 people total

Time	TAPE No. 001 ACTIVITY ON SCREEN KWTW Channel 9—Broadcast Video
2:36:34	Dr. Mary Ann Bauman—helpline information—many people have called with questions—introduction of panel of psychiatrists and mental health experts—questions from the public—comments from the doctors—“survivor’s guilt”—preventive mental health—how to work with youth groups—the need to ventilate feelings, to grieve
2:39:35	Aerial shot from helicopter taken moments before—thanks for community and media support—night operations getting set up—former 5-mile flight restriction lifted
2:41:00	Tammy Payne—how the public can help—Feed the Children—command post at 333 N. Meridian—need coffee, raincoats, tents, flashlights, batteries, umbrellas, CO-2 tanks, triage supplies—blood donations—FEMA help
2:42:55	Footage from Blood Bank—Red Cross—supplies being brought in
2:43:40	Gary England, meteorologist—weather report
2:46:06	Back to news desk—live shot of the building—death toll—anticipation of higher casualties—computer graphic—how to help
2:48:48	Heidi Browning downtown—review of the events of the day—file footage—other explosive devices—several bomb threats throughout the day—(on screen shows 6:15 p.m.)
2:53:10	(6:18 p.m.) Back to news desk—review of Clinton’s remarks
2:55:43	Back to news desk—CBS Evening News will air for one hour at 7:00 p.m.—recap of death toll—file footage
2:57:47	Back to news desk—Comments by Dr. Espe and co-worker—review of events of the day—same computer graphics—review of suspects
2:58:56	Heidi Browning downtown—review and file footage—curbside interviews
3:00:47	Interview with Aren Almen, mother of Baby Baylee
3:01:00	Curbside interviews—“angel” man—back to Heidi Browning—other explosive devices found—search will continue all night—sightseers will be escorted to jail—(on screen shows 6:26 p.m.)—look on people’s faces is shock, grief—extreme carnage
3:03:04	Back to news desk—call if you were in the building
3:03:26	File footage of the rescue of Dr. Brian Espe, interview with Espe and his co-worker (co-worker’s “earthquake” comments come later during CBS Evening News—vibrations before the explosion—look ahead for that entry)
3:05:22	Randy Renner from downtown—“It’s worse than anybody realizes”—file footage shot moments before—National Guard, police, firefighters on 2 <sup>nd</sup> & 3 <sup>rd</sup> floor—shot from due west of the building—Renner’s account of his experience—second bomb warning panic footage—four bombs alleged—not prepared for what he saw
3:09:31	Back to the news desk—innocence lost as said by Dr. Stephen Sloan

Time	TAPE No. 001 ACTIVITY ON SCREEN KWTW Channel 9—Broadcast Video
3:09:55	Cynthia Gunn downtown at 7 <sup>th</sup> & Harvey Media Center—people are alive still trapped—only 30% of building has been searched—special equipment and searchers organizing for night operations—two amputations were performed to free victims from rubble
3:13:13	Angela Buckelew at 1 <sup>st</sup> Christian Church Family Crisis Assistance Center—families reviewing the new lists—a prayer service just ended—if you have missing friends or relatives, bring identifying characteristics or photographs of victims
3:14:07	Back to news desk—file footage from St. Anthony Hospital shortly after the explosions
3:15:35	Hospital update
3:16:35	Tamara Pratt downtown—interview with Senator Jim Inhofe
3:18:28	Footage of Toni Garrett's comments
3:18:53	Back to Tamara Pratt—not much movement visible inside the building
3:19:52	Back to news desk—footage from blood donation centers, interview with volunteer blood donor
3:20:38	Tammy Payne reviews information about suspects and suspect vehicle—Mitch Jelniker says Jon Hansen says survivors are still inside—story of Daina Bradley's leg amputation—info about available shelters and assistance, help line information
3:22:44	More information about Daina Bradley's leg amputation
3:23:30	Another review of Clinton's comments
3:26:02	Federal Buildings across the country evacuated, footage of those situations
3:26:36	Review of local press conference comments—Mayor Ron Norick, Governor Frank Keating, Fire Chief Gary Marrs
3:28:37	Jesse Gary downtown—interview with Representative Frank Lukas
3:30:28	Footage of repairs being made downtown to damage from bombing, comments from locals
3:32:09	Back to Jesse Gary—comments—described what he saw that morning from the helicopter just after the explosions
3:33:22	Heidi Browning from downtown—continuation of search, rescue, and repair—interview with James Loftis, design architect
3:35:16	CBS Evening News with Connie Chung—"Terror in the Heartland"—"has Middle East terrorism written all over it."
3:37:34	Peter Van Sant <sp?>—review of the events, file footage
3:38:34	Dr. Espe's co-worker, Jack Gobin—remarks about vibrations before explosions
3:38:51	File footage—shot of vehicle believed to have carried the 1,500 lb. bomb—Bob Ricks' comments—bomb scare—"Luckily the report was untrue" (referring to other devices found in building)—Jon Hansen

Time	TAPE No. 001 ACTIVITY ON SCREEN KWTW Channel 9—Broadcast Video
3:40:36	Footage of Dr. Brian Espe's escape—comments
3:41:01	Governor Frank Keating's comments—file footage
3:41:26	Back to Connie Chung—interview with Mayor Ron Norick—"Is your city able to handle this?"
3:44:40	Scott Pelley—says Loftis says no danger of building collapse—comments about rescue effort—victims—day care center
3:46:48	Rita Braver at the White House—reviews Clinton's reaction and remarks, Leon Panetta—suggestions of closing Pennsylvania Avenue—involvement of Intelligence Community
3:49:37	Break back to news room—Mitch Jelniker
3:49:45	Heidi Browning downtown—rescue will continue all night
3:50:32	Helpline—Dr. Mary Ann Bauman—over 80 calls
3:51:03	Weather Update with Gary England—tornado warning in SW Oklahoma—movement ENE at 40 mph
3:51:51	Back to Connie Chung—interview with Frank Keating—his typical remarks—coordination of federal and state officials—two car bombs—he saw the axle—denies second devices found—one device in two cars—or two devices in two cars—"bull pens"—suspects from Middle East? Keating says might be a rumor that they are suspects—says everyone is a suspect
3:55:06	Jim Stewart with Justice Department opinions—says one of BATF's best bomb experts was two blocks from the scene, gave initial report—Janet Reno's comments—Ms. Toensing—FBI has had eight claims for responsibility—Oliver "Buck" Revell
3:56:45	John Roberts interviews James Fox, former FBI official in charge during World Trade Center bombing—evidence will be at the bottom of the crater—interrupted by tornado warning weather report—Fox interview continued—bombing's impact on American psyche
3:59:44	John Roberts interviews Jack McGeorge, former Secret Service agent—ANFO is a possibility, but he says it may be premature to assume that—residue should be present if ANFO—Roberts calls ANFO a "high explosion"—"witch's brew"—bomb signature possibilities
4:02:06	Back to newsroom—Dr. Mary Ann Bauman with the Helpline panel—death toll now 24, 17 of them children
4:03:08	Robin Marsh at the 1 <sup>st</sup> Christian Church Family Crisis Assistance Center—still looking for children from YMCA
4:03:52	Severe weather update—tornado watch and severe thunderstorm watch
4:04:40	Connie Chung—review of damage—offices—file footage
4:05:34	Interview with Asst. Fire Chief Jon Hansen—building unstable, "Have you saved anyone?"—"Can you handle this?"—"Are hospitals able to handle all the injured?"



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<b>Time</b>	<b>TAPE No. 001 ACTIVITY ON SCREEN KWTV Channel 9—Broadcast Video</b>
4:08:35	Remarks from Bob McNamara—survivors very lucky—file footage, interrupted by:
4:09:50	Tornado update with Gary England
4:10:24	Bob McNamara continued—to Jerry Bowen—bomb threats elsewhere in the United States—Janet Reno—“the new American anxiety”—UCLA professor—guard, L.A. bomb squad officer
4:13:01	Break—Dr. Mary Ann Bauman, calls from the community—death toll now 26, 17 of them children, 300 unaccounted for—about the day care center
4:14:35	Weather update—helpline number
4:15:56	John Roberts interviews David Martin at the Pentagon—the question of U.S. military retaliation if a foreign government was involved in OKC bombing—“there are times”—too soon to tell
4:17:39	John Roberts introduces Prof. Fouad Ajami, Middle East authority and Steven Emerson, author and terrorism expert
4:17:58	John Roberts interviews Steven Emerson—locking up suspects doesn't work—about state-sponsored terrorism—extremists in Islamic community
4:19:00	John Roberts interviews Prof. Fouad Ajami—trace the trail of terrorism to the U.S.—from 1980s, through Europe, into the United States, World Trade Center bombing—terrorists are “free-floating drifters”—more with Steven Emerson—in the heart of the “Great Satan” all Middle Eastern terrorists operate together—retailers of terror
4:21:38	Back to news desk—Gov. Frank Keating—“no secondary devices”
4:22:42	Dr. Mary Ann Bauman—helpline number—questions from the public
4:23:07	What can you do? Feed the Children needs—weather update
4:24:10	Connie Chung interviews Dr. Thomas Coniglione, Medical Director of St. Anthony Hospital—injury numbers—status—file footage—“How can you handle it all?”
4:26:40	Back to news desk, 26 dead—Dr. Mary Ann Bauman—over 100 calls from the community so far—weather update—“Feed the Children” need list
4:28:18	Richard Threldkeld—about America's loss of innocence and security—history of terrorist acts including Beirut, Japanese subway, Brian statement—interviews with unknowns about “why Oklahoma”—James Fox—religious, political zealots—file footage, World Trade Center—the openness of America is a threat to the country—“Look out America”
4:30:21	Connie Chung—file footage review of the events of the day—Toni Garrett—Dr. Espe's rescue
4:34:07	Back to the Channel 9 news desk—review of the events—weather update

Time	TAPE No. 001 ACTIVITY ON SCREEN KWTV Channel 9—Broadcast Video
4:35:33	8:00 p.m.—list of victims treated, or treated and released
4:39:18	Interview with Dr. Gary Massad about the scene and medical effort—involved in Daina Bradley's amputation
4:40:43	Interrupted for weather update
4:41:42	Robin Marsh at 1 <sup>st</sup> Christian Church with the Cooper family—6-month-old Antonio is missing—interviews with family members—photograph of the child
4:46:20	Heidi Browning downtown—it is raining now—spotlights on the building—file footage, interviews—300 unaccounted for
4:49:24	Thunderstorms intensifying—tornado warning—weather update
4:50:20	Back to news desk—continuation of interview with Dr. Gary Massad about Daina Bradley's amputation
4:53:00	Review suspects information even though FBI says there are no real suspects now, but no one is being ruled out
4:54:05	People were interviewed at Plaza Hotel about dark-complected, non-English speaking suspects, not Hispanic—suspects checked out early in the morning—no further information
4:54:59	Weather update
4:55:45	Dr. Mary Ann Bauman—interviews panel members about questions from the public—how to deal with the children and the schools—blood institute on Portland Avenue is still open—waiting time is six hours to donate—EMT called after child died in his arms—dealing with guilt
4:59:13	Back to news desk—review Antonio Cooper information, still waiting
5:00:02	Randy Renner downtown fighting the high winds and rain—debris blowing
5:00:30	Randy Renner interviews Becky Hernandez with Feed the Children—even pastors and counselors are shocked—lots of rain and high winds—rescue efforts continuing—wind causing problems for firefighters and rescuers
5:02:50	No new word on suspects
5:03:32	Robin Marsh—still waiting for information on 6-month-old Antonio Cooper
5:04:33	Call for help from Feed the Children—333 N. Meridian—list of items needed—1-800-741-1441
5:05:12	Numbers to call if you were in the building—ATF and FBI have sent in big teams to investigate
5:05:56	Robin Marsh—commotion at 1 <sup>st</sup> Christian Church—sheriff's officials apprehend man causing disturbance at the Family Assistance Center—great distress—emotionally overwrought—taken away from the scene—back to news desk

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<b>Time</b>	<b>TAPE No. 001 ACTIVITY ON SCREEN KWTV Channel 9—Broadcast Video</b>
5:08:14	Randy Renner downtown—fire department has recovered three more people alive inside the building—wind is blowing very hard—rain is intense—lighting flashing—debris flying off of the building—concrete is falling off the building (around 8:35 p.m.)
5:12:26	Severe weather update—tornado on the ground just west of Ardmore—moving at 50 mph ENE—outflow from the storms that passed just to the east of OKC—back to the west another line of storms coming
5:14:17	Back to Randy Renner about three people found alive—all encouraged by the rescue
5:15:30	List of all victims treated at hospitals, or treated and released from hospitals—latest death toll, 26 dead 17 of them children, 300 missing—rescue response was superb—weather is very bad, rescuers are tired—all energized by the three survivors found—workers will be working all night—12 FEMA vehicles and trailers came from Dallas to work on the operation
5:20:47	Randy Renner has new video from the scene—federal workers picking up evidence—rubble, debris from areas surrounding the building—800 N. Hudson building shown making repairs—wind and rain hampering rescue effort and removing evidence—temperatures are dropping—effects the preservation of evidence
5:24:21	Mention of the World Trade Center bombing—finding the VIN on a piece of metal which “broke” the case in New York
5:24:35	Cynthia Gunn downtown—debris flapping in the wind—big excitement over the three survivors recently found
5:25:53	Helpline is available for anyone needing help and counseling—Dr. Mary Ann Bauman, calls from the public—youth want to know how to help
5:27:24	Weather update—tornado on the ground near Sulfur in Murray County moving east 55 mph—tornado warning in Carter County near Ardmore
5:27:57	Crater will help ATF track down the perpetrators—Dave Balut saw the crater and offers a report
5:28:20	Dave Balut—was present 15 min. after explosions—his footage of the scene
5:29:35	NW 7 <sup>th</sup> and Walker—wholesale automotive paint shop employee says: “I felt a kind of a rumble, and then a blast. I thought somebody had pulled through the front of our building, a truck or something. And then glass went everywhere throughout the whole building.”
5:31:13	What about the extensive tunnel system: The Conncourse? Dave Balut got to walk through part of the Conncourse near the Park Avenue area near Liberty Bank and near the Oklahoma County Courthouse—could not get near the Federal Courthouse—all doors locked, all blocked off. “It is going to be interesting to see, though, because that Murrah Building and the Federal Courthouse are connected to that tunnel system, and obviously if there was a crater 20-feet down in front of the building, I suspect that the tunnel system there is going to be affected as well.”



*Appendix G: Videotape References* 573

<b>Time</b>	<b>TAPE No. 001 ACTIVITY ON SCREEN KWTW Channel 9—Broadcast Video</b>
5:32:16	Robin Marsh at the 1 <sup>st</sup> Christian Church—folks are not giving up hope—a man came in searching for a friend of his who worked in the Marine Recruiting Center—the friend was from New Jersey—he had no family or close relatives in Oklahoma—nearing 9:00 p.m.—Ruby's Pre-School is providing free day care for children of families waiting for news if the children do not need to be in that tense and anxious situation—908 NE 30 <sup>th</sup>
5:33:13	Robin Marsh interviews Peggy Pringle, a minister from Bethany area—talks about counseling—has a list some of the missing people
5:34:54	Randy Renner downtown—no further word on three rescued earlier—cranes in front of the building—rescued removed from south side, impossible to remove victims from the north side because of devastation—file footage of ATF and FBI searching for evidence
5:37:55	Cynthia Gunn from downtown—encouraging news—rescue worker says there is one woman pinned in the basement—woman says there are two other people with her, does not know if they are alive or dead—working on trying to get her out—(around 9:00 p.m.)
5:39:30	Gov. Keating talking to press downtown—happy about live persons found, unhappy about the weather—workers check with supervisors to find out whether or not to go to work tomorrow
5:43:38	Ed Murray from the news room—back from St. Lukes Church (15 <sup>th</sup> & Robinson) where Red Cross has set up shelter and information center—has anyone seen 16-month-old Danielle Bell? Small missing child—description given—call in if child has been seen
5:45:15	Information on “get-away” car has changed—now looking for a small blue GM car instead of a late model brown Chevy pickup truck—in- stead or in addition to
5:45:37	Dr. Mary Ann Bauman with the Helpline—how to handle the images and feelings—how to help—talk about feelings—no problems are insignifi- cant—everyone should talk
5:47:47	Cynthia Gunn from downtown—still working on rescuing the girl pinned in the basement—water still in the basement—about 24 rescu- ers in teams of 4, going floor to floor into the harder spaces to check
5:48:50	Rescuers will get counseling—will happen at end of each shift—stan- dard procedure after initial period
5:49:24	Computer graphics (again) of the explosions
5:50:33	Robin Marsh from 1 <sup>st</sup> Christian Church—still waiting for word of loved ones—Antonio Cooper story
5:52:32	Heidi Browning downtown—basket on crane can be seen moving near the upper floors, searching, taking dog up, started at middle of building, four floors up, moving to the west side, rescuers calling out to someone in building

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<b>Time</b>	<b>TAPE No. 001 ACTIVITY ON SCREEN KWTV Channel 9—Broadcast Video</b>
5:55:34	Workers leave basket, go onto the fourth floor, taking dog with them—reaching down into a sack or bag for something—telephoto lens gives close look
5:58:28	Tamara Pratt—about the basket activities—chopper (Oklahoma Air One) activities spotlighting the area—lighting the building for the rescuers
5:59:57	Police source says FBI says they have found axle of the bomb car two blocks from the scene—1,000 to 1,200 lb. of explosive estimated—review of search efforts—helicopter overhead
6:02:42	National Guard has 40 MPs on duty at this time—chopper working perimeter security
6:03:30	News desk: call before you go to work tomorrow, Helpline number
6:04:02	Dr. Mary Ann Bauman—had close to 200 calls—no problems too small—children upset—need to be told that they are safe—focus on normal activities—let the children lead with questioning
6:06:15	Tamara Pratt downtown—chopper was spotting top of the building—not sure why
6:07:25	Heidi Browning—file video of rescuers going up to fourth floor—team workers going in the building
6:09:00	End of tape



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