

OKLAHOMA Gazette

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WITH JUSTICE FOR ALL

Does the verdict end the story?

BY PHIL BACHARACH



By Monday, June 2, the fourth day of jury deliberations, members of the news media covering the *United States of America vs. Timothy James McVeigh* had run out of story ideas.

WITH JUSTICE FOR ALL

Does the verdict end the story?

BY PHIL BACHARACH

1995, will resonate in history books as a day that shook the foundation of an entire community and, possibly, a nation.

For those directly impacted by the worst act of terrorism on U.S. soil, the verdict

has brought some relief, but not a remedy.

"A lot of people think the guilty verdict is going to make everything better, and it's not," said Catherine Alaniz, who lost her father, Claude Medearis, in the bomb blast.

"There's going to be a lot of people who are going to fall on their faces."

She bristles at suggestions the verdict has anything to do with closure.

"You don't close. You end a chapter and move on," Alaniz said.

"Everybody keeps telling us to get over it. You don't just get over it. This is going to continue to haunt us for the rest of our lives."

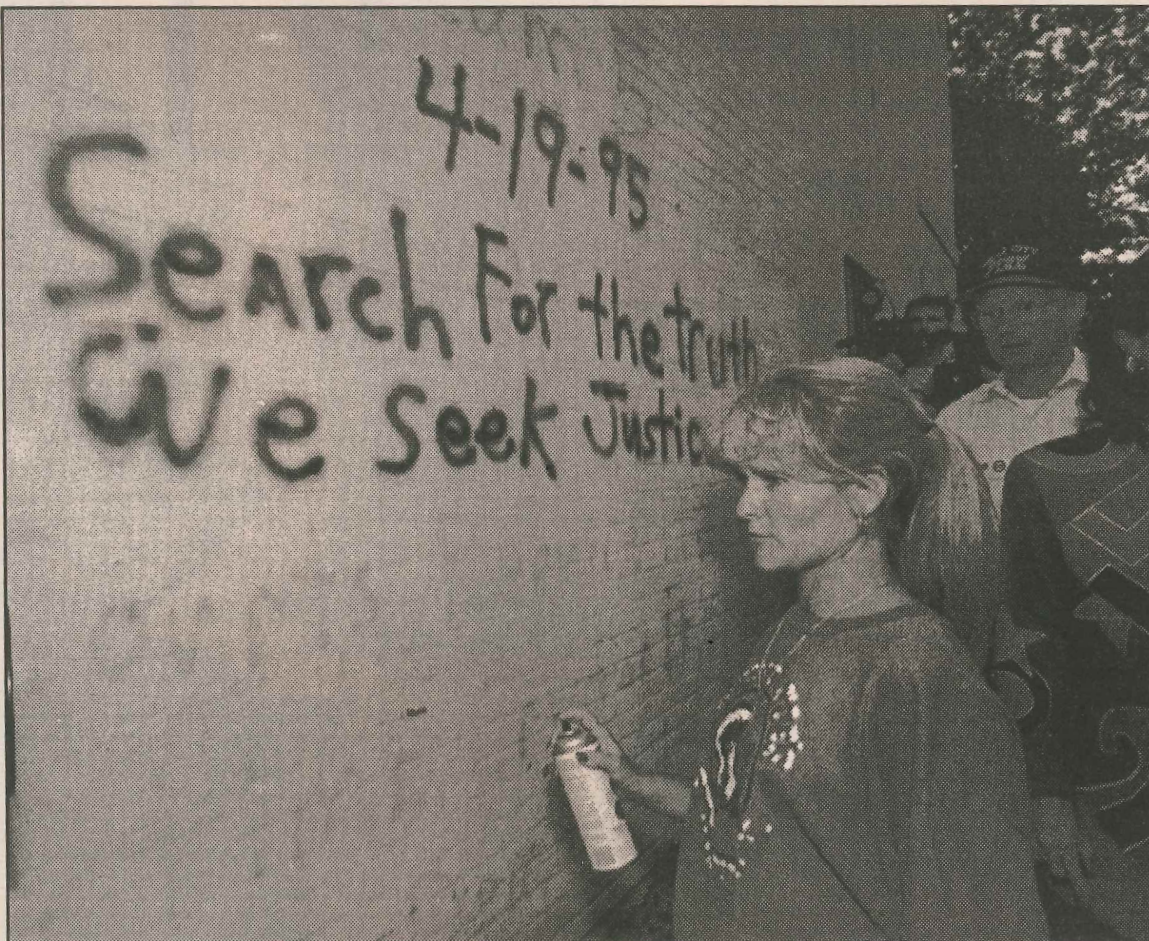
The guilty verdict is about justice, not healing. Oklahoma City counselors who routinely work with bombing survivors and victims' relatives say the tragedy has fueled additional despair, such as divorce, alcoholism, drug addiction and domestic abuse. And some people who lost loved ones in the explosion have walled themselves off from their families, hoping to insulate themselves from any possibility of further pain.

Marsha Kight, whose daughter died in the bomb blast, said she had fooled herself into believing a guilty verdict could assuage her grief.

"You search for relief in different ways, and I thought that was going to help fill that void," she said.

"I know I felt relieved that he had got the conviction, but I didn't feel better inside. It doesn't take away the pain."

The trial's strongest legacy could be its impact on a judicial system tarnished by the drawn-out media circus of the O.J. Simpson criminal trial. Legal experts contend McVeigh's trial has



— Photo by William Philpott

Hours after the verdict was announced in the McVeigh trial in Denver, survivors and family members gathered in downtown Oklahoma City. This woman is re-painting the wall initially marked by a California unit that had participated in the rescue effort after the bombing. Her husband was killed in the bomb blast.

Bombing survivors and victims' relatives who filled the courtroom gallery were less restrained. They hugged one another and cried a mixture of joy, relief and grief. One woman dropped to her knees and sobbed.

Half an hour later, storm clouds broke over the Colorado Rockies, and a soft rain fell on the hundreds of reporters and interested onlookers outside.

But no one seemed to be bothered by it.

"Ahh, that's just liquid sunshine," said Roy Sells, whose wife died in the bombing. He

grinned and glanced up at the gray sky.

In spite of tremendous relief and a sense of at least partial resolution felt from a guilty verdict, the conviction of Timothy James McVeigh does not end the story that began more than two years ago, when he detonated a fertilizer-and-racing fuel bomb packed in a Ryder truck in front of the Alfred P. Murrah Federal Building.

After the world has long-forgotten Nicole Brown and O.J. Simpson, the date April 19,

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COVER STORY



helped restore public trust in the courts because it boasted prosecutors who generally shunned the media spotlight and because of Matsch's control of the courtroom.

"The prosecutors here are the public's employees. The public's employees keeping their eye on the ball...I think that's really important," said Connecticut lawyer and former U.S. attorney Stan Twardy.

"But of course, you're dealing with this against the backdrop of the deaths of 168 people. It restores faith in the system, but is it a victory? I don't think you can ever have a victory under those circumstances."

Denver defense attorney David Lane, who is not involved in the McVeigh case, finds it unfortunate that Matsch adhered to a long-held ban on news cameras in federal courtrooms.

"I think the public would have benefited from seeing how efficient a group of true professionals handled themselves and handled

"They (McVeigh's prosecutors) used common sense in figuring out that they don't need 10 witnesses to say what one good witness or two good witnesses can say," he said.

But Denver lawyer Scott Robinson said McVeigh's defense team, headed by Enid attorney Stephen Jones, also merits praise.

"These lawyers served McVeigh selflessly," he said.

"Whether McVeigh deserved it or not, I'll let somebody else decide. But this defense team deserved at least three full days of deliberations."

Then there is Matsch, whose iron-fisted rule of the courtroom kept the trial from dissolving into a Simpson-like media spectacle. Occasionally reprimanding attorneys and even a few witnesses, the 66-year-old judge kept proceedings moving at a brisk clip. He allowed only a few sidebar conferences, ruled on most motions before or after court was in session and placed a "gag" order to keep lawyers from discussing the case with the media.

At one point in the questioning of an eye witness, Matsch, particularly intolerant of lawyerly grandstanding, interrupted a heated exchange of objections between opposing counsel.

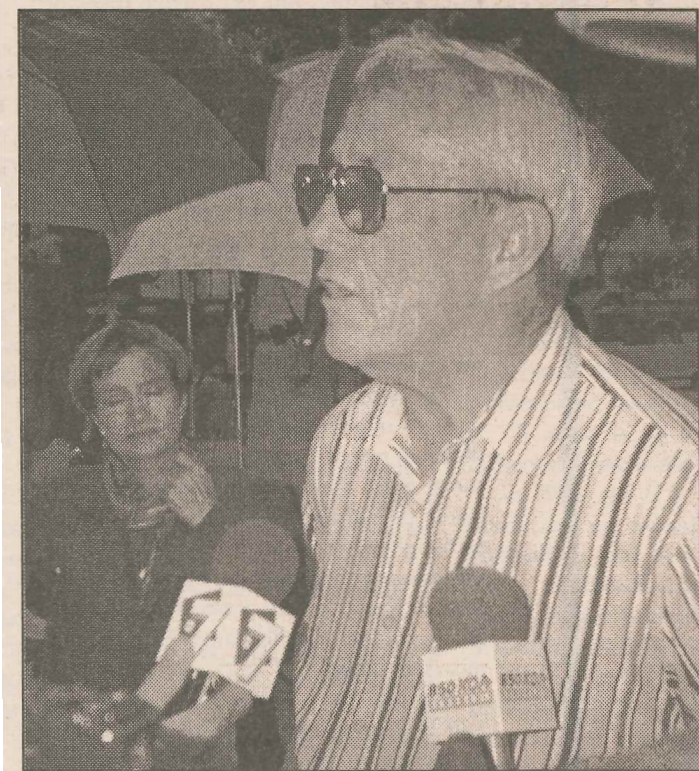
"Look," Matsch said. "This is not a tennis match."

Unlike Judge Lance Ito in the California Simpson trial, Matsch ran a tight ship. Proceedings began promptly at 9 a.m., one break was taken later in the morning, one for lunch and one in the afternoon before 5:00 p.m. adjournment. No one could leave or enter the courtroom at any other time. After one break, Matsch told the court, proceedings would resume at 1:37 p.m. And they did.

But other aspects of the trial are not so neatly trimmed or easy to determine. Throughout the trial, McVeigh's seemingly emotionless countenance provided a blank slate on which courtroom observers ascribed their own interpretations. The day after the verdict, newspapers across the nation alternately described his demeanor as having been tense and stoic.

Perhaps it is not surprising that no one has successfully sized up a man who bombed a building and murdered 168 innocent people because he wanted to avenge the 1993 federal siege on the Branch Davidian cult near Waco,

CONTINUED



— Photo by Phil Bacharach

Roy Sells, of Oklahoma City, reacted to the guilty verdict in the McVeigh trial as the rain began to fall in Denver. Sells lost his wife in the federal building bombing.

a very complicated and serious case," he said.

"This was a finely tuned machine from beginning to end."

He lauds the prosecution team led by Illinois assistant U.S. attorney Joseph Hartzler, which took only 18 days to put on a powerful, but largely circumstantial, case that included 138 witnesses and thousands of pieces of evidence. The government's presentation bordered on the symphonic, full of melody and crescendo, as it interspersed gripping and graphic testimony with dry forensics evidence.

"This should serve as a model for prosecutors all over the country in how to streamline a very complicated, confusing case," Lane said.

Most state prosecutors, he said, tend to think that the more witnesses, the better.

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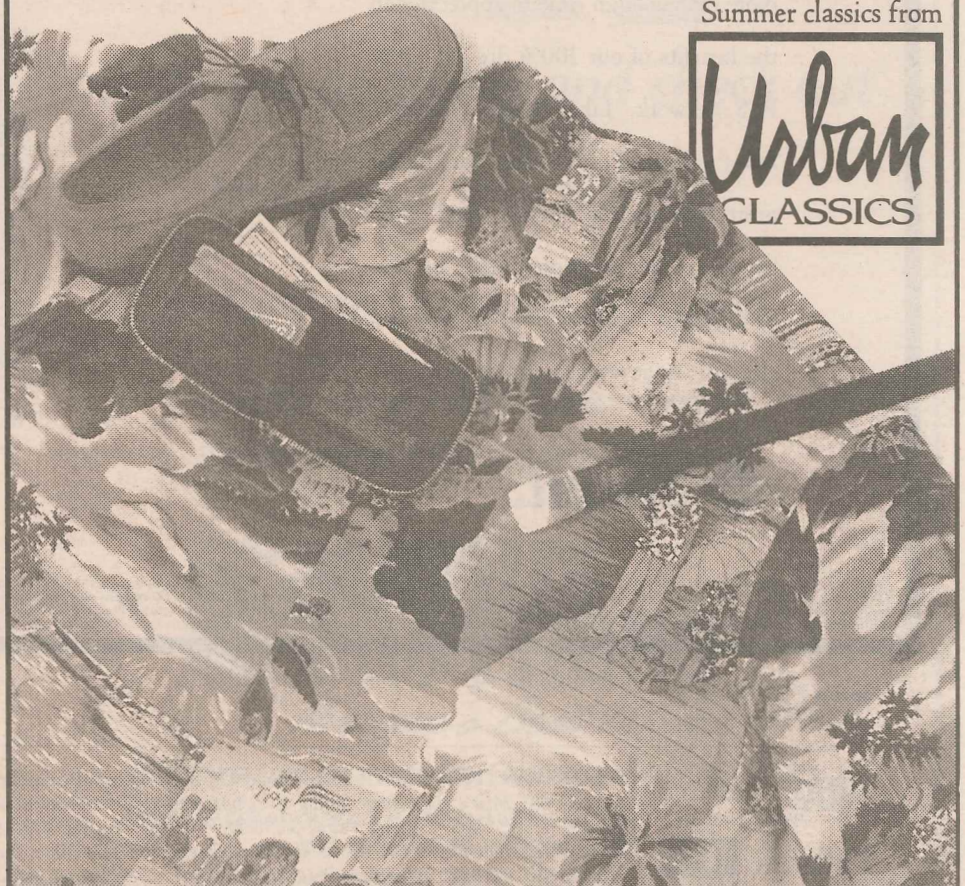
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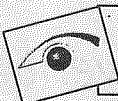


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Tex. As would surely be revealed by the defense team's plans to air video about his life as a child and young man, McVeigh appears to be beyond the scope of a facile psychological analysis.

In a curious incident during the trial, a waitress at a Denny's restaurant in Kansas testified that she remembered serving McVeigh days before the bombing because she thought he was cute.

Upon hearing that, the defendant blushed, giggled and buried his face in his hands. For someone facing a possible death sentence and in a courtroom full of people whose lives he devastated, McVeigh's aw-shucks reaction was one of the trial's strangest moments.

Such is the inscrutability marking 29-year-old Timothy James McVeigh: Computer enthusiast, decorated Desert Storm veteran, gun merchant and mass murderer.

Just as he remains an enigma, so, too, do several mysteries surrounding the bombing case. The trial proved McVeigh blew up the federal building, but the narrow focus of prosecutors and defense attorneys did not address lingering questions.

The government failed to call on several witnesses from Kansas and Oklahoma City who say they saw McVeigh accompanied by a so-called John Doe 2 in the days before and morning of April 19. Three people from Elliott's Body Shop in Junction City, Kan., where McVeigh rented the Ryder, maintain that another man was with McVeigh when he picked up the truck the Monday before the explosion.

There are even nagging eyewitness accounts of a second Ryder truck. Although McVeigh rented it on April 17, 1995, several people insist they saw a yellow Ryder truck before then at the Dreamland Motel, where McVeigh was registered. Nearly a dozen witnesses say they spotted the truck at Geary Lake in Kansas, where prosecutors speculate McVeigh and co-defendant Terry Nichols mixed the bomb.

A prosecution witness, Eric McGown, told FBI agents two years ago he had seen McVeigh on April 16, 1995 — Easter Sunday — behind the wheel of a Ryder in the Dreamland parking lot. On the witness stand, McGown said he was not sure if he had seen the truck on Sunday or Monday.

Matsch barred the defense from calling on the testimony of Carol Howe, a former Tulsa debutante and one-time informant for the U.S. Bureau of Alcohol, Tobacco and Firearms. Months before the bombing, she reportedly told an ATF agent that two white supremacists with links to Elohim City, a Christian Identity compound in eastern Oklahoma, had talked about blowing up federal buildings in Tulsa and Oklahoma City.

One of the men Howe had mentioned as a potential bomber was Andreas Strassmeir, a German national who had been Elohim City's chief of security. McVeigh phoned the compound on April 5, 1995, and allegedly asked for Strassmeir. The call came minutes after McVeigh had phoned an Arizona truck rental firm.

Even so, Matsch ruled that testimony from Howe, who is facing bomb threat

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charges in her native Tulsa, was irrelevant to McVeigh's trial.

The FBI did not interview Strassmeir until more than a year after the bombing. By January, 1996, he already had fled to his native Berlin.

If McVeigh receives the death penalty — an outcome many, including Gov. Frank Keating, have felt was inevitable and justifiable once a guilty verdict was issued — it will not be easily reached.

The prosecution must prove McVeigh acted with a "reckless intent to cause death," as well as show at least one "aggravating factor," such as intent to cause injury to large numbers of people, of a crime heinous enough to justify his execution.

But to show the jury that a death sentence in this case would be cruel and unusual punishment, McVeigh's attorneys have tried to prove "mitigating factors," other influences such as highlighting his military service and his obsession with the Waco tragedy.

Matsch told jurors the weighing of aggravating and mitigating factors "is not a mechanical process." In other words, there is no scientific formula by which one can tally each side. Instead, each juror must weigh the information and reach a decision using, inevitably, his or her own moral judgment. After the defense presents its case, Matsch will provide guidelines for jurors when reaching their decision, a decision that must be unanimous.

As the jury is expected to begin sentence deliberations this week, many trial observers say that if any crime calls for a death sentence, it is a bombing that killed at least 168 people, including 19 children.

"My dad didn't have a choice to live or die," said Alaniz.

"I don't think [McVeigh] should, either."

Her sentiments are echoed by Jannie Coverdale, whose two grandsons died in the bomb blast.

"I think they should sentence him to death," she said.

"I'm not asking for this, but I think it's necessary because I haven't seen any remorse from Timothy McVeigh."

But Lane, who opposes capital punishment and plans to participate in an anti-death penalty rally Friday outside Denver's federal courthouse, said a death sentence is never a certainty in a capital trial.

"Timothy McVeigh is a human being who has done a monstrous deed, but he's not a monster," he said.

"He is a human being, and simple respect for human life may result in a life sentence for Tim McVeigh. Is it really so terrible if we stop confusing justice for vengeance?"

Lane points out that McVeigh's attorneys already have poked several holes in the government's case that could be exploited.

"You may have had enough evidence to convict him beyond a reasonable doubt, but that doesn't mean you have enough evidence to say beyond all doubt he committed this crime," he said.

Indeed, the government's case, while strong, was not without a few thorny problems. Prosecutors failed to call a single eyewitness who placed McVeigh in downtown Oklahoma City on the morning of the

explosion. His fingerprints were not on the rental agreement for the truck that carted the bomb, nor did they appear on the key that the government claims belonged to the truck. Although traces of explosives were found on McVeigh's clothes and personal effects at the time of his arrest, there was no bomb residue in his getaway car.

"The defense lawyers are going to try and save his (McVeigh's) life, even if it's not what he wants to have them do," Robinson said.

"These lawyers will not stand idly by and let the government kill their client."

But that is an uphill fight. In the post-conviction, sentencing phase of the trial, prosecutors called on 38 witnesses, most of whom were bombing survivors and victims' relatives with stories of heart-wrenching pain and loss, stories heard often by families and friends in Oklahoma but stories that are new, and newly tragic, to the 12 jurors from Colorado who hold McVeigh's life, or death, in their hands.

Robinson said he thinks McVeigh has a chance to receive life imprisonment, however slight.

"This jury has on it several people that I thought were ambivalent about the death penalty," he said.

"I'm kind of surprised the prosecution didn't excuse them. Frankly, I wouldn't want to live in a country that didn't have people who were ambivalent about putting another individual to death."

The death penalty is a relatively new phenomenon for federal courts. The last person executed under federal law was in 1963 for kidnapping and murder.

"You're not dealing with a lot of federal prosecutors who have experience in the death penalty phase of a case," Twardy noted.

"It really is, in many ways for federal prosecutors, uncharted territory."

In 1972, the U.S. Supreme Court struck down state and federal death penalty statutes, contending they had been applied without equity. In response, state legislatures acted quickly to design death penalty provisions to fit specific crimes and defendants.

But Congress failed to address federal death penalty laws until 1988, when in the midst of the war on drugs it provided for capital punishment in several drug-related crimes. Still, even with these new, strengthened laws, no one has been executed by the federal government in 34 years. More than a dozen people on death row await execution while their sentences are being appealed.

In 1994, a year before McVeigh drove the bomb truck to downtown Oklahoma City, the federal death penalty was expanded to include some 60 crimes, including conspiring to use a weapon of mass destruction. McVeigh was tried under such provisions. If sentenced to death, McVeigh would die by lethal injection, an execution likely to take place at the federal death chamber in Terra Haute, Ind.

But not even all family members of bombing victims want that to happen. Kight was opposed to capital punishment before her daughter lost her life, and she is still against it.

"Hates breeds hate and violence breeds violence," Kight said.

"What are we saying to society if we can have federally sanctioned murder?" ■

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The writer's name and hometown must be given. Unsigned letters will not be published. However, names may be withheld from publication upon request if the letter is accompanied by an author's note to the editor explaining the reason for the request.

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Deny McVeigh martyrdom

Editor -- First let me say that I knew three people killed in the bombing. Two were beloved members of my church, and the third managed the pool at a health club I use -- she was in the federal building to pick up her new baby's Social Security number.

Another friend was at her job in the building when the bomb went off. Thirty-five of her co-workers died, but she stumbled out alive. I remember a day when I felt I could kill the bombers myself.

Today, I believe life without parole in federal penitentiaries is the right sentence for Tim McVeigh, but not because I am soft on terrorists. Some believe conspirators are still at large. If McVeigh dies, the one who could implicate them will be silenced and the full story may never come out, as when Jack Ruby killed Lee Harvey Oswald.

We should deny McVeigh any possibility of a martyr's death. He and others may still believe the bombing was justified to avenge tragedies at Waco and Ruby Ridge. Only decades of reflection can penetrate a mind guilty of crimes like McVeigh's. In time, perhaps he will comprehend the horror in the lives he tore apart caused by his angry man's stupid violence. Meanwhile, anyone else in the movement where people believe that bombing buildings makes the world a better place will watch McVeigh grow old in prison. Why let them add his execution to their resentments?

All terrorists risk death. They believe "the mission" is worth their personal sacrifice. The danger of execution and martyrdom may heighten their exhilaration. McVeigh could have chosen a building in a state without the death penalty or a county without District Attorney Bob Macy. Obviously, the threat of execution played no part in McVeigh's selection of the Murrah Building. Executing

LETTERS

him may fulfill some twisted wish to die a hero. We can explode McVeigh's cheap dream by sentencing him to "Go to his room" for the rest of his life.

One of Adolph Hitler's top advisors, Albert Speer, was sentenced at Nuremberg not to death, but to Spandau prison. Decades later, in his book "Inside the Third Reich," Speer wrote something like, "My life is a desert. Nothing I can ever say or do could atone for my crimes. I live out my days hoping my testimony may prevent repetition of this tragedy."

Speer's book is a caution against mindlessly following charismatic leaders. Alive, McVeigh might one day share insights that could help society better understand how a young man could drift so far into violent thinking. If we kill him, we lose a resource that might prevent similar tragedies.

Repentance and a spiritual awakening in McVeigh may seem unlikely, but they are possible. If that piece of McVeigh should ever come alive -- 20 or 40 years from now -- we will have granted to him what he did not grant to others on April 19, 1995, the right to life -- even in prison. We will be giving him a chance to experience repentance and to seek God's forgiving love. In so doing, society will demonstrate higher values than vengeance.

Most nations and states which do not execute murderers have lower murder rates than those still executing people. Opponents of the death penalty say even Hitler should get "life without parole," not because his crimes do not warrant death, but because we leave such judgments to God and choose to demonstrate that nothing can turn us into killers.

-- Nathaniel Batchelder
Oklahoma City

About Christian piety

Editor -- May a born and raised Okie add his two cents worth to the flak surrounding the cross in Edmond: Just a reminder that it is from deeds alone that true Christian piety springs, not from a towering religious symbol on I-35.


One piece of advice for Metro Church members: Read Moliere's "Tartuffe" (unless OCAF has succeeded in banning it from library shelves) and put a stop to your shameful self-glorification.

-- Jeff Stephens
Chicago

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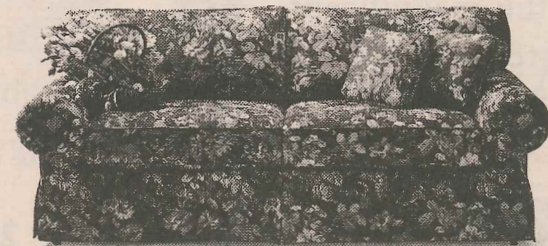
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A miraculous tree

There are almost no trees in downtown Oklahoma City. The earth in the central part of this state is a funny kind of dry, red clay, and between the challenges of growing things in this soil and the bulldozers of urban renewal, most trees seem to have given up, the job of staying alive just too tough.

In fact, I think downtown Oklahoma City has looked for many years like it, too, had just given up. It is not very big, not very busy and, truthfully, not very pretty. There are few shops, even fewer restaurants and hardly any people walking the windy streets. There are quite a few office buildings, though, some very tall, strongly built and handsome.

The Alfred P. Murrah Federal Building was one of the largest and strongest of those, but it isn't there at all anymore, destroyed by a 5,600 pound ammonium nitrate bomb left in a yellow Ryder truck parked on one of those quiet downtown streets.

We've been holding our breath here in Oklahoma City, while the jury considered whether Timothy McVeigh, an able-bodied, well-spoken young man armed with a quiet but deep fury against his government, planted that bomb. Now the verdict is in; McVeigh has been found guilty.

The verdict is anti-climatic at best. It won't bring back the 19 children and 149 adults killed that day. It won't make whole those severely injured and physically disabled by the blast. It doesn't answer the painful question -- Why? -- still screaming in the hearts of mothers and fathers who lost their babies.

About 50 yards north of the spot where McVeigh left the bomb, an elm tree still stands in the center of a parking lot. A stubborn thing, it's not very pretty or very straight or very tall. Known by people around here as the Survivor Tree, this scruffy thing was not even touched by the power of this bomb.

Oddly, surprisingly, maybe even miraculously, the tree has held onto its little spot in this red earth, losing its leaves over the two winters since the bombing, then somehow finding the strength to grow again in the two springs that have followed.

People are drawn to this strong, bullheaded tree. Groups of children gather around it to sing; churches, synagogues and mosques call people to worship there; ribbons are tied around it, prayers are said before it, water is poured on it -- all in homage to its toughness, its willingness to stand there and not give up its life in the face of unimaginable horror.

Soon McVeigh will be gone -- in prison, at least, possibly even put to death. But the families of those who died that day, and those of us who have lived and cried with them, are still here. Some are battling to stay alive themselves, holding on to their spot of rocky, red earth, not giving up on life. And finally, we are going to rebuild downtown -- a new ballpark, music hall, sports center and library. And a memorial to our dead, with the Survivor Tree playing a central part.

A few hours after the verdict was announced, several hundred survivors of the bombing and family members of those killed gathered around the elm. They raised their voices, not in religious song or celebration or in any chant of retribution, but oddly, surprisingly, miraculously and with great dignity singing "God Bless America."

Struggling mightily to bear their grief, their song said they still loved their land.

Their song said that hope is brighter than despair, that love is stronger than death and that justice can over power tyranny.

Their song said that, in spite of everything they have endured, they would survive beside this strong tree, on this spot of strong earth, in the center of a strong community in the heart of the very nation their enemy would rage against. ■



Court decision allowing Jones case to proceed will likely diminish the office of the presidency

In the case that will be remembered as *William Jefferson Clinton versus Paula Corbin Jones*, the U.S. Supreme Court decided unanimously that the President of the United States has no absolute immunity from civil lawsuits based upon private conduct. Nor is the president entitled to an automatic stay of litigation (a postponement) until after leaving office.

It is not clear how significant the case will be. It is possible that some day in the future -- perhaps some day soon -- a plaintiff financed by the president's enemies will bring suit against the chief executive and hold him hostage with the cooperation of a partisan and unprofessional federal judge.

The past is no guide. Paula Jones' lawsuit against Clinton is only the fourth against a sitting president in American history. The president's lawyers were forced to conjure up images of a straitjacketed chief executive in time of crisis, but their speculations did not persuade the Court.

Fifteen years ago, the Court decided "the President has absolute immunity from civil damage actions arising out of the execution of official duties of office." The Court's central concern was to avoid rendering presidents "unduly cautious in the discharge of his official duties." In this case, *Clinton*, the Court found that the reasons for protecting the president from litigation over his official conduct did not apply to a lawsuit arising from alleged misconduct prior to assuming the office.

The Court softened the effects of its ruling by "assuming" that a president could not be required to attend trial. Testimony of the president would be taken at the White House at a time to accommodate official duties. But beyond these concessions, the Court would not go.

"Other than the fact that a trial may consume some of the president's time and attention, there is nothing in the record to enable a judge to assess the potential harm that may ensue from scheduling the trial promptly after discovery is concluded." It remains possible that a trial court, exercising its considerable discretion, might still postpone proceedings and trial to avoid interference with the president's work.

The justices discounted the possibility that their decision would "generate a large volume of politically motivated harassing and frivolous litigation." There are ways to take care of such cases, and "we have confidence in the ability of our federal judges" to take care litigation does not become a political tool for hamstringing presidents.



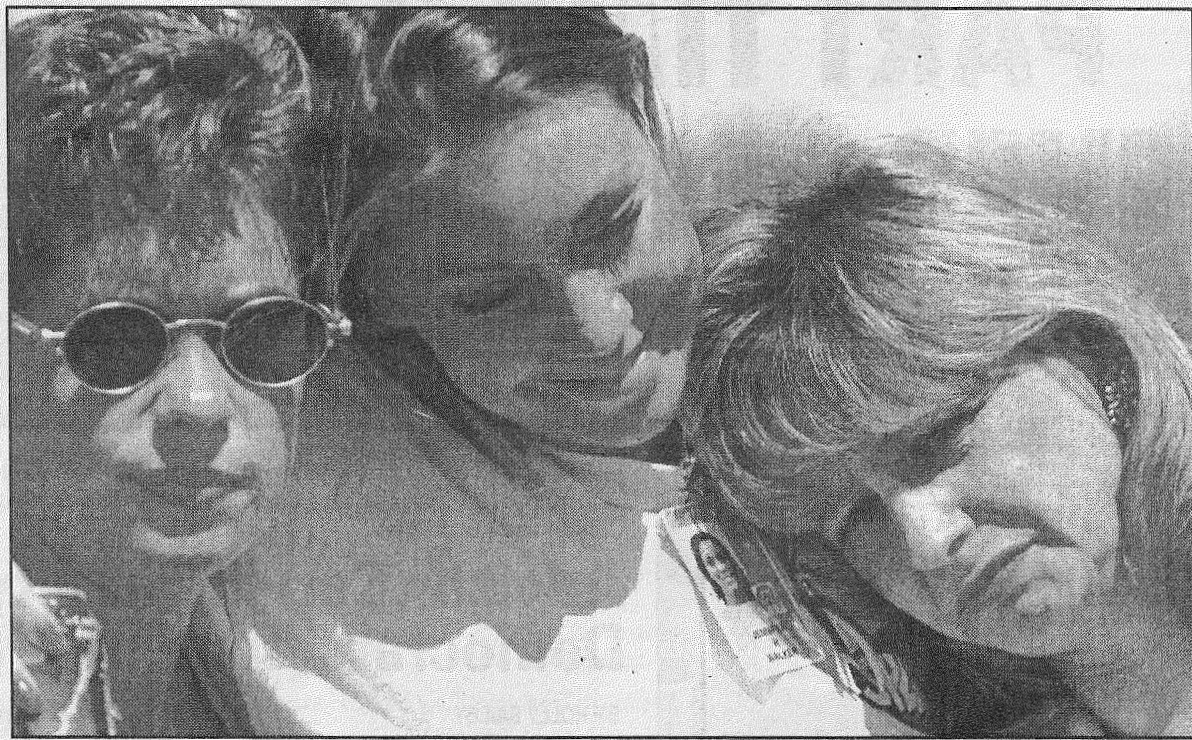
RICK TEPKER

O F C O U N S E L

Justice Stephen Breyer admitted to worry. He agreed the Constitution confers no automatic immunity from civil lawsuits based upon a president's private conduct. On the other hand, Breyer continued, the Constitution "forbids a federal judge...to interfere with the President's discharge of his public duties." And so, Breyer expressed fear that the Court might be "wrong in predicting the future infrequency of private civil litigation against sitting Presidents." If so, the Court may need to reconsider the issue in the future.

For now, the significance of *Clinton vs. Jones* is a matter of contemporary politics. The whole nation knows about Jones' accusations. She alleges that in 1991, then-Governor Bill Clinton made "abhorrent" sexual advances in a hotel room, after she had been taken to the governor's room by an Arkansas highway patrol officer. The president now faces the unseemly prospect of his widely-reported sexual adventures becoming daily fare for newspapers, television, tabloids and talk shows -- not to mention the late-night comics who already seem unable to do without sex jokes about Clinton for even a single night.

The prospect of ridicule is not enough for a persuasive constitutional argument for a president's personal immunity. It is enough to ensure that the unanimous decision of the Supreme Court -- whether correct or not, as a matter of law -- will diminish the office of the presidency and the flawed human beings who serve us as chief executives. ■



— Photo by William Philpott

Many people watched and reacted to the verdict in the federal building bombing trial at the FAA Center in Oklahoma City. Among them, l. to r., Chelle Cumberland, Jennifer Walker and Virginia Moser.

Tales of tragedy

BY PHIL BACHARACH

Jack McDermott told a Colorado jury how he and his wife had watched Timothy McVeigh grow from a fun-loving boy to a teen-ager who collected comic books because he saw it as an investment for college. The McDermotts trusted him so much they let him baby-sit their children.

"The kids loved him," said McDermott, who lives in McVeigh's hometown of Pendleton, N.Y.

"He was a good baby-sitter. He used to eat us out of house and home, but other than that he was good."

Then McDermott broke into tears.

"I can't imagine him doing a thing like this," he said, crying.

So ended the first week of testimony in the sentencing phase of McVeigh. The jury of seven men and five women are expected to decide this week whether to sentence him to death for the April 19, 1995, bombing of the Oklahoma City federal building, which killed at least 168 people and injured hundreds more.

Jurors can impose the death penalty or life imprisonment. A death sentence must be unanimous.

U.S. District Judge Richard P. Matsch had warned federal prosecutors earlier in the week against parading witnesses who would give heart-wrenching testimony certain to "inflame or incite the passions of the jury."

He later instructed jurors that their decision "must be a reasoned one, 'free from the influence of passion.'"

That might be impossible for jurors who heard from 38 prosecution witnesses, most of whom were bombing survivors and victims' relatives.

Throughout the week, tears flowed from jurors, courtroom spectators and even defense attorneys. In a "listening room" set up for media representatives to hear audio of the trial, U.S. marshals supplied packets of tissues to sobbing reporters.

McVeigh listened to the "victims' impact" testimony without registering any visible emotion. Only on Friday, when his defense team presented several of his Army pals, did he crack a smile.

Prosecutor Patrick Ryan, U.S. Attorney for the western district of Oklahoma, told jurors early in the week not to think of the bombing as a single mass murder.

"They were 168 people," he said in his opening statement, "all unique, all individuals."

Sharon Coyne testified how she was able to hold the lifeless body of her 14-month-old daughter, Jaci, who was in the federal building's daycare center at the time of the bombing. "I was very, very lucky," Coyne said softly.

Diane Leonard told jurors about her deceased husband. U.S. Secret Service agent Don Leonard was one of nine federal law enforcement officers who died in the explosion.

"I feel like my heart looks like that building," she said.

"It has a huge hole and it can never be mended."

Todd McCarthy talked about how he missed his father, another victim of the bombing.

"I am now charged with teaching my son love and compassion," McCarthy said, his voice breaking, "when all he sees is hate."

Jurors also heard graphic testimony from those who were involved in the tragedy's rescue and recovery.

Oklahoma City police officer Alan Prokop was one of the first rescuers to enter the shattered building. He told jurors how he gripped the hand of a woman who had been pinned by a concrete boulder. Prokop said he feared the woman might drown, because he heard the sound of rushing water.

"I screamed to the other rescuers that we had to get that water shut off," he said.

It was not running water that he heard, but blood. Prokop clutched the woman's hand until it grew cold and stiff, drained of life.

Oklahoma City police Sgt. Jerry Flowers testified about his efforts to rescue a woman who was drowning in a pit of water.

"Something under the water was holding her down and we couldn't get her loose," Flowers said.

Miraculously, the water began to crest just as it reached the woman's chin. Rescuers were able to free her.

Flowers spent most of his time on April 19 combing through ruins that, hours earlier, housed the building's daycare center. In the rubble, he found the body of a 5-year-old boy wearing a T-shirt with a teddy bear on its front. The child's face was gone.

Flowers wrapped the boy in a blanket, placing the body next to others in what had been the daycare center's playground.

Dr. Andy Sullivan of the OU Health Sciences Center told jurors how he amputated the right leg of bombing survivor Daina Bradley.

The woman, whose mother and two children died in the explosion, had been trapped under a slab of concrete.

Sullivan is right-handed, but could only reach Bradley with his left hand. She screamed as he was forced to operate without administering an anesthetic to her. Around 2 p.m., a bomb scare forced Sullivan and his colleagues to flee the building.

"She screamed, 'Don't leave me, don't leave me, I'm going to die,'" Sullivan testified.

"It was gut-wrenching. You don't leave somebody who's going to die."

He returned to her less than an hour later. By the end of the surgery, Sullivan's scalpels were broken and his amputation knife was dulled. He used a pocket knife to finish the amputation.

Houston attorney Richard Burr, who is spearheading the defense's case in the sentencing phase, told jurors in his opening statement that "after hearing what you've heard, it would be quite understandable if you thought Timothy McVeigh was a demon, was a monster ... and with only the information that you have now, that might be where you are."

But he asked them to be receptive to the testimony of McVeigh's family and friends.

"There will be some answers there," Burr said. "There will be no complete answers, but the question of how did this come to be will be answered if you open up to who Tim McVeigh is."

Burr told the jurors they need to learn about the anger McVeigh felt over the federal siege on the Branch Davidian cult compound in Waco, Texas.

Burr said the defense does not intend to claim that federal authorities were responsible for the Waco ordeal, in which more than 80 cultists died April 19, 1993, when a fire swept the cult compound. Instead, Burr said that jurors will see the magazine articles and videotapes that spurred McVeigh's belief "that the federal government murdered people at Waco."

The first day of defense testimony brought several of McVeigh's old Army buddies. They told jurors of his service in the Persian Gulf War as a gunner for a Bradley Fighting Vehicle.

His performance in that conflict earned him the prestigious Bronze Star.

"He was the model soldier," said Royal Witcher Jr., who once roomed with McVeigh.

"I looked up to him. He was a good all-around soldier." ■