

1 IN THE DISTRICT COURT OF MAYES COUNTY,
2 STATE OF OKLAHOMA. FILED IN THE DISTRICT COURT
MAYES COUNTY, OKLAHOMA

3 JUL 3 1 1978

4 THE STATE OF OKLAHOMA,)

5 Plaintiff,))

6 -vs-

7 GENE LEROY HART,)

8 Defendant.))

Case No. CRF-77-131
CRF-77-132
CRF-77-133

BY *Flouise Gist* Court Clerk
Flouise Gist Deputy

9
10 PRELIMINARY HEARING

11 VOLUME I

12
13 Heard Before: Honorable Jess B. Clanton, Jr., Special Judge

14 June 7, 1978

15
16 A P P E A R A N C E S

17 FOR THE STATE OF OKLAHOMA:

Mr. Sidney D. Wise
District Attorney
Mayes County, Oklahoma

19 Mr. S. M. Fallis, Jr.
District Attorney
Tulsa County, Oklahoma

21 FOR THE DEFENDANT:

Mr. Garvin A. Isaacs
Attorney at Law

22 Mr. Gary S. Pitchlynn
Attorney at Law

23
24 REPORTED BY:

Tracy Ferguson
Licensed Shorthand Reporter

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P R O C E E D I N G S

JUNE 7, 1977

1 THE COURT: CRF-77-131 and 132 and 133, State of
2 Oklahoma versus Gene Leroy Hart. These three cases come on
3 in combined form for Preliminary Hearing at this time and I
4 would ask for the record, Mr. Isaacs, is the Defendant present
5 in the courtroom and is the Defense ready to proceed?
6

7 MR. ISAACS: Yes, Your Honor, the Defendant is
8 present and we are ready.

9 THE COURT: For the record, is the State present
10 and ready?
11

12 MR. WISE: If it please the Court, State would be
13 ready.
14

15 THE COURT: What announcements do you have?

16 MR. ISAACS: Judge, we have some witnesses that
17 we'd like for the Court to permit to be excused with an Order
18 from the Court that they return on a date certain.

19 THE COURT: All right. Do you have the names of
20 these witnesses? I presume these are Defense witnesses you
21 won't need until a later date, if at all. If you will read
22 those names into the record.

23 MR. ISAACS: Judge, Mr. Tommy Sanders was subpoenaed
24 by the Defendant and Mr. Corky Sanders and we'd like an Order
25 from the Court that they be excused until the 14th or 15th

1 of June.

2 THE COURT: Are these people in the courtroom?

3 MR. ISAACS: No, I think they're outside.

4 THE COURT: They're outside?

5 MR. ISAACS: Yes, sir.

6 THE COURT: Could you have these people step in?
7 Are they in the Law Library? I might make this announcement
8 while we're waiting. If there are any witnesses who are sub-
9 poenaed or who plan to testify in this cause although not
10 subpoenaed, who are in Courtroom B located in the Graham
11 Community Building, I would like for you, if you are witnesses
12 in this case, to leave that auditorium and come to Courtroom A
13 at this time. There should be no witnesses in Courtroom B
14 after this announcement. If I refer to Courtroom B, I refer
15 to the Graham Community Building, and this is designated
16 Courtroom A. Okay. Is this Mr. Sanders?
17 MR. ISAACS: Yes, sir. At this time, Judge, I'm
18 going to excuse Mr. Sanders from his subpoena and we have an
19 agreement that his son will appear here at the date the Court
20 says for him to appear - whatever that is - and I would like
21 to set a date certain.

22 THE COURT: Are there any other witnesses that fall
23 into this particular category? We can get them all at once
24 if you'll name them.

25 MR. ISAACS: Mr. John Cavalier.

1 THE COURT: Is Cavalier here?

2 MR. ISAACS: Judge, the Oklahoma State Bureau of
3 Investigation witnesses that I have subpoenaed have an agree-
4 ment to come on a 24-hour notice so I'd ask the Court to ex-
5 cuse all Oklahoma State Bureau of Investigation personnel.

6 THE COURT: Very well. Pursuant to that agreement,
7 the OSBI personnel are excused if they desire to return to
8 their employment pursuant to the 24-hour agreement for recall
9 as witnesses.

10 MR. ISAACS: Judge, that same agreement applies to
11 all newspaper and news media personnel. Is Mr. Ed Brocksmitth
12 in the courtroom?

13 THE COURT: Mr. Brocksmitth, are you here in the
14 courtroom?

15 MR. ISAACS: I made a verbal agreement with him over
16 the telephone.

17 THE COURT: So news media personnel that have been
18 subpoenaed will be on 24-hour call by agreement?

19 MR. ISAACS: Yes, sir.

20 THE COURT: All right. I don't see Mr. Cavalier. Is
21 he not here?

22 MR. ISAACS: He wasn't in there.

23 THE COURT: Also, you might check the small courtroom
24 to the south of this one. That is also a waiting area for
25 witnesses if they want to wait in there. You might check that

1 area.

2 MR. ISAACS: Judge, I'd excuse Mr. Jack Schroff
3 for a day certain.

4 THE COURT: All right.

5 MR. ISAACS: The employees of Magic Empire Girl
6 Scout Council have made arrangements through this attorney
7 that they will appear to testify if we provide them sufficient
8 notice. We ask that they be excused to a certain date.

9 THE COURT: Is there a Jack Schroff present?

10 MR. SCHROFF: Yes, sir.

11 THE COURT: Mr. Schroff, would you come forward of
12 the rear of the courtroom for just a moment, please? We are
13 going to excuse you to another date to come back.

14 MR. SCHROFF: Thank you.

15 THE COURT: Wait a minute. I haven't gave you a
16 date. Stay where you are for just a moment. Who else, Mr.
17 Isaacs? Cavalier still isn't here. He may be on his way from
18 the other courtroom.

19 MR. ISAACS: Judge, in reference to the members of
20 the Oklahoma Highway Patrol, we have subpoenaed Mr. Doug
21 Nichols. We have agreed to give him a 24-hour notice before
22 he's to testify and he's agreed to be here and we have excused
23 him from that subpoena. I think that concludes our announce-
24 ments. Oh, Mr. Harold Berry. Is Mr. Harold Berry here?
25 THE COURT: Harold Berry?

1 MR. ISAACS: Of the Highway Patrol?

2 MR. WISE: He's in our office.

3 MR. ISAACS: Mr. Charles Newton. I would excuse
4 Mr. Berry and Mr. Newton if they can be scheduled for a date
5 certain.

6 THE COURT: All right.

7 MR. WISE: Mr. Berry is under our subpoena, Your
8 Honor. Officer Trooper Berry.

9 THE COURT: John Cavalier, has he shown up yet? I
10 don't believe he's here, Mr. Isaacs. As far as Jack Schroff
11 and Mr. Sanders, are those the two that are present in the
12 courtroom?

13 MR. ISAACS: Yes, sir. And Mr. Dick Joe Cooper.

14 THE COURT: Dick who? Cooper?

15 MR. ISAACS: I believe that's the only other ones
16 we have, Judge.

17 THE COURT: Is Mr. Cooper present?

18 MR. ISAACS: Yes, sir.

19 THE COURT: Who's this gentleman then?

20 MR. ISAACS: This is Mr. Cooper. Judge, these
21 gentlemen - I'd like for Mr. Cooper, Mr. Sanders be excused
22 for day certain.

23 THE COURT: And Mr. Shroff?

24 MR. ISAACS: Yes, sir.

25 THE COURT: Would you three gentlemen raise your

1 right hands and be sworn? Do you each swear to tell the truth,
2 the whole truth and nothing but the truth, so help you God?

3 THE WITNESSES: (In unison) I do.

4 THE COURT: All right. Pursuant to the Defense
5 request in this matter in all three of these cases, you are
6 excused from remaining in the court area or the court area,
7 but you are ordered to return, unless otherwise notified, at
8 9:30 a. m. on Wednesday, June 14th, which is next week. You
9 are ordered to return at that time unless otherwise notified
10 by the Court. The record may show pursuant to an off-the-
11 record announcement by Mr. Mike Wheel that his Motion to Quash
12 the Subpoena may be declared moot and it is so ordered. Mr.
13 Wheel, I believe, falls in the category of news media witnesses
14 that are on call.

15 Mr. Wise, I believe for the State of Oklahoma - are
16 there any announcements you have regarding witnesses or any-
17 thing of that nature? Do you want to take a head count of
18 witnesses before we begin or not? Do you need to?

19 MR. WISE: No, we don't. At this time, Your Honor,
20 I have one witness that I know is en route to the courtroom
21 and I will so advise the Court that we expect that witness
22 momentarily. To my knowledge, the State witnesses are avail-
23 able to us and we are ready at this time.

24 MR. ISAACS: Judge, as far as Mr. Cavalier's atten-
25 dance, I think we can work something out with him when he gets

1 here. I'm sure he will be here.

2 THE COURT: Very well. We'll show for the record
3 that Mr. Cavalier failed to respond to your subpoena.

4 MR. ISAACS: If he isn't here by noon, I'd look to
5 move for a continuance.

6 THE COURT: Why don't we see if he shows up.

7 MR. ISAACS: Okay.

8 THE COURT: Mr. Wise, I believe we're ready for
9 your first witness. I wonder if we could get a blackboard
10 brought up to save a little time.

11 MR. WISE: The State would call Miss Dee Elder.

12 THE COURT: Would you come forward and raise your
13 right hand?

14 Do you swear to tell the truth, the whole truth and
15 nothing but the truth, so help you, God?

16 MISS ELDER: I do.

17 DEE ANN ELDER,

18 called as a witness on behalf of the State, having been first
19 duly sworn, testifies as follows:

20 DIRECT EXAMINATION

21 BY MR. WISE:

22 Q Would you state your full name for the Court and the
23 record, please?

24 A Dee Ann Elder.

25 Q And Miss Elder, where do you live?

- 1 A Route 2, Damascus, Arkansas.
- 2 Q And Miss Elder, are you employed now or what's
- 3 your occupation?
- 4 A I'm summer employed in Heber Springs.
- 5 Q You're a student?
- 6 A Yes, sir.
- 7 Q Now Miss Elder, have you been a girl scout in the
- 8 past?
- 9 A Yes, sir.
- 10 Q How long were you associated with the girl scouting
- 11 organization?
- 12 A Since about Second Grade.
- 13 Q And over that period of time, did you attend a
- 14 number of camps?
- 15 A Yes, sir.
- 16 Q In later years, as you became matured, did you
- 17 become a counselor?
- 18 A Yes, sir.
- 19 Q Would you tell the Court and the record when did
- 20 you first become a counselor?
- 21 A In 1975, I counseled for the first year at Camp
- 22 Scott in Oklahoma.
- 23 Q And then, the following year, did you do the same?
- 24 A Yes, sir, at Camp Story in Arkansas.
- 25 Q And then in the summer of 1977 - or excuse me - in

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1 the summer of '77 - yes - did you take employment as counsel-
2 or?

3 A Yes, sir.

4 Q Now prior to the camp's initial opening for the
5 summer, were there some pre-camping meetings that you had?

6 A Yes, sir.

7 Q Would you tell us about these, please?

8 A We stayed at Camp Scott for five days the week
9 before the camp opened and we had training in the camp. It
10 was just the staff.

11 Q Could you tell us from your memory when that was?

12 A I think it started the 2nd of June, if I'm not
13 mistaken.

14 Q And ran for about five days, and then, did you go
15 home for the weekend?

16 A I went to Tulsa.

17 Q You went to Tulsa?

18 A Yes, sir.

19 Q And then I believe camp started when?

20 A The 12th.

21 Q Was this a Sunday?

22 A Yes, sir.

23 Q When did you return back to Camp Scott then for the
24 camping session?

25 A On that afternoon - in mid-afternoon of the 12th.

1 Q All right. Now, if you would, Miss Elder, tell us
2 about when did the children arrive on the 12th? How did
3 they arrive and when, if you recall?

4 A They arrived on Greyhound buses and it was about
5 maybe two or three o'clock and we found our kids and took
6 them to various units.

7 Q Which unit were you assigned to?

8 A I was Unit Leader in Kiowa.

9 Q And tell us a little bit about Camp Scott, Does
10 everyone stay in one camp or were you broken into camps?

11 A We're broken into age groups, into four different
12 units ranging with the children's ages and they stay there
13 in tents and stuff.

14 Q All right. In this particular area, is there a
15 couple of camps there in close proximity one to each other?

16 A Yes, sir.

17 Q Which two?

18 A Quapaw is quite close and Arapaho is close, too.

19 Q And you were in Kiowa?

20 A Yes.

21 Q Now tell us about the Kiowa Camp area, if you would?
22 Would you step up, please, and take a piece of chalk and kind
23 of draw a sketch, if you would, as to what Kiowa Camp area
24 looked like.

25 A (Witness complies.)

1 MR. ISAACS: Judge, at this time, I'd like for
2 the Rule to be invoked. I realize that we are halfway
3 through the first witness.

4 THE COURT: All right. Would you have your witness
5 take her seat?

6 MR. WISE: Miss Elder, would you resume your seat?

7 A (Witness complies.)

8 THE COURT: Mr. Isaacs, I anticipated your request
9 but I would ask you if there are any persons or categories
10 of persons that you would exempt from the Rule?

11 MR. ISAACS: I exempt all members of news media,
12 television, radio, newspaper personnel.

13 MR. WISE: State would ask that the exemption
14 extend to law enforcement officers.

15 THE COURT: All right. There is, I suppose, some-
16 what of a problem with the witnesses who are here. Where
17 are your witnesses, Mr. Wise?

18 MR. WISE: At the moment, we are trying to keep
19 our witnesses in the Law Library, Your Honor.

20 THE COURT: Would you have your witnesses come into
21 this area here and they can just line up there at the back
22 behind the bar would be fine.

23 MR. ISAACS: Judge, as far as the Oklahoma Highway
24 Patrol security people, we don't have any objections for them
25 to remain.

1 THE COURT: The news media personnel then and
2 security personnel and, in particular, the Oklahoma Highway
3 Patrol personnel and all security personnel involved with
4 this case will be excused from the Rule which I am about to
5 invoke and Mr. Isaacs, what about expert witnesses? Have
6 you given any thought to excusing expert witnesses or do you
7 want them under the Rule?

8 MR. ISAACS: Yes, sir, I want all expert witnesses
9 under the Rule. I'd like for Mr. Thurman to be under the
10 Rule, Mr. Weaver to be under the Rule and any of Mr. Weaver's
11 Deputies be under the Rule.

12 MR. WISE: If it please the Court, to which the
13 State would certainly ask the Court's indulgence. Again,
14 the security is under the direction of Sheriff Weaver and
15 his Deputies, OSBI Agent Carey Thurman, who is sitting at
16 the table with us is the designee case agent -- in other
17 words, the gentleman who is the person of the OSBI responsible
18 for this case, and we respectfully submit that he should be
19 allowed to attend us at the table.

20 MR. ISAACS: Judge, Oklahoma Highway Patrol has been
21 doing a fine job taking care of our client. I think they are
22 a capable bunch of fellows to take care of him. We ask any
23 other law be excluded from the courtroom.

24 THE COURT: Will all persons in the courtroom who
25 are witnesses -- do you have any witnesses that you wish to

1 bring to have included in this?

2 MR. ISAACS: I think all mine are out. Anyone else
3 here in the courtroom?

4 THE COURT: If you have been subpoenaed as a wit-
5 ness, please stand.

6 MR. WISE: If it please the Court, I see that two
7 female witnesses are not here. They may be in my office.

8 THE COURT: Would you get them, please?

9 MR. WISE: They are en route, Your Honor. If it
10 please the Court, we just learned that the Defendant has
11 subpoenaed members of my staff which we consider harrassment
12 and would respectfully submit that they be excluded from the
13 Rule.

14 MR. ISAACS: Judge, Ms. Buckskin, Gene Hart's
15 mother, has been subpoenaed by the State and she's here.

16 THE COURT: Ms. Buckskin, where are you, ma'am?

17 MS. BUCKSKIN: Here.

18 THE COURT: All right. Ms. Buckskin, would you
19 remain standing, please, where you are? What relationship,
20 if any, are you to the Defendant in this case?

21 MS. BUCKSKIN: I'm his mother.

22 THE COURT: All right. Will all the persons in
23 the courtroom who have been subpoenaed to testify, or who
24 plan to testify as witnesses, raise your right hand and be
25 sworn.

1 Do you and each of you swear to tell the truth,
2 the whole truth and nothing but the truth, so help you God?

3 THE WITNESSES: (In unison) I do.

4 THE COURT: There are going to be certain excep-
5 tions to the Rule of Sequestration but I want to - I want
6 you to listen, nevertheless, and part of the Rule will apply
7 to all witnesses.

8 The Rule of Sequestration has been requested by
9 the Defendant and will be invoked subject to the discretion
10 of the Court, which means that with certain exceptions I'm
11 going to list, those of you who are witnesses must wait
12 outside the hearing of the courtroom until called upon to
13 testify and not discuss your testimony with any other person
14 during the pendency of this matter except you may discuss
15 with the lawyers associated with this case if you wish to do
16 so. That will also include not going over to Courtroom B
17 and watching the monitor. So you will be prohibited from
18 being in the courtroom except while testifying or upon being
19 excused as a witness you would then be allowed to remain.
20 We are going to have the news media personnel exempt from
21 the Rule -- let me say one thing. All witnesses, regardless
22 of whether you are permitted to stay in the courtroom or not,
23 are prohibited from discussing your testimony with any other
24 person other than the lawyers associated with this case. That
25 will apply to all witnesses under the Rule that Mr. Isaacs has

1 requested. There are going to be certain exceptions of
2 people who will be allowed in the courtroom. One of those
3 exceptions will be news media personnel, which Mr. Isaacs
4 has excluded from the rule; and security personnel in the
5 form of all Oklahoma Highway Patrolmen; security personnel
6 connected with the Sheriff's Department; the prosecuting
7 witness, Glen H. Weaver is excused from the Rule; Mrs. Buck-
8 skin will be excused from the Rule and Carey Thurman is
9 excused from the Rule but all witnesses are under the general
10 admonition to not discuss your testimony with any other
11 person other than the attorneys associated with the case.

12 MR. WISE: My District Investigator, Beverly Huff,
13 is also under the Rule at the moment.

14 THE COURT: Members of the District Attorney's
15 staff associated with this case, who are working on this
16 case, Mr. Wise, are excused from the Rule insofar as they
17 will not have to leave the courtroom but they can only dis-
18 cuss the testimony with the attorneys. That would be Mr.
19 Isaacs' staff or your staff.

20 With those admonitions, the witnesses may leave
21 the courtroom at this time. You may wait in the Law Library
22 or in the small courtroom to the south of this one, which is
23 Judge Moore's courtroom and I understand won't be in use this
24 morning. If you are a witness for the State, you may wait
25 in the DA's office, if you wish to do so.

1 With those admonitions and announcements, you may
2 leave the room at this time.

3 The witness who is on the stand will remain for
4 her testimony.

5 MR. ISAACS: Judge, note our objection to Mr.
6 Weaver and any employee of the Mayes County Sheriff's Office
7 not being excluded from the courtroom during testimony and
8 I further object to Mrs. Huff, the District Attorney's
9 investigator, being permitted to sit in the courtroom during
10 the proceedings.

11 THE COURT: Mr. Wise, what is Mrs. Huff's function
12 during this proceedings?

13 MR. WISE: She is the coordinator for our office
14 for preparation of all evidence and exhibits. She is a key
15 in this prosecution.

16 THE COURT: Okay. We note your exception and it
17 is on the record.

18 MR. ISAACS: Would you further note that I take
19 exception to Mr. Thurman being permitted to sit here at
20 counsel table?

21 THE COURT: Yes, we'll show an exception as to the
22 ruling of the Court regarding the Rule of Sequestration, the
23 entire announcement by the Court.

24 All right. If you would have your witnesses leave
25 the courtroom at this time, Mr. Wise, and any other witnesses

1 that aren't excused from the order.

2 Let me say, Mrs. Buckskin, you may remain in the
3 courtroom, as I said, but just as with the other witnesses,
4 you may not discuss your testimony with anyone other than
5 the lawyers associated with the case. I think I made that
6 clear to everyone. I just wanted to be sure.

7 DIRECT EXAMINATION (Resumed)

8 BY MR. WISE:

9 Q Miss Elder, would you again resume your drawing on
10 the board for us?

11 A (Witness complies.)

12 Q Before you take your seat, where you have written
13 the staff tent and made an "X" there, would you make a box
14 there and show us how many counselors were there in that
15 tent, please?

16 A (Witness complies.)

17 Q That's fine. How many were in the tent?

18 A Three.

19 Q Three; okay. Now, what you just made there, are
20 those the steps? Is that the front?

21 A Yes, sir.

22 Q Very well. Thank you. Will you show us where
23 each of the counselors were in that tent?

24 A (Witness complies.) I was here (indicating) and
25 Carla Wilhite was here (indicating) and --

1 Q Now, let's see, Dee, at yours, would you make a
2 "D" on your line now?

3 A (Witness complies.)

4 Q And "C" for Carla?

5 A (Witness complies.)

6 Q And "S" for Susan?

7 A (Witness complies.)

8 Q That will do it. Take your seat again, please.
9 Now, you were telling us, when I asked you to make the draw-
10 ing, that the children had arrived. Did you take your
11 children that were assigned to Kiowa over to the Kiowa area,
12 I presume?

13 A Yes, sir.

14 Q About what time was this?

15 A About 3:30 or 4:00 o'clock.

16 Q And what did you and the children do once you
17 arrived there?

18 A We met in the unit kitchen and the children could
19 decide where they wanted to - whatever tent they wanted to
20 stay in. They could choose who they slept with, tent with,
21 and which of the tents they wanted.

22 Q So as I understand you, the children made their own
23 choices as to who their bunkmates would be and also as to
24 which tent they would be in?

25 A Yes.

1 Q Then they reported back to you as to their elec-
2 tives?
3 A Yes, sir.
4 Q And you made a chart, I presume?
5 A Yes, sir.
6 Q Now Miss Elder, following that, now, we're probably
7 up to what time?
8 A Near supper, about 5:30.
9 Q What happens at suppertime at Camp Scott?
10 A Certain children are chosen, like we split into
11 patrols and certain children would - like maybe six children
12 would go up and be hoppers.
13 Q Hoppers? H-O-P-P-E-R-S? What do hoppers do?
14 A They set the table and put the food on the table
15 and it's just a camp duty.
16 Q That's one of their chores?
17 A Uh-huh.
18 Q Now, they go up early?
19 A Uh-huh.
20 Q Then what time does supper come on?
21 A Supper's usually about 6:00 o'clock. You go up
22 about fifteen till.
23 Q And where do you all go to eat supper?
24 A It's called Greet Hall. It is a very large build-
25 ing on the place.

1 Q And how do you get from a respective camp like
2 Kiowa up to the Great Hall?

3 A You walk down Kiowa Road and up by the staff house
4 and on Cookie Trail.

5 Q Would you show us what road you go up to go to the
6 Great Hall?

7 A On this road (indicating).

8 Q Fine. Thank you. Now, you had made the election
9 of the hoppers and they had gone up. Did you all then go to
10 the Great Hall?

11 A We all went.

12 Q Now, tell us about supper. Was there any event
13 that happened?

14 A It was just real cloudy and it wasn't raining yet
15 but it was very stormy and the first night of supper was
16 always kind of chaotic.

17 Q The first day of camp is probably chaotic, isn't
18 it?

19 A Yes.

20 Q Did you all sing afterwards?

21 A Yes, sir, we sing on the porch.

22 Q Was there something unusual? You mentioned it was
23 cloudy. Was there something unusual that happened while you
24 were up there?

25 A While I was leading the singing, it started storming,

1 raining, and we just dismissed and broke into units and we
2 all headed back to our different units.

3 Q Could you describe that storm to me?

4 A It was pretty - it was a lot of thunderstorms and
5 a lot of rain - a lot of rain.

6 Q And you got your girls back to the Kiowa area?

7 A Yes.

8 Q Did they get rained on?

9 A They were all wet so I instructed all of them to
10 go to their tents and put on dry clothes and I personally
11 went around and buttoned down all the tents, as we call it,
12 and hooking them - tent ropes down.

13 Q I'm now going to show you what has been marked for
14 identification purposes only as State's Exhibits 1 and 2.
15 Is that the way the tents were set up in Kiowa?

16 A Yes.

17 Q Is that a true and accurate depiction of one of
18 the tents in the Kiowa area?

19 A Yes, sir.

20 Q That's the way the tents would have appeared on the
21 day you're testifying to?

22 A Yes.

23 MR. WISE: The State would ask that State's Exhibit
24 1 be introduced into evidence.

25 THE COURT: Any objection?

1 MR. ISAACS: No objection.

2 THE COURT: State's Exhibit 1 is received.

3 Q (By Mr. Wise) Now, handing you back what's been
4 introduced into evidence, would you show me what you meant
5 by "tie-downs"?

6 A There's a little - I don't know what you'd call it
7 - it's part of the tent material, there's little hooks and
8 there's hooks on the bottom of a platform. When it rains or
9 storms, we hook them down to secure them.

10 Q Were you the Chief Counselor?

11 A Pretty much, yes.

12 Q And are you saying that you saw to it that all of
13 those were hooked?

14 A As many hooks as hooks were there and little corner
15 things.

16 Q So if there was a loop and a hook, they were all
17 hooked?

18 A Yes, sir.

19 Q And that's all the tents in the Kiowa area?

20 A Yes, sir.

21 Q About what time was this?

22 A Probably about 7:00 or 7:30.

23 Q And now, Miss Elder, after you had gotten them all
24 changed into dry clothes, what did you all do?

25 A This had took quite some time and I had, in the

1 meanwhile, gone up to Great Hall and got some cookies and
2 stuff for the kids and we met in the unit kitchen and we
3 talked for some time, talked about rules and talked about
4 just general camp stuff.

5 Q Now this unit kitchen has a shelter over it so
6 you would be out of the weather?

7 A Yes.

8 Q Now five or six I understand had to be hoppers.
9 Were there other responsibilities that other children had to
10 do?

11 A Uh-huh.

12 Q Like what?

13 A Like cleaning the latrine and doing the washroom
14 and various - like the flag.

15 Q And did they rotate those duties during their time
16 at camp?

17 A Yes, sir.

18 Q So you made those assignments, too, I presume?

19 A Yes, sir.

20 Q What happened after that, then, please?

21 A We sang some songs and we had cookies and then I
22 instructed the children to go to their various tents and get
23 ready for bed.

24 Q And following that, did you check them?

25 A Yes, sir, I checked every tent between 10:00 and

1 10:30 and talked with every child.

2 Q Now, 10:00 and 10:30 in the evening?

3 A Yes, sir,

4 Q Well after dark?

5 A Yes, sir.

6 Q And you went to each tent?

7 A Yes, sir.

8 Q And you talked with them?

9 A Yes.

10 Q Why?

11 A My experience as a counselor and camper, it's a
12 real good policy just to see if any children were homesick
13 or if every camper is warm and have enough blankets and make
14 sure everybody was okay.

15 Q Do a lot of them bring sleeping bags to the area?

16 A Yes, sir.

17 Q From your experience and years as both a camper and
18 a counselor, did they oftentimes sleep in those sleeping bags
19 on their cots?

20 A Yes, sir,

21 Q If I was a new camper and I had something I treasured
22 like my new camera or something, what would I probably do
23 with it?

24 A Kept it really close, probably.

25 Q Where would that probably be?

1 A Under your pillow or in your sleeping bag or
2 somewhere where you know where it was.

3 Q So it isn't uncommon for you to keep a lot of
4 personal things in a sleeping bag, for instance?

5 A No, sir.

6 Q That would be typical?

7 A Yes, sir.

8 Q Now, so sometime after 10:00?

9 A 10:30.

10 Q 10:30 or so, you spoke to every child in the camp?

11 A Yes, sir.

12 Q How old were these children?

13 A They were anywhere from seven to ten.

14 Q Seven to ten?

15 A Yes.

16 Q With regard specifically -- let me ask you over
17 here, referring to your drawing, this is the staff tent. I
18 count seven "X's". I presume each "X" is a tent?

19 A Yes, sir.

20 Q Did you consider -- how did you count them? How
21 would you count them?

22 A I would count "1" from here (indicating) and "7"
23 would be the last one.

24 Q So this would be "1" (indicating) and this would
25 be "7" (indicating)?

1 A Yes, sir.

2 Q In regard to Tent 7, then, did you go in that tent?

3 A I didn't go in the tent. I didn't go in any tent.
4 I stood at the door and talked to all the children.

5 Q Okay. How many children were in that tent?

6 A Three children.

7 Q Was that true of all the other tents?

8 A No, all the other tents had four.

9 Q Why? Do you recall why?

10 A There was a child that had been - in the turmoil
11 of getting in the units, had been put in Cherokee and it was
12 my decision as counselor not to put her in that unit because
13 of the storm.

14 Q So there was three in Tent 7, but you visited with
15 all of them at approximately 10:30 or thereabouts and saw to
16 it that they had all their necessities?

17 A Yes, sir.

18 Q Now, as for lighting in tents, what kind of lights,
19 if any, were they allowed?

20 A There was none, except for they had to have flash-
21 lights. That's all.

22 Q Now, would we call that "lights out" - is that when
23 they all had to bed down and get quiet?

24 A Yes, sir.

25 Q After that, what do you recall as being the activity

1 in the camp?

2 A I was the only staff that was assigned to that
3 unit that stayed there. It's called "sitting hill" and I
4 remained in the unit, in my tent and some various other
5 counselors came and CIT's, and I also had to quiet down the
6 kids quite a bit because they were pretty noisy.

7 Q Okay. Now, who were your other co-counselors?

8 A Carla Wilhite and Susan Emery.

9 Q And after 10:30, did you have an occasion to ever
10 hear any noises or have any occasion to check on the children
11 again?

12 A I yelled at them from the tent, which is very
13 common.

14 Q And then, at an earlier hour in the morning, did
15 you have any problem?

16 A They were really noisy, which is not unusual for
17 the first night, and we heard a door slam and it was from the
18 latrine and Carla got up and it was about 1:30 and she got
19 up and escorted the children back to the tent.

20 Q Obviously, you and I think alike when we're talking
21 about what you quietly designated as the restroom, and that's
22 the latrine?

23 A Yes, sir.

24 Q And this door slamming?

25 A Yes, sir.

1 Q Did it awaken you?

2 A Yes, sir.

3 Q And did you check the time?

4 A Carla and I talked about that since the kids were
5 real noisy, and since she was closest to the door, she said
6 she would just go check on them.

7 Q Okay, and this is what time?

8 A About 1:00 or 1:30.

9 Q So then Carla went up, as I understand, and brought
10 the children back and got them quietened down?

11 A Yes, sir.

12 Q Now did you go off to sleep yourself shortly after
13 that disturbance was quelled?

14 A Uh-huh.

15 Q What, if anything, do you remember next?

16 A Other than sleeping, I woke up to Carla's alarm
17 clock which was about 6:00, I think.

18 Q Okay, now Carla had an alarm clock, a wind-up kind
19 of alarm clock?

20 A Yes.

21 Q Pretty noisy, was it?

22 A Very noisy.

23 Q And what time was it when that went off?

24 A Six o'clock.

25 Q And Dee, what happened then? You hadn't set the

1 alarm, had you?

2 A No, sir. She woke up and I woke up and I was going
3 to go run which I had been doing through pre-camp.

4 Q Jogging kind of run?

5 A Yes, sir. I decided I was really tired and I
6 decided I didn't want to do it that morning so I just laid
7 there and was just kind of waking up.

8 Q Did you see Carla leave?

9 A Yes, sir.

10 Q What happened then?

11 A Carla went down, walked down the road. She was
12 going --

13 Q Now, will you tell us again, was this the same
14 road that you pointed out before?

15 A The Kiowa Road.

16 Q So, as she came out the front door of your tent,
17 she would have turned?

18 A To her left.

19 Q To her left and started down the road?

20 A Yes.

21 Q Okay. Go ahead.

22 A And she was not gone very long and I started going
23 back to sleep and she yelled for me to wake up and that we
24 should count kids.

25 Q Did she say why?

1 A No, she didn't.

2 Q What did you do then, please, Dee?

3 A I yelled at her. I put my shorts on and my tennis
4 shoes and started getting out of the tent and I asked her
5 why and she said there was something in the road. I then
6 immediately - she went to Tent 1 and I started towards Tent 7.

7 Q So Carla went to Tent 1. Why don't you step down
8 here, if you will, so everybody will understand and write
9 "1" and "7". Maybe that will make it clear, I think.

10 A (Witness complies.)

11 Q Just point. Carla did what then?

12 A She ran to Tent 1.

13 Q Where did you go?

14 A Tent 7.

15 Q Then what happened; just tell us.

16 A I opened the tent, I went on the steps and I opened
17 the tent flap and saw that there were no children in it and
18 there was no sleeping bags in there and I called for the other
19 counselor and said that there was no kids in here.

20 Q Now then, what happened, please?

21 A Then all -- the other two counselors ran over and
22 we stood there for a moment, trying to figure out where the
23 children might be and noticed there were no sleeping bags and
24 no mattress covering and blood there and we all started
25 counting kids.

1 Q And there was no sleeping bags, no mattress covers,
2 and when did you first notice any blood?

3 A When we were standing there.

4 Q First, I'll hand you back what's been introduced
5 as State's Exhibit No. 4, and you have previously identified
6 as a tent in the Kiowa area. Do you know specifically which
7 tent that is?

8 A No, sir.

9 Q Which tent?

10 A I don't know.

11 Q I'll hand you what's previously been marked as
12 State's Exhibit 2. Can you identify that?

13 A Yes, just a tent.

14 Q And this has been marked as State's Exhibit 3.
15 Is that a clear and accurate depiction of anything you saw
16 that day?

17 A When I opened the tent flaps, all the flaps were
18 down, so it was really dark. All I could see was like there
19 was -- like I could see this in the front, this empty bed and
20 this empty bed. I could not see any other clothes in that.

21 Q But is that, is it just like you saw it when you
22 opened it?

23 A Yes, sir.

24 Q And this is Exhibit No. 4. What is that, please?

25 A This is the fire ring.

1 Q Is that the fire ring that you previously pointed
2 here (indicating)?

3 A Yes.

4 Q And each of these - the State has handed you 1
5 through 4. Are they all accurate depictions of what you saw
6 and remember from that day?

7 A Yes, sir.

8 MR. WISE: We would respectfully move, Your Honor,
9 that State's Exhibits 2 through 4 be introduced into evidence.

10 MR. ISAACS: Judge, we have no objections.

11 THE COURT: State's Exhibits 2 through 4 received.

12 Q Now, Miss Elder, with regard to the blood that you
13 saw there and the turmoil that you certainly were in, do you
14 have even a guess as to what you were observing? What do you
15 think?

16 A We didn't think that anything had happened other
17 than the children might have gotten into another tent and we
18 stood there and talked about that that they were probably in another
19 tent. We didn't think of anything drastic as happening.

20 Q What about the explanation of some blood in the
21 tent?

22 A We talked about maybe a nosebleed. We couldn't see
23 in the tent very much; we didn't see how much was there.

24 Q It was still dark?

25 A Yes, sir.

1 Q Okay. Miss Elder, following that, what happened,
2 please?

3 A I counted kids, three or four times and Carla left
4 and Susan Emery screamed, I think.

5 Q You heard Susan Emery scream?

6 A Uh-huh.

7 Q What happened then, please?

8 A She was standing near the staff tent and I heard
9 her scream and I just ran up there and I think I hit her and
10 told her to be quiet and then I left and went to get Barbara.

11 Q Had you been to the scene where --

12 A No, I hadn't.

13 Q So you hadn't seen what Carla Wilhite had seen yet?

14 A No, sir.

15 Q What did you do then?

16 A I just took off running and went to the staff house
17 and got in my car and drove up to the Camp Director's Office
18 to get Barbara.

19 Q Barbara?

20 A Day.

21 Q She's the Camp Director?

22 A Yes, sir.

23 Q And she and her husband, I believe, live on the
24 camp; is that correct?

25 A Yes, sir.

1 Q Continue, please?

2 A And as I was driving, I met Mary Ann Alaback, who
3 was the nurse, coming down and they were coming down by the
4 time I had gotten up there.

5 Q And where did you stay?

6 A. Then I went back to the staff house and parked my
7 car and walked down to where they were.

8 Q Now when you say "staff house", where is it from
9 this?

10 A It's down Kiowa Road, past the Quapaw Unit.

11 Q Probably what - a quarter or half a mile; something
12 like that?

13 A Yeah, probably that.

14 Q So you then parked your car back there at the staff
15 house and walked back down?

16 A Yes, sir.

17 Q When you went back to the camp, having gone through
18 all this, who was there that you saw?

19 A The station wagon was there that Barbara had drove down.

20 Q Is that the camp station wagon?

21 A Yes, sir. And Mary Ann's car and they were all --

22 Q Mary Ann is the nurse? I am sorry to interrupt, but
23 she's the camp nurse. Okay, go ahead.

24 A And I just stood by the station wagon and Barbara
25 Day came over and they were all standing over by where it was.

1 Q And where was that, please? Would you go up and
2 make a mark where you believe that was?

3 A (Witness complies.) I think it was about the cor-
4 ner part of the road where the road splits.

5 Q All right. Now Miss Elder, back when you were
6 telling us about the children sitting around the unit kitchen
7 as you have got drawn on here, is that an open affair?

8 A Yes, sir.

9 Q With what over it?

10 A I think it's a plastic roof.

11 Q All right. So it's just an open shelter thing?

12 A All sides, except for one side.

13 Q So all your little children there, at one time
14 there - well, from the time you got back from your supper
15 until they bedded down were out there under that little
16 shelter; is that right?

17 A In between going to the tents and sitting and talk-
18 ing to me.

19 Q All right. So then, my question would be, if there
20 were someone in the area, they could have seen and observed
21 this activity easily without any problem, couldn't they, and
22 hear it?

23 A Probably so until it got real dark.

24 Q Do you know at this time the names of the three
25 girls that were in Tent 7?

1 A NOW?

2 Q Yes.

3 A Yes, I do.

4 Q Will you tell us who they were, please?

5 A Michelle Guse and Denise Milner and Lori Farmer.

6 MR. WISE: Your witness, counselor.

7 CROSS EXAMINATION

8 BY MR. ISAACS:

9 Q Miss Elder, how many years have you been a counsel-
10 or for Magic Empire Council?

11 A I have been a counselor for one year and I had one
12 year of CIT training at Camp Scott.

13 Q Will you tell us what CIT training is?

14 A Counselor In Training, where you are there for a
15 month and you are under the directorship of the director and
16 you learn how to be a counselor and do all the functions of a
17 counselor.

18 Q During the week before the Camp Scott camp last June,
19 did you have some type of orientation period?

20 A Yes, sir.

21 Q I believe you said training?

22 A Yes, sir.

23 Q Will you tell me what you did at the orientation
24 period?

25 A We did a lot of planning and we found out what the

1 various activities were that we could plan for the children;
2 we reviewed camp skills.

3 Q What type of activity did you have, classes and
4 the orientation, please?

5 A Oh, you know, the first night we had the whole
6 thing on how the kids would probably react on the first night;
7 we talked about arts and crafts; we talked about camp skills,
8 like how to build a fire, you know, pretty much general stuff.

9 Q Just basically scout classes?

10 A Yes, sir.

11 Q Did any of those classes include putting up tents
12 and how to put up tents?

13 A We never did learn how to put up a tent; we learned
14 how to button down a tent and how to fix the tents so it's
15 properly up.

16 Q Now, boy scouts have knot-tying classes, do they
17 not? Now, I've never been a boy scout, but I assume the girl
18 scouts would have a similar type program for merit badges?

19 A Yes, sir.

20 Q Did you have anything on knot-tying during the
21 orientation week?

22 A Yes, sir.

23 Q Would you tell me about that?

24 A We learned how to do different types of clove
25 hitches and stuff like that.

1 Q Pardon me?

2 A It's a clove hitch. It's a kind of a knot we --
3 well, we just pretty much reviewed basic knots and how to
4 tie knots for the tents.

5 Q During the orientation period, did anything unusual
6 happen at Camp Scott?

7 A Not that I know of, no.

8 Q Do you recall a particular tent in the Camp Kiowa
9 Unit which was altered in some manner during the orientation
10 period?

11 A I personally went around and checked all the tents
12 on Friday afternoon, which was in the pre-camp because we had
13 to check our unit out and had to make a list of all the tents
14 that needed repair.

15 Q Yes, ma'am.

16 A For the caretaker to take care of over the weekend
17 and when I returned on Sunday and went down to the unit, one
18 of the tent flaps had been slashed.

19 Q And who put up those tents during the orientation
20 period?

21 A I think that the caretaker did.

22 Q Did he have any boys helping him out there at the
23 camp?

24 A I don't know.

25 Q You didn't see them put up the tents?

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A No.

Q While you were in the orientation period, where did you sleep at night?

A I was staying in the Quapaw Unit.

Q That's the unit which direction from Kiowa?

A The - up from Kiowa this way (indicating).

Q Could you tell me which direction; north, south, east or west?

A I think it's - this is north, it would probably be east.

Q Who was in the Quapaw Unit with you?

A All the staff. Part of the staff stayed at Quapaw and other parts stayed in Choctaw, I believe.

Q During this orientation period, did you have classes for particular age groups or did all of you have the same schedule?

A We all had pretty much the same schedule.

Q In other words, the eight-year-old girls on up to the eighteen-year-old girls all took part in knot-tying, how to put up tents?

A The orientation week was primarily for the staff. There is no children here at this time.

Q Okay. The staff personnel for the smaller girls were also in the same classes with the staff personnel for the older girls, weren't they?

1 A Yes, sir.

2 Q Did anybody report a theft at Camp Scott during

3 the orientation period?

4 A Not that I know of.

5 Q I believe you said on Friday, somewhere around

6 June 10th, that you left Camp Scott; is that correct?

7 A Yes, sir.

8 Q Will you tell me where you went and what you did?

9 A I went to the Dorri's in Tulsa and stayed there

10 for the weekend.

11 Q Do you own an automobile, Miss Elder?

12 A Yes, sir.

13 Q Did you own one at that time?

14 A Yes, sir.

15 Q What kind of car?

16 A It's a Volkswagen.

17 Q And what color?

18 A White.

19 Q During the weekend, did you visit with any other

20 counselors?

21 A Yes, sir.

22 Q Who were they?

23 A I couldn't tell you. It's a well known fact that

24 the staff kind of hangs - well, it's a real tight staff and

25 we did a lot of things on the weekend but I can't tell you

1 what I did. I stayed at the Dorri's pretty much the whole
2 weekend.

3 Q Before you go to camp, are assignments made for
4 each counselor as to what children will be in their particu-
5 lar units?

6 A Yes, sir.

7 Q Would you tell me how that's done.

8 A When I arrived on Sunday, Barbara Day, the Camp
9 Director, gave me a sheet with a list of children that I
10 would have for that session and that they're just put in by
11 assignments through the office, I believe.

12 Q Do you know who makes those assignments?

13 A No, I don't.

14 Q Do you know how far in advance the assignments are
15 made to the particular units?

16 A No.

17 Q Is there a tent assignment made?

18 A There was a tent assignment made on the sheet but
19 we do not have to follow that assignment and we did not
20 follow that assignment.

21 Q But there was a tent assignment made for each of
22 the seven tents at the Kiowa Unit?

23 A As far as I know, yes.

24 Q Did you have a copy of that sheet?

25 A Yes, I did.

1 Q Do you still have a copy of it?

2 A No, I don't.

3 Q Do you know where I can get one?

4 A I gave it back to the authorities on that Monday.

5 Q All right. Do you have a list of where each little
6 girl was on Sunday night?

7 A I made a list myself on my clipboard so I would
8 know where the children were.

9 Q Did you give that to somebody?

10 A Yes, sir.

11 Q Who did you give that to?

12 A I gave it to Barbara Day or someone, you know, an
13 official.

14 Q Tell me about going back to Camp Scott. Tell me
15 what happened when you went back there?

16 A We drove back Sunday during the day.

17 Q What time of day?

18 A I think we left about - Tulsa, about 10:00 and we
19 got there about 12:00.

20 Q Who was with you?

21 A Donna Dixon rode with me back to camp.

22 Q Anybody else?

23 A No, sir, I don't think so.

24 Q After you got back to Camp Scott, tell me what
25 happened when they brought the buses and how each little girl

1 was assigned to each particular unit?

2 A Before the children got on the bus, they were
3 given stickers for their luggage and it was different colors
4 stickers so that we could sort the luggage when they first
5 got there and we could kind of put them in a pile, you know,
6 for shipment - of taking their luggage on down to the unit
7 and then each one of us U. L. would get on the bus and - like
8 I called out every name that I had for my children. As their
9 name was called, they got off the bus and came down and we
10 had various signs with the unit names on them and we stood
11 there until I had all my kids.

12 Q You had the younger girls. Did you help any of
13 these girls move their luggage?

14 A We moved it into piles, uh-huh.

15 Q So we have luggage that is tagged with a sticker
16 and little girls that have particular type stickers; is that
17 correct?

18 A Yes, sir.

19 Q We know that goes to one particular unit?

20 A Yes, sir.

21 Q Now, when you brought the little girls down to the
22 Kiowa Unit, did you make assignments to particular tents?

23 A No, I didn't.

24 Q I believe you said you let them sleep where they
25 wanted to?

R-2/S-1

- 1 A Yes, sir.
- 2 Q What time of day was it when it was decided where
3 these little girls would sleep?
- 4 A It would probably have been about 2:00 or 3:00
5 o'clock in the afternoon.
- 6 Q After the little girls had gotten off the bus and
7 after they had settled in so to speak, I believe you said
8 that you took them up to the Great Hall to eat; is that cor-
9 rect?
- 10 A Yes, sir.
- 11 Q What time was it when you went to the Great Hall?
- 12 A It would have probably have been fifteen to 6:00 or
13 ten to 6:00 or --
- 14 Q Pardon?
- 15 A About fifteen to 6:00 or ten to 6:00.
- 16 Q What time was it -- let me back up just a minute --
17 when was the first time you knew which particular set of
18 girls were going to be assigned to your unit?
- 19 A When I first arrived that Sunday.
- 20 Q About what time was that?
- 21 A Probably about 12:00, sometime early in the after-
22 noon.
- 23 Q All right. Jumping back ahead to the evening now,
24 did the girls eat in a particular order?
- 25 A They could sit anywhere they wanted to.

1 Q With anybody?
2 A With anybody they wanted to.
3 Q When you go to the Hall, do you go in single file
4 like in the army, or how do you do it?
5 A No. They just kind of open the doors and everybody
6 just kind of comes in and sits down.
7 Q So you don't eat one unit at a time - you eat all
8 at the same time.
9 A Yes, sir.
10 Q Was there anyone down at the Kiowa Unit area while
11 you were having supper?
12 A No, sir.
13 Q Did you keep any guards down there?
14 A No, sir.
15 Q You have been to Camp Scott before; correct?
16 A Yes.
17 Q During that time, what is the policy for entering
18 and leaving the camp by counselors?
19 A By counselors?
20 Q For counselors to enter and leave the grounds?
21 A Through the road, the main road.
22 Q What time do you have to be in?
23 A You have to be in at 10:00.
24 Q Who locks the gate?
25 A The gatekeeper - I mean it would be the man who is

1 caretaker of the camp.

2 Q Did anybody else have a key to the gate?

3 A I think Barbara Day did have one.

4 Q Did anybody else have one?

5 A As far as I know, no.

6 Q If you come back after the gate is locked, how do
7 you get your automobile back down to your camp?

8 A You leave your car and you climb the gate and make
9 the long walk to the Camp Director's Office.

10 Q All right. Has that ever happened to you?

11 A No, it hasn't.

12 Q Do you have any relatives that live in Locust Grove?

13 A No, sir.

14 Q What time of day is the gate opened in the morning?

15 A I'm not sure. I think it's opened quite early,
16 though.

17 Q During this orientation week, you told that you've
18 got to be in before 10:30?

19 A During pre-camp week, it was all very loose since
20 it was the staff at the camp and I think - I don't ever
21 remember a set time that we had to be in during pre-camp.

22 Q What is the policy of the Magic Empire Council
23 regarding the number of counselors per girl? Were you instruc-
24 ted that there would be so many counselors per unit?

25 A No, sir.

1 Q There were three counselors in the Kiowa Unit; is
2 that correct?

3 A Yes, sir.

4 Q How many counselors are usually in a unit of normal
5 size?

6 A There would be three to four, depending on if you
7 had a waterfront and depending on how many staff we had
8 generally.

9 Q What is a waterfront?

10 A Waterfront is in charge of the pool area and sail-
11 ing and canoeing.

12 Q How many waterfronts did you have in Camp Scott?

13 A I have no idea.

14 Q Was there a waterfront assigned to Kiowa?

15 A Yes, sir, but she did not stay there. She stayed
16 in Seminole Unit.

17 Q Who was that?

18 A Mary Turner.

19 Q I believe you said there was a little girl that
20 wanted to move into No. 7 tent?

21 A Yes, sir.

22 Q What was her name?

23 A I do not know. She was in another unit. I decided
24 not to, because it was such bad weather.

25 Q Are there any other units that only have seven tents

1 in them?

2 A I don't know.

3 Q After they had their evening meal, or after the
4 evening meal, what was the schedule for the little girls,
5 campers?

6 A Our schedule had been pretty much messed up because
7 of the rain. We had planned -- I am not sure what we had
8 planned to do that evening, but it had been altered because
9 of the rain.

10 Q How long was it before they went back to the unit
11 area?

12 A When it started raining right after we had started
13 singing. We had probably sang twenty minutes, fifteen minutes
14 and then since it was starting to rain, it was fixing to pour,
15 we decided to take all the children back to the different
16 units so it would have probably been about 7:00 or 7:30.

17 Q When you went back to the unit, did you go in a
18 group?

19 A Yes, sir.

20 Q Did all the counselors go back to the unit at the
21 same time?

22 A Yes, sir, I think so.

23 Q So we can say that there was nobody down there at
24 the Kiowa Unit from the time you went to eat supper - nobody
25 to your knowledge - until you returned there after the singing;

1 is that correct?

2 A Yes, sir.

3 Q Can you estimate for me what time it was when you
4 got back to the unit?

5 A Probably between 7:00 and 7:30; I'm not really sure.

6 Q So it was after 7:00 but no later than 7:30?

7 A Yes.

8 Q When you got back, did you have any activities
9 planned for the girls?

10 A Yes, sir, we did. At 9:00, I left the unit and
11 walked back up to the Great Hall and got some cookies and
12 stuff and was finding out about the weather also and went
13 down to the unit and we were going to read what we call "Poo
14 stories" - that's Winnie the Poo stories for the children -
15 and have cookies and talk about our different activities for
16 the next day and for that.

17 Q Who stayed in the Kiowa Unit with the little girls?

18 A When I left, Susan Emery was there and Carla Wil-
19 hite was there.

20 Q How long were you gone?

21 A Probably about twenty minutes, maybe.

22 Q What did you do while you were gone?

23 A I walked up to the staff house and I got my books
24 and walked up to Great Hall and got some cookies from the
25 commissary area and checked on the weather and walked back.

1 Q Was there anybody having a party at Camp Scott
2 that night?

3 A There were - there was a unit in the staff house
4 because it was raining and they were all reading stories to
5 the kids.

6 Q Which unit was that?

7 A I believe it was Arapaho Unit but I'm not exactly
8 positive.

9 Q Do you know the counselors from Arapaho Unit?

10 A I recall one of them. I think one of their names
11 was Nan Cook.

12 Q After you had gone up there and gotten those items,
13 you went back to Kiowa Unit; is that correct?

14 A Yes, sir.

15 Q When you got back to the Kiowa Unit, what happened?

16 A I dried off and went into the tent and dried off
17 and then took my lamp - I had a kerosene lamp - took that to
18 the unit kitchen and Carla went around and told all the kids
19 to kind of put their rain gear on and come to the unit kitchen,
20 that we were going to have a meeting.

21 Q Were all of the kids in the kitchen area Kiowa Unit
22 or were they in their individual tents?

23 A They were in their tents until we called them up
24 to the unit kitchen.

25 Q When you got up to the unit kitchen, what happened?

1 A I called roll to make sure everybody was there.

2 We played a game where everybody could get to know each
3 other and we sang some songs and just generally got to know
4 each other.

5 Q Were all the counselors in the Kiowa Unit present
6 in the kitchen area when you sang the songs and called roll?

7 A Yes, sir.

8 Q What time was it when you dismissed them from the
9 kitchen unit or kitchen area to go back to their tents?

10 A Probably about 10:00 o'clock.

11 Q This picture, State's Exhibit No. 3, Mr. Wise has
12 shown you, is that a picture of Tent No. 7 in the Kiowa Unit?

13 A Yes, sir.

14 Q How many bunks were in that particular tent?

15 A There was four.

16 Q Okay. Would you show me which of the bunks the
17 three girls were sleeping on?

18 A I am not sure because when I talked to the children
19 that night, I did not see like where they were sleeping. I
20 had no idea.

21 Q But they were on these two in the front?

22 A Yes, sir.

23 Q And one of them was on one of the bunks in the rear?

24 A I'm not sure, but it would have to be.

25 Q The usual procedure, I guess, would be four bunks

1 to each tent; is that correct?

2 A Yes, sir.

3 Q How many bunks were in your counselor's tent in
4 the Kiowa Unit?

5 A Three.

6 Q When you went around at night to check each girl
7 was in her proper place, is that when you made your list, or
8 your roster?

9 A I had already made it earlier in the day.

10 Q About what time of day did you make that list?

11 A I made a list when - after - well, I had a list
12 of the children. Then, after we had all met in the unit
13 kitchen, I made a list of all the kids and we had nominated
14 the patrol leaders and various things like that and I had a
15 list then.

16 Q Where was that list kept?

17 A It was on my clipboard.

18 Q Where was your clipboard?

19 A In my tent.

20 Q When did you put it in your tent?

21 A After I'd sent all the kids to bed and I took some
22 of my belongings back into the tent. They were on their way
23 to bed.

24 Q And that was the first time that it was in your
25 tent?

1 A As far as I know, yes, sir.

2 Q Is there any time that your clipboard was away from

3 you when you were not in the tent?

4 A There could have been. I had the list of the kids

5 on the clipboard when we went to dinner so it was probably

6 either left -- I'm not sure if it was left in the staff house

7 or it could have been left in my tent.

8 Q When the campers came and assignments had been made,

9 was there some request by the Camp Director that each one of

10 the unit counselors prepare a list of the campers and their

11 assignments in each unit by tent?

12 A No.

13 Q You just did that on your own?

14 A Yes, sir.

15 Q During the orientation period, was that one of the

16 things that they told you to do in order to be able to find

17 your campers?

18 A No, because usually there was such a closeness -

19 you got to know the kids so well through the various activi-

20 ties, you kind of knew where they were, you know, which kids

21 were in which tent.

22 Q It is not unusual for little girls to stay up late

23 the first night, is it?

24 A No, sir.

25 Q And they generally make a lot of noise the first

1 night, don't they?

2 A Yes

3 Q What time of day was it that they finally calmed
4 down and went to sleep on June 12th or 13th?

5 A It was probably after 1:00, because they were
6 really noisy.

7 Q In particular, which tent seemed to be the noisiest?

8 A None of them seemed to be the noisiest because you
9 couldn't really tell just which one was the -- it was just
10 the loudness overall.

11 Q It is not uncommon for them to play practical jokes
12 on each other, is it?

13 A No, sir.

14 Q You said you yelled at the kids early in the morning.
15 Would you tell me which tent those children were in?

16 A I didn't yell at a particular tent. I just stood
17 there and told everyone to just be quiet.

18 Q Stood up in front of your --

19 A From my tent.

20 Q What time was it when you heard that door slam in
21 the latrine?

22 A Probably about 1:30.

23 Q I believe you told us that you said something to
24 them about that?

25 A Carla and I talked about them being so noisy and

1 Carla said that she would go out and see what - who it was,
2 which we knew it was probably kids and that she would put
3 them back in their tents and tell them to be quiet.

4 Q Okay. Let me ask you to tell me which direction
5 Carla went when she went down to talk to the girls? If this
6 direction is north and this direction is west?

7 A She came out and probably went north to the latrine
8 and then took the kids back to the tent. I don't know which
9 tent it was, you know, where the children had come from.

10 Q So you didn't see it?

11 A No.

12 Q Carla mentioned it to you after she came back from
13 the counselor's tent?

14 A She just said that it was - well, it was just a
15 bunch of kids and she took them back to the tent and got them
16 calmed down.

17 Q Did you have a tent count after that, a head count
18 in each tent?

19 A No, sir.

20 Q Now, next, I assume you went to sleep after that?

21 A Yes, sir.

22 Q About what time was it when you went to sleep?

23 A It was after 1:30 and I was very tired. We were
24 all pretty tired.

25 Q Did you sleep soundly that night?

1 A Yes, sir.

2 Q When you woke up in the morning, I believe you said

3 you got up, put your shorts on to go jogging?

4 A I didn't get up. I heard the alarm clock and was

5 debating on whether I should or not and I was pretty tired

6 and I didn't.

7 Q You did not?

8 A No, I didn't.

9 Q Then what happened?

10 A I just laid in bed and was kind of waking up and

11 Carla had left to go take a shower at the staff house and she

12 had not been gone, just maybe a minute or two when I heard

13 her yell for me.

14 Q Where was she when she yelled for you?

15 A She was on her way to the staff house on Kiowa Road.

16 Q Did you look out the tent to see where she was?

17 A No, I didn't. All our tent flaps were down.

18 Q But you knew she was on the road?

19 A Because I knew she was on her way to the staff house.

20 Q Okay. The staff house is where from Kiowa Unit?

21 A Where from the Kiowa Unit?

22 Q Yes.

23 A It's down the road and it goes --

24 Q Which direction; east?

25 A Yes, sir.

1 Q What did Carla say to you when she yelled at you?

2 A She yelled, "Dee you've got to get up; we've got
3 to count kids."

4 Q How long was it before you left the tent to go
5 count kids?

6 A As long as it took me to put my shorts on and my
7 shoes, which wasn't very long at all.

8 Q When you got out of the tent, was there anyone
9 else walking around in the Kiowa Unit?

10 A No, just Carla.

11 Q Was any of the little girls up?

12 A No.

13 Q What type of automobile did Carla have?

14 A I don't think she had one, as far as I know.

15 Q Tell me what happened after you left the tent?

16 A She immediately -- I don't know what I said to her.
17 She immediately ran to Tent 1 and I took off for Tent 7, so
18 that in thinking we would meet and have a total number of kids,
19 you know.

20 Q Did you have a flashlight with you?

21 A No. It was light at that time.

22 Q Is it a camp policy that each one of the counselors
23 have a light of some sort?

24 A Usually so, but when it's light, there is no need,
25 so I usually didn't take one.

1 Q Did you have a flashlight?

2 A Yes, sir.

3 Q Did you use it at night?

4 A When I go out, yes.

5 Q What kind of flashlight do you have?

6 A It is just something - I think I bought it at
7 Wal-Mart. It was red.

8 Q Okay. Was it a box type of flashlight?

9 A Yes, sir. It was very small.

10 Q Do you know the brand name?

11 A No, sir.

12 Q What type of battery does it have?

13 A It took a big block, about a size "B" battery,
14 pretty big.

15 Q What type of face illumines covering does it have?

16 A Plastic, I think.

17 Q What color is it?

18 A The rim was white and the plastic covering was just
19 clear.

20 Q Okay. So the rim on that was white, the box of the
21 light was red?

22 A Was red.

23 Q Did you have that light available to you that morn-
24 ing?

25 A Yes, I did. It was right by my bed.

1 Q Tell me what you saw when you went to Tent No. 7
2 and opened the tent flap to look in there?

3 A I opened the tent flap and, of course, I first of
4 all, was looking for kids because we were counting kids and
5 noticed there was no children in the tent and there was no
6 sleeping bags and there was no mattress coverings on the mat-
7 tresses.

8 Q Pardon?

9 A There was no mattress covers on the mattresses.

10 Q And State's Exhibit No. 3 that we looked at just
11 a minute ago, does that - do the objects in that picture
12 accurately depict the way that tent looked when you first
13 opened the flap?

14 A I can't really say because this tent flap on the
15 right was down. I only opened the left one just wide enough
16 so I could see if any of the children were in there and it
17 was very dark.

18 Q Miss Elder, did you see any of these other spots
19 on the floor?

20 A I saw the blood on the mattress and a little bit
21 on the floor. I really can't remember because I didn't look
22 at it very long.

23 Q What type of footwear did you have on that morning?

24 A I had regular tennis shoes on. They were very old.

25 Q Could you tell me what brand name?

1 A I don't know for sure.

2 Q Do you know what brand of tennis shoes Carla
3 Wilhite was wearing?

4 A No, sir, I don't.

5 Q Do you know what -- well, let me ask this: Was
6 Carla Wilhite wearing tennis shoes?

7 A I don't know. Usually so. That's usually what
8 we wore but I have no idea what she was wearing that morning.

9 Q Did Susan Emery have tennis shoes?

10 A I really don't know.

11 Q After you looked in the tent, you saw the blood on
12 the mattress, I believe you said you thought maybe there was
13 a nosebleed and the girls were in another tent?

14 A Yes, sir.

15 Q How long was it? How much time elapsed before you
16 knew something was wrong?

17 A I guess when I counted the kids again and again and
18 just knowing that I had to go get Barbara Day and that some-
19 thing was not right and that children were missing and the
20 combination of hearing Susan Emery's scream, I knew that I'd
21 better go get Barbara and get help.

22 Q Were you still down at Tent No. 7 when you heard
23 the scream?

24 A Yes, sir.

25 Q What did you do when you heard the scream?

1 A I just took off running for -- I knew that was
2 probably Susan and just went to her.

3 Q How far is it from Tent No. 7 over to where Susan
4 was standing on Kiowa Road?

5 A I'm not for sure. There's a maze of paths because
6 there were trees in between the staff tent and the children's
7 tents.

8 Q Did you run behind the counselor's tent or in
9 front of the counselor's tent?

10 A I never did -- well, the road, it's a gravel road.
11 It extends in front of the staff tent and it's just a maze
12 of paths so I never went, really, in front of the staff tent.
13 I just stayed on the road.

14 Q Would you step down and show me where Susan Emery
15 was standing and would you mark that with an "SM" on there,
16 Susan Marie?

17 A I think she was standing about right here (indicat-
18 ing).

19 Q Where were you?

20 A In the process of counting kids, I was about right
21 here (indicating) between the tents.

22 Q All right, would you mark that with a "D"?

23 A (Witness complies.)

24 Q Was there anybody else walking in the Kiowa Unit
25 area when you heard her scream?

1 A No, sir.

2 Q Okay. After you heard her scream and you went
3 over and you said something to her, what happened then?
4 A I immediately told her to stay there and not to
5 leave and I ran down the Kiowa Road to get my car to get
6 Barbara.

7 Q Was somebody else coming down the road?

8 A Not that I could see; I didn't see anyone.

9 Q Did Mary Ann Alaback already come to the Kiowa
10 Unit?

11 A No, she hadn't. I met her when I was arriving.

12 I started my car, drove up the road to get Barbara and I met
13 her at the curve and we stopped.

14 Q Would you step down again and show me where you
15 met Mary Ann, if you can, on this map?

16 A I can't show you on this map because it was further
17 down the road.

18 Q You said at the curve, is that the open area where
19 Ben Woodward's house is?

20 A It's just as you get to Ben's house, there is a
21 big long curve; it's pretty sharp.

22 Q What did you say to Mary Ann?

23 A She asked me what was the matter and I said that
24 something horrible had happened and I thought that the child-
25 ren were dead and how I knew that, I don't know. I just said

1 it.

2 Q Did you see any sleeping bags over there under the
3 trees?

4 A Yes, I did.

5 Q Did you say anything to Susan Emery other than to
6 be quiet or shut up?

7 A No, sir, I just took off running.

8 Q Then what happened after you had the conversation
9 with Mary Ann?

10 A I drove on up to Barbara Day's, where she was
11 staying, and they were all getting in the car and I just
12 parked there for a moment and let them get out of the way
13 and then I drove back to the staff house, left my car there
14 and I started walking down the Kiowa Road to where they all
15 were.

16 Q Who was getting in the car with Barbara Day?

17 A Richard Day and Carla Wilhite and Barbara Day.

18 Q Then what did you do?

19 A I stood at the side of the station wagon. I didn't
20 go on down where they all were.

21 Q Let me interrupt you just a second. What kind of
22 station wagon are we talking about?

23 A It's the camp station wagon. It was yellow. I
24 don't know what kind it was but I stood there and I just
25 stood there for a moment and Barbara Day walked up and told me

1 that, you know, what had happened.

2 Q Miss Elder, can you show us where the station
3 wagon was parked on that diagram, on that map?

4 A I think the station wagon was parked right here
5 (indicating) and Mary Ann's car was in back of it. I'm not
6 sure if Mary Ann's car was first and then the station wagon.

7 Q Would you draw a little rectangle for the station
8 wagon?

9 A (Witness complies.)

10 Q All right. Would you draw a smaller one for Mrs.
11 Alaback's car?

12 A (Witness complies.)

13 Q So Mary Ann's car was in front of the station
14 wagon?

15 A As I recall, yes, sir.

16 Q After you went back down there, who was present
17 near where the bodies were under the trees?

18 A Barbara Day and Richard Day and Carla Wilhite and,
19 I think, I'm not sure if Susan Emery was standing right there
20 or not.

21 Q What did you see while you were there?

22 A I didn't go down to where I could see anything. I
23 just stayed back away from where everyone was.

24 Q What was the next thing you did?

25 A Barbara said I could - I asked her if I could go to

1 the staff house and wash my face because I was going to come
2 back down and get my kids. So I walked to the staff house
3 and then I turned around and went back to the Quapaw Unit
4 which is the unit closest to ours and I woke up Linda Hender-
5 son, a very close friend of mine, who was staff person in
6 that unit and was talking to her for a second and she and
7 I went to the staff house and the staff house was locked and
8 we couldn't get in and then we - she and I - ran back to our
9 units and counted her kids to make sure that all her children
10 were there.

11 Q After you counted her kids, what did you do?

12 A I walked back down to Kiowa and we met and I went
13 into my staff tent and we decided that we had better get
14 all the kids out of the unit so we devised something that we
15 would tell the children and we all got them out of the unit
16 by the back road.

17 Q You say by the back road. Did you by-pass the
18 trees where the bodies were?

19 A Yes, sir, we never went close to that area. We
20 went out by the restrooms, past the latrine and there is a
21 back path that connects around the whole unit with our unit
22 and we walked that way.

23 Q Miss Elder, what was the closest you came to
24 where those bodies were under the trees?

25 A The closest I came to them was running by them when

1 I went to get Barbara Day.

2 Q Did you ever go down the little path that inter-
3 sects Kiowa Road?

4 A No, sir.

5 Q There's an open spot, a path for some electrical
6 wires, is there not, just to the south of the Kiowa Road
7 there?

8 A There's a gate; is that what you're talking about?

9 Q Yes, ma'am.

10 A At the end of the road, yes, there is.

11 Q Did you ever go down that open spot where the gate
12 is?

13 A No, sir.

14 Q Did you see anything lying there beside the bodies
15 when you saw them, running up the road?

16 A No, sir, I didn't even look. I just glanced and
17 kept on running.

18 Q Later on in the day, what did you do after the
19 people began to come to Camp Scott to investigate this parti-
20 cular?

21 A After we took the children - after we took them, we
22 had breakfast, we had some with the children and that took
23 up time and then we all ate breakfast and during breakfast,
24 we were questioned by the State Police in Barbara Day's office.

25 Q Did they question you one at a time?

1 A They questioned us all three at a time.
2 Q Three at a time?
3 A Yes, sir.
4 Q Who questioned you?
5 A Highway State Patrolman, I do not know who it was.
6 Q Did he have a uniform on like these gentlemen right
7 over here?
8 A Yes, sir.
9 Q How long did he question you?
10 A He didn't question us for very long at all.
11 Q Did he ask you similar questions like the ones that
12 I have asked you?
13 A Yes, sir.
14 Q Did you tell him anything differently?
15 A No, sir.
16 Q After the highway patrolman -- well, did he take
17 the statement in writing from you?
18 A No, sir.
19 Q Was your statement tape recorded?
20 A Not that I know of.
21 Q After he questioned you, what happened?
22 A Our children in my unit were taken to the craft
23 hut which was right beside Great Hall and we proceeded to
24 start doing various activities for that morning.
25 Q Did you go back to Kiowa Unit at any time?

1 A No, sir.

2 Q How long did the craft activities last?

3 A It lasted until early in the afternoon. We were
4 questioned more during the day, during the morning.

5 Q Let me interrupt right here. Who was the first
6 person to question you after the highway patrolman?

7 A I think the District Attorney -- Beverly --

8 Q Mr. Wise?

9 A Beverly Huff, I think questioned us.

10 Q And where was that?

11 A We were in the nurse's office where - she has an
12 office near Barbara Day's office.

13 Q Was Mr. Wise present when she questioned you?

14 A I don't think he was.

15 Q What did Miss Huff ask you about?

16 A We were all questioned as to what we -- just the
17 very same things you have asked us.

18 Q Did you tell her the same things?

19 A Yes, sir.

20 Q What happened after you had the conversation with
21 Miss Huff?

22 A We went down, back to the craft hut and we talked
23 to the kids and I think that all the children - if they had
24 heard anything in the night and we had told them some story.
25 We did not -- none of the children knew what had happened and

1 we asked them if they heard anything in the night and I
2 believe that each area of the children were asked by Beverly
3 and her people if they had heard anything in the night, too.

4 Q What did they tell you when you asked if they had
5 heard anything?

6 A Some of them had heard kids, you know, noises the
7 kids had themselves made, but no one had heard anything.

8 Q Did any of them see anything during that night?

9 A To the best of my knowledge, no.

10 Q Did you talk to all those girls in the Kiowa Unit
11 who were in the tents?

12 A Yes, sir.

13 Q The campers?

14 A Yes, sir.

15 Q Did anyone tell you about seeing anybody?

16 A No, sir, not that I can remember them saying any-
17 thing.

18 Q But Miss Huff talked to each and every one of you?

19 A I think she did.

20 Q After you had the conversation with Miss Huff, who
21 was the next person that you talked to?

22 A I think we were - I'm not sure - for sure -- because
23 we were questioned by a lot of people -- but I think an OSBI
24 Agent or an FBI Agent. We all -- he talked to every one of
25 the staff members on staff in the Great Hall.

1 Q Did he talk to all of you at one time?

2 A No, he questioned us one at a time.

3 Q What did you tell him?

4 A Pretty much -- they wanted our address and pretty
5 much the same thing.

6 Q Do you know that man's name?

7 A No, sir.

8 Q Was there more than one man that questioned you?

9 A Not to my remembrance. It was in the Great Hall
10 and this was after the children left on buses that day.

11 Q Could that man have taken a tape recorded statement
12 from you?

13 A Not that I know of.

14 Q Did he take a written statement from you?

15 A He took our names and addresses mainly.

16 Q Did you sign anything?

17 A Not that I know of.

18 Q For Mrs. Huff, did you give her a taped statement?

19 A No, sir.

20 Q Did you give her a written statement?

21 A No, sir.

22 Q After this OSBI Agent or FBI man had questioned you
23 individually, were you questioned by any other people?

24 A No, sir, not that day.

25 Q Let's talk about that day. What time of day was it

1 when Mrs. Huff questioned you?

2 A It was probably -- I don't know. I was not very
3 conscious of time during the day because all of the things
4 were happening. It was probably 10:00 or 10:30 or earlier
5 than that.

6 Q What time of day was it when this OSBI or FBI Agent
7 questioned you?

8 A It was very late - after the children had left that
9 day. I think they left early afternoon and then the whole
10 staff met in the Great Hall and Bonnie who's the President of
11 our Council, talked to us for some time and then we all talked
12 to this man and then we all left.

13 Q Can you give me an estimate as to what time it
14 was?

15 A No, sir, I can't. I think I arrived in Tulsa at
16 about, maybe 5:00 o'clock or 5:30, so it's an hour drive from
17 Camp Scott, so it must have been about 4:30.

18 Q How long did they question you, the OSBI?

19 A Not very long at all on Monday.

20 Q Did they ask you anything of a personal nature such
21 as about your sex life?

22 A Not on that day, no.

23 Q Who left Camp Scott with you, Miss Elder?

24 A No one. I drove home by myself. I drove back to
25 Tulsa.

1 Q Do your folks live in Tulsa?

2 A NO.

3 Q You said you drove home. Is that where --

4 A Where I was staying.

5 MR. WISE: If it please the Court, I am sorry for
6 interrupting, but I feel the cross-examination now far ex-
7 ceeds proper cross-examination as to the relevancy of the
8 direct examination. We are going far afield.

9 THE COURT: You mean as to the question of where
10 she went when she went to Tulsa?

11 MR. WISE: Well, Your Honor, for some time now,
12 counsel has -- it is my understanding that Court procedure
13 on cross-examination is limited to those subjects that were
14 brought up at direct examination and I feel now that counsel
15 is far afield of that. If he wants to call this witness as
16 his own, he may.

17 THE COURT: Sustained as to her testimony about
18 what she did when she got to Tulsa.

19 Mr. Isaacs, it is almost 12:00 o'clock. Would you
20 like to continue your cross-examination until after lunch?

21 MR. ISAACS: That would be fine, Your Honor.

22 (Whereupon, the cause in hearing was recessed.)

23

24

25

AFTERNOON SESSION

1 (Following the noon recess, the proceedings
2 continued as follows:)

3
4 THE COURT: Court is again in session and we'll
5 continue the cross-examination by Mr. Isaacs.

6 BY MR. ISAACS:

7 Q Miss Elder, you testified earlier this morning
8 once, I believe, it was on Sunday when you went back to Camp
9 Scott, that you left Tulsa at 10:00 o'clock and arrived
10 there around 12:00. Did you go someplace between the time
11 you left Tulsa and the time you arrived at Camp Scott?

12 A I could have been mistaken on my time. It takes
13 about an hour to get to Tulsa - I mean from Tulsa to the camp.

14 Q We were talking earlier about your interviews with
15 various law enforcement personnel, pertaining to the homicides
16 at Camp Scott. And I believe when we stopped for the morning
17 recess, we were discussing an interview that the OSBI or
18 FBI Agent had with you at approximately 4:30 in the afternoon
19 of June 13th.

20 Now, is it correct that you don't know the name
21 of that person that interviewed you?

22 A Yes.

23 Q And that interview was conducted on a one on one
24 type situation; in other words, you were there and the Agent
25 was there?

1 A Yes.

2 Q There were some things I thought about that I
3 would like to ask you, over the noon hour. Who taught that
4 knot-tying class during the orientation week?

5 A Mrs. McQuiddy.

6 Q Pardon?

7 A Mrs. McQuiddy. I think she taught it during camp.
8 We basically went over it.

9 Q Who is Mrs. McQuiddy?

10 A She works in the Girl Scout Council office.

11 Q Was she at the camp on the 13th day of June?

12 A No, she wasn't.

13 Q Was she on camp the 12th day of June?

14 A No, she wasn't.

15 Q She was solely there for the purpose of the orien-
16 tation; is that correct?

17 A Yes, sir.

18 Q During the orientation week, were there any husbands
19 or boyfriends that stayed at Camp Scott?

20 A Not that I know of. I don't know.

21 Q Pardon me? You don't know?

22 A I don't know.

23 Q Did you see any man at Camp Scott, other than Mr.
24 Woodward, the ranger, during the orientation period?

25 A During orientation, not that I know of.

1 Q Earlier this morning, you told us that there were
2 some noises at 1:30 in the morning and you took some measures
3 to determine the origin of those noises and quietened those
4 girls that were in the tent?

5 A Yes, sir.

6 Q Were there any noises after 1:30 a. m.?

7 A No, sir.

8 Q Didn't hear any?

9 A No.

10 Q And you also testified this morning about some
11 rain and that you had a big storm at Camp Scott on the 12th
12 of June, 1977?

13 A Yes, sir.

14 Q During that time, was there a towel in the counsel-
15 or's tent which was used to wipe feet?

16 A Yes, sir.

17 Q And that was the towel that was kept in the tent
18 that you were in with Carla Wilhite and Susan Marie Emery; is
19 that correct?

20 A Yes, sir.

21 Q Would you tell me the color of that towel?

22 A I can't tell you the color. I think it was very
23 light colored. It was in the very front of the tent. We
24 dried off with it. Then it was placed in the floor.

25 Q Where in the floor was it placed?

1 A It was in the very - when you first go into the
2 tent, there was a center pole, and it was right in front of
3 that pole.

4 Q This is not on the edge of the tent floor?

5 A After I came back to the tent and put the kids to
6 bed, I wrang the towel out and put it over the end in front
7 of Carla's bed, over the front edge of the tent flap platform.

8 Q Did you designate the beds on this diagram this
9 morning?

10 A Yes, sir.

11 Q Would you step down and put a "T" for towel approx-
12 imately where the towel was?

13 A When I wrung it out, I put it on the edge right
14 here (indicating).

15 Q From that diagram, it appears to me that the
16 counselor's tent open towards the east; is that correct?

17 A Yes, sir, it opens facing all the tents.

18 Q So you hung it out the back of the tent?

19 A No, I hung it in the front. The diagram of the
20 tent should be turned around and it would be looking out
21 over the tent.

22 Q I understand now. So that really is not an accurate
23 diagram of the way that tent opened?

24 A Not in the position of - in reference to the other
25 diagram.

1 Q This towel - would you describe it for me, if it
2 had any peculiarities?

3 A It was dirty and it was wet. Other than that, I --

4 Q Did it have fringe on it?

5 A I don't know.

6 Q Did it have a design on it?

7 A That I don't know either.

8 Q And we don't know what color it was?

9 A No, sir.

10 Q During the orientation period, were you taught -
11 were you given a design or were you given some type of scale
12 or map of the Camp Scott area so that you would know where to
13 obtain cleaning equipment and repair equipment and things of
14 that nature?

15 A No, sir, not that I know of.

16 Q Is there anything in the form of a tool shed or a
17 place where tools are kept?

18 A In the unit kitchen, there's a closet there where
19 trash cans and we keep our tools for use in the camp area in
20 our own units.

21 Q Would you step down again and mark where that shed
22 is, the camp kitchen? Just a mark.

23 A It's right here (indicating).

24 MR. ISAACS: Could the record show that she put an
25 "X" in the corner of the unit kitchen?

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Your Honor, before it's erased, I'd like to have a picture of it.

THE COURT: That's certainly permissible. Do you have a camera?

MR. ISAACS: Yes, sir. I do.

Q (By Mr. Isaacs) Now these tents - when these tents are put up, there's rope on these tents; is that not correct?

A Yes, sir.

Q Different type of rope. Where are the tent posts kept for the Kiowa Unit?

A Before the tents are put up?

Q Yes, ma'am.

A I don't know.

Q. Do you know whether or not any tents or any tent poles are kept in any particular building at Camp Scott?

A They're kept in what's called the chick hut. It's up on the main part of the camp across from the -- near Ben's, the caretaker's house and all the tents are kept there, I believe.

Q You said chick hut? Is that C-H-I-C?

A -- K --

Q -- K. During the time you went to the tents for head check and also to check noises, did anybody go to the tents with you?

1 A No.

2 Q Did you look inside the tents?

3 A I did not. I went - yeah, I looked in every tent

4 when I went around and checked and talked to each child.

5 Q This morning you were talking about Nurse Alaback

6 coming down the road and being there with the bodies of the

7 young girls. Do you know if Nurse Alaback checked the bodies

8 for any vital signs?

9 A I don't know.

10 Q During the orientation week, did anybody say

11 anything about rope being taken from the chick hut or from

12 any of the units?

13 A Not that I know of.

14 Q Did you hear anybody say anything about it?

15 A No.

16 Q Are the buildings at Camp Scott locked?

17 A Not that I know of. I mean during camp, they're

18 not.

19 Q So during camp, all buildings are unlocked and the

20 only thing that is locked is the gate?

21 A As far as I know.

22 Q If you wanted to go to the chick hut to get a tent

23 pole, you wouldn't need to contact anybody about going there.

24 You could walk up there and get one?

25 A No, sir.

1 Q Are boyfriends of camp counselors permitted to
2 visit the camp?

3 A It has happened. I've never had anyone there.

4 Q During the orientation period, did any boyfriends
5 visit the camp - any boyfriends of camp counselors?

6 A As far as I know, no. I don't know.

7 Q I want to talk for a moment about interviews you
8 had with law enforcement personnel. We talked about the one
9 that you had at 4:30 on the 13th day of June. When is the
10 next time you had an interview with a law enforcement person?

11 A On Tuesday.

12 MR. WISE: If it please the Court, I'd have to
13 again interrupt. These questions have been asked and answered
14 before and the product of those interviews are work product
15 and certainly not privy to the counselor.

16 THE COURT: Objection is overruled.

17 Q (By Mr. Isaacs) Where was that interview, Miss
18 Elder?

19 A In the breezeway of the Great Hall in Camp Scott.

20 Q Who interviewed you?

21 A OSBI.

22 Q What did you talk about?

23 A Various things, things that had happened and so on.

24 Q Did you tell them basically the same thing you have
25 told me here today?

1 A Yes, sir.

2 Q Did they ask for any hair samples?

3 A Yes, sir.

4 Q At that time, in the breezeway?

5 A I think it was not on Tuesday. I think it was on

6 the following day which was Wednesday.

7 Q That's Wednesday, the 15th of June, would that be

8 correct?

9 A Yes.

10 Q Okay. On Wednesday, June 15th, you had another

11 interview with an OSBI Agent?

12 A Yes, sir.

13 Q Who was that Agent?

14 A I talked with Jerry Thurman; there were several

15 interviewed.

16 Q This fellow sitting here (indicating) at the table

17 with Mr. Hobbs?

18 A Yes, sir.

19 Q What did Mr. Thurman ask you about?

20 A Just various questions, things that had happened

21 and just about the staff; just various general questions.

22 Q All right, and at that time, did they ask you for

23 your fingerprints?

24 A Yes, sir.

25 Q Did you give them a copy?

1 A Yes, sir.

2 Q Did they ask you for anything else?

3 A Photograph; that's all.

4 Q Pardon me?

5 A They took a photograph of me, that's all.

6 Q Did they take any saliva sample?

7 A Yes, sir, they did.

8 Q Did they take any blood samples?

9 A No.

10 Q How did they take the saliva sample from you?

11 A I think on a disk; I'm not sure.

12 Q Who took that from you?

13 A I don't know who it was.

14 Q Was it a lady or a man?

15 A There was a lady present, I believe, I'm not sure.

16 Q And do you know what was done with the disk after

17 you --

18 A I think it was placed in a plastic bag; I really

19 don't remember.

20 Q Did they ask for any other samples that day?

21 A No, sir.

22 Q The 15th of June?

23 A No, sir.

24 Q Did you tell them anything you haven't told us

25 about here today?

1 A No, sir.

2 Q Were you interviewed at a later date by any member
3 of a law enforcement agency?

4 MR. WISE: If it please the Court, that's been
5 asked and answered before, too.

6 THE COURT: I presume you mean a later date other
7 than the one she's just testified to? You may answer that
8 question.

9 A I was questioned over the phone at different times;
10 not very many times.

11 Q Do you know who called you?

12 A Jerry Thurman I talked to and I can't remember the
13 rest of the names.

14 Q What did he ask you about?

15 A Earlier in the summer, just about some -- if I was
16 missing anything, making sure that I was not missing anything
17 from the tent and I was called maybe twice in the Spring
18 Semester at school.

19 Q Well, earlier in the year when Mr. Thurman called
20 you, what did he ask you specifically about that might have
21 been taken from your tent?

22 A He asked me if I was missing any glasses and I said
23 no. I thought I'd missed them before but I found them. The
24 questions that I was asked over the phone were questions that
25 I had been asked before.

1 Q Did anybody report the theft of glasses from Camp
2 Scott on the 13th of June?

3 A I think so. No, I don't know. I just really
4 don't know because we did not go back to our unit in our
5 camp any on that day and we left and took the children.

6 Q When you got up in the morning, was anything miss-
7 ing from anyplace in your tent?

8 A Not that I know of. We just left the tent and we
9 counted kids and I just never went back.

10 Q All right. When was the first time you went back
11 to the tent?

12 A On Tuesday.

13 Q That would be the 14th of June?

14 A Yes, sir.

15 Q On the 14th of June, Tuesday, who was with you
16 when you went back to your tent?

17 A Beverly Huff was with me.

18 Q Was anybody else with you?

19 A They were, but I don't know who they were.

20 Q Did they ask you to inventory your property?

21 A Yes, sir.

22 Q Did you inventory?

23 A Yes, sir.

24 Q Was anything missing?

25 A No, sir.

1 Q Was anything missing from the property of any
2 counselor who was in that tent?

3 MR. WISE: To which we object as hearsay, Your
4 Honor.

5 THE COURT: Sustained, unless she knows of her own
6 knowledge.

7 MR. ISAACS: Judge, I'm not asking about an out-of-
8 court statement offered to prove the truth of anything. I'm
9 asking her if something was missing.

10 THE COURT: She may answer if she knows the answer,
11 Mr. Isaacs.

12 A I'm not sure.

13 Q Did Carla Wilhite find anything missing?

14 MR. WISE: If it please the Court, we would again
15 object. That's asking for a hearsay response.

16 MR. ISAACS: Judge, an out-of-court statement
17 offered to prove the truth of the matters asserted, well
18 recognized the definition of hearsay and I'm not asking her
19 about any statements.

20 THE COURT: I'm not sure it's within the purview
21 of her knowledge about what somebody else found missing but
22 if she has personal knowledge of that, she may answer the
23 question.

24 Q Do you have any personal knowledge of anything being
25 found stolen?

1 A Other things were missing but I'm not sure what
2 it was.

3 Q How about some glasses?

4 MR. WISE: If it please the Court, the question
5 has been asked and answered.

6 THE COURT: Sustained.

7 Q How about any equipment from the little box by
8 your bed?

9 A I don't know.

10 Q Now when you went back to your tent with Miss Huff,
11 Mr. Wise's investigator, did anybody go with you?

12 A Yes, sir, we were -- lots of people were with us
13 when we went back and they stayed with us the whole time.

14 Q Who was with you?

15 A I know Beverly Huff was with us but I'm not sure
16 who else was with us.

17 Q Was any other Camp Scott personnel with you?

18 A The three counselors that were in my tent, we all
19 went together with law enforcement officers, I believe - I'm
20 not sure who went with us and we went into the tent and got
21 all out stuff together.

22 Q That was Susan Marie Emery and Carla Wilhite, right?

23 A Yes, sir.

24 Q Did you go into the tent at the same time?

25 A Yes, sir.

1 Q Whose towel was it that was used to wipe feet on?

2 A I don't know whose it was. It was not mine.

3 Q Was there any conversation about the towel?

4 A Something. I think it was asked whose towel was
5 it and who put it there, just the general questions that you
6 have asked me before.

7 Q Did you notice anything unusual about the towel on
8 Tuesday; Tuesday morning when you went back to the tent?

9 A On Tuesday when they found the towel, I know that
10 they took it in or Beverly took it and just more questions,
11 what it was used for and who put it there.

12 Q So Mrs. Huff took the towel?

13 A I believe so.

14 Q Did she mark it as evidence?

15 A I don't know.

16 Q Do you know what she did with it?

17 A No, sir, I don't.

18 Q Was anything said to you about a flashlight found
19 near the bodies of the three little girls underneath the trees?

20 A In the questioning that I was questioned on on Wed-
21 nesday, the 15th, I was shown a flashlight and asked if I had
22 ever seen it before or if it was mine and I denied it all.

23 Q Would you describe that flashlight for me?

24 A I really don't remember except for it was large
25 metal; that's all I remember.

1 Q Was it a metal flashlight?

2 A I'm really not sure on that. I just remember
3 seeing a flashlight and I could not describe it to you.

4 Q Was it one of those long ones like a policeman
5 carries, box type?

6 A I know that it was a box type but I really do not
7 know.

8 Q You know that it was a box type?

9 A Yes, sir.

10 Q Do you remember what color lens it had on it?

11 A No, sir, I do not remember.

12 Q Did anybody show you any rolls of tape?

13 A Yes, sir.

14 Q What color were the rolls of tape?

15 A I believe it was gray.

16 THE COURT: I didn't hear the answer.

17 A (By Miss Elder) I believe it was gray.

18 THE COURT: Thank you.

19 Q Did they show you more than a roll of tape?

20 A Not that I remember.

21 Q So you saw one roll of tape. Was this on the same
22 day that you went back to your tent to inventory your proper-
23 ty?

24 A No, sir.

25 Q What else happened on that day?

1 A On the day we went back to inventory, we got all
2 our stuff and I really don't remember all that happened. I
3 think we - I was maybe questioned a little bit but not very
4 much but I got permission to leave and I came back to Tulsa.

5 Q Okay, and after that, you had a couple of telephone
6 conversations with Mr. Thurman; is that correct?

7 A In time - not -- I was called that I should come
8 back on Wednesday.

9 Q Well, it was Tuesday or Wednesday that you moved
10 out of the tent?

11 A Tuesday, I moved my things out of the tent.

12 Q And Wednesday you went back and had the conversa-
13 tion with him at the Great Hall?

14 A Yes, sir.

15 Q After your conversation with Mr. Thurman at the
16 Great Hall on Wednesday, when was the next time that you
17 were called or communicative with any law enforcement agency?

18 A I'm not sure on the day. I went home, back to
19 Arkansas, on Thursday and I was called at my home. I cannot
20 give you a day on it. It was not very long after.

21 Q What was the substance of that conversation?

22 MR. WISE: Again, Your Honor, what was supposed to
23 be a cross-examination has gone far afield of any relation-
24 ship as to what the State covered on direct and we would
25 apologize but have to object to it continuing.

1 THE COURT: Objection sustained. It's beyond the
2 scope of direct.

3 Q (By Mr. Isaacs) Did you have a conversation with
4 Mr. Thurman about what happened over there at Camp Scott?

5 A Yes, sir.

6 MR. WISE: If it please the Court, I thought the
7 Court sustained our objection.

8 THE COURT: I did, Mr. Wise.

9 Q Was that about evidence at Camp Scott?

10 A When are you talking about?

11 MR. WISE: If it please the Court, we are going to
12 renew our objection.

13 THE COURT: Mr. Isaacs, I have sustained the objec-
14 tion as being beyond the scope of direct as to the questions
15 about this particular conference with the gentleman.

16 MR. ISAACS: With Mr. Thurman?

17 THE COURT: Yes.

18 MR. ISAACS: Judge, would you note my exception?

19 I feel like this might tend to prove or disprove any material
20 element of the Defense.

21 THE COURT: Well, you can call her as your own
22 witness. I guess that's what you'll have to do if you want
23 to go into areas outside of direct examination.

24 MR. ISAACS: Judge, I thought we'd agreed that we
25 were going to take these things out of time if need be.

1 THE COURT: If agreed, and I don't believe Mr.
2 Wise is agreeing at this point. You may continue your cross-
3 examination.

4 MR. ISAACS: Well, Judge, I hate to ask this girl
5 to come back from Arkansas. I'd like to examine her today.
6 Can we get some agreement, Mr. Wise, about that? I don't
7 have that many more questions, you know; if I could just
8 ask them, we could save some time.

9 THE COURT: Perhaps he'll agree. I don't know.

10 MR. WISE: May I ask one qualifying question, Your
11 Honor?

12 THE COURT: Of the witness?

13 MR. ISAACS: Judge, that's improper at this time.

14 THE COURT: Does it have to do with the possible
15 agreement to allow him to ask questions beyond the scope of
16 direct examination? Well, why don't you go ahead and ask your
17 question.

18 VOIR DIRE EXAMINATION

19 BY MR. WISE:

20 Q Has Mr. Isaacs visited with you?

21 A No, he hasn't.

22 Q Has he called you or attempted to get in touch with
23 you?

24 A No, he hasn't.

25 MR. WISE: If it please the Court, in view of the

1 fact that certainly Mr. Isaacs hasn't had an opportunity to
2 visit with this witness, as to his last question, we would
3 relinquish but we certainly don't want to get far afield.
4 We'll stipulate she may respond to his last question but
5 certainly not - we're not stipulating that he may continue
6 to do his direct examination on our cross.

7 THE COURT: Would you like to repeat your question
8 then, Mr. Isaacs?

9 CONTINUED CROSS EXAMINATION

10 BY MR. ISAACS:

11 Q Well, now, there has been so much said, I think
12 I almost forgot it but I think my last question was, Judge,
13 was, what was the substance of the telephone conversation
14 that you had with Mr. Thurman after you left Camp Scott on
15 the 15th day of June?

16 A It was just questions, mainly questions that I had
17 been asked before, just making sure that I was not missing
18 anything, just, you know, nothing out of the ordinary.

19 Q Were you interviewed by any law enforcement person-
20 nel after that, Miss Elder?

21 A No, sir.

22 Q Did anybody come show you some items of evidence
23 since that time?

24 A No, sir. I was questioned.

25 THE COURT: I will caution the witness to only

1 answer the questions, please.

2 Q Did Mr. Wise question you?

3 A No, sir, as far as I know, that I can remember.

4 Q Have you had any conversation with anybody
5 about this case since Mr. Thurman called you about the
6 missing items from the counselor's tent?

7 A I was in Tulsa early in May -- late in May, and I
8 was questioned by Mr. Thurman and another agent about -
9 well, in reference to some shoes and see if I had been in
10 the tent, that's all.

11 Q Had you been in the girl scout Tent No. 7, Kiowa
12 Unit?

13 A No, sir, I never went in it.

14 Q Would you describe these shoes for me?

15 A The shoes that I wore this morning, on the morning
16 that that happened?

17 Q They were the shoes you wore that morning?

18 A Yes.

19 Q What type of imprint did they leave?

20 A Tennis shoe imprint with round holes in it and long
21 lines. I don't really know. I have the shoes.

22 Q Could you draw me just a half shoe diagram?

23 A Sir, I can't.

24 Q You cannot?

25 A No.

1 Q Well, do they have small holes or big holes on the
2 bottom?

3 A They're just regular old tennis shoes. I really
4 never did pay that much attention to them.

5 Q Do you know what brand they were, what make?

6 A No, sir, I don't. They were very old and they're
7 cloth.

8 Q Didn't Mr. Thurman show you any items of evidence?

9 MR. WISE: If it please the Court, again, we're
10 going to object. We're getting far afield of what cross
11 examination. . .

12 THE COURT: Sustained, unless you fix the time
13 and date.

14 Q Did Mr. Thurman show you any evidence in May in
15 Tulsa?

16 A No, sir.

17 Q Just asked about shoes that you had on?

18 A Yes, sir.

19 Q Did he show you any pictures of any footprints?

20 A No, sir.

21 Q Plaster cast of any footprints?

22 A No, sir.

23 Q On June 13th, you said weather conditions were
24 rainy; is that correct?

25 A Yes, sir.

1 Q Would you tell me about the lighting condition in
2 the early morning hours of June 13th?

3 A It was kind of -- well, it was very early in the
4 morning, it was just turning light.

5 Q Well, early in the morning, around 1:00 or 2:00
6 o'clock?

7 A There was hardly any light at all.

8 Q No moonlight?

9 A Not that I can remember.

10 Q Was it cloudy?

11 A I really don't remember.

12 Q Do you know who left Camp Scott on the evening of
13 the 12th? Do you know anybody that went off the camp?

14 A Not that I know of; I don't know.

15 Q Have you talked about this case to anyone?

16 MR. WISE: If it please the Court, that question is
17 so broad. We ask that it be objected to on the grounds as
18 not - it does not direct itself to --

19 THE COURT: She can answer yes or no.

20 A (By Miss Elder) Yes, I have.

21 Q Have you talked to Mr. Wise about it, the Prosecutor,
22 this fellow right here (indicating)?

23 A Just in - just brief talk today, just a little bit.

24 Q Was that before you testified here this morning?

25 A Yes, it was.

1 Q Have you talked to your lawyer about it?

2 A No, sir.

3 Q Have you talked to any lawyer about it, who repre-
4 sents the Magic Empire Council?

5 A Yes, I did.

6 MR. WISE: If it please the Court, are we going to
7 get into civil matters?

8 THE COURT: Objection sustained. Beyond the scope
9 of direct.

10 MR. ISAACS: Judge, I thought the agreement was
11 that I was going to be permitted to ask her some questions
12 on direct examination so we could get this out of the way.

13 THE COURT: I don't know that Mr. Wise agreed to
14 that. Did you, Mr. Wise?

15 MR. WISE: No, sir, Your Honor.

16 THE COURT: Objection sustained as being beyond the
17 scope of direct examination and I don't know what relevancy
18 it would have anyway.

19 Q During the orientation period, was there anyone at
20 Camp Scott who went through there as a trespasser or so to
21 speak?

22 A Not that I know of.

23 Q Anybody disturb any girls?

24 A No.

25 Q On the 13th day of June, early in the morning, could

1 you have moved about in the Camp Scott area without a flash-
2 light?

3 A Yes, you could have; at the time I got up, you
4 could have.

5 Q What about at 1:00 o'clock or 2:00 o'clock in the
6 morning?

7 A I really don't know.

8 Q Did any of the OSBI Agents or any law enforcement
9 personnel have any of those persons contact you since your
10 last visit with Mr. Thurman?

11 A No.

12 Q Have you ever seen any rolls of duct tape at
13 Camp Scott? Do you know what duct tape is, Miss Elder?

14 A No.

15 Q You're familiar with that gray tape most handymen
16 use to fix things, are you not?

17 MR. WISE: If it please the Court, I believe the
18 answer to her question, she said no.

19 MR. ISAACS: I asked her if she knew what duct tape
20 was.

21 THE COURT: I believe that was her answer, Mr. Isaacs.
22 I'll let her answer your most recent question. Miss Elder,
23 you may answer that question, if you know.

24 A (By Miss Elder) I never remember seeing any.

25 Q Did anybody show you tape that looked sort of like

1 bookbinding. Do you know what bookbinding is?

2 A Yes, I know what bookbinding is.

3 Q Okay.

4 A Not that I can remember.

5 Q How long have you known Ben Woodward?

6 A He was there the first summer that I counseled at
7 Camp Scott, which was the summer of 1975, and I knew him from
8 that summer and then just a little bit, you know, when I
9 came back for this summer - for that summer at Camp Scott.

10 Q How long have you known Richard Day?

11 A I never met him before.

12 Q How long have you known Barbara Day?

13 A I'd talked to her on the phone and corresponded with
14 her.

15 Q How long have you known Carla Wilhite?

16 A I knew Carla from the first summer I counseled at
17 Camp Scott in 1975.

18 Q Susan Marie Emery?

19 A I never met her until pre-camp.

20 Q During the time that you were at Camp Scott, had
21 you ever worked with Carla Wilhite or Susan Emery?

22 A Carla had been a CIT when I was counselor and she
23 had been assigned to my unit which they were on a rotating
24 basis, so I just knew her from that point.

25 Q Is there any particular reason why Carla went down

1 to Tent No. 7 instead of you?

2 A She went to Tent 1 and I went to Tent 7, but there
3 was no -- I just went.

4 Q Well, when you heard the noises about 1:30, you
5 didn't go to Tent 7, did you?

6 A No.

7 Q Carla went out?

8 A Right. She went out to see what the noise was.

9 Q Was there any particular reason why Carla went?

10 A Only the fact that she was closest to the door and
11 it was late; no reason.

12 Q What is the approximate distance from the counselor's
13 tent to the latrine?

14 A I have no idea.

15 Q Can you estimate?

16 A No, I really can't.

17 Q On June 13th, did anyone mention the name of Gene
18 Leroy Hart in your presence?

19 A No.

20 Q Any time that you were interviewed by any OSBI,
21 FBI, Oklahoma Highway Patrol or any other law enforcement
22 personnel, was the name Gene Leroy Hart mentioned to you?

23 A Not that I know of, no.

24 Q Do you know Gene Leroy Hart?

25 A No.

1 MR. ISAACS: Just a moment, Judge. I think that
2 about does it.

3 Q Miss Elder, did any law enforcement agency take
4 any other samples of what we call "scientific nature" from
5 you?

6 A No, sir.

7 Q When you arrived at camp, who has the key to unlock
8 the buildings, if you know?

9 A I don't know.

10 Q When Carla went to the tent to see about the little
11 girls who were making noises, how long was she gone?

12 A She didn't go to the tent. She went to the latrine
13 and she wasn't gone very long, just long enough to escort
14 them to their tent.

15 Q So they were at the latrine and she took them
16 back?

17 A Yes, sir.

18 MR. ISAACS: Thank you, Judge, I think that's all.

19 THE COURT: Redirect?

20 MR. WISE: We would have no further questions.
21 Thank you, Your Honor.

22 THE COURT: May this witness be excused as she needs
23 to leave?

24 MR. ISAACS: Yes, sir.

25 MR. WISE: Permanently excused so she may get back

1 to her normal life.

2 THE COURT: Yes.

3 MR. ISAACS: Judge, there is one question that I
4 would like to ask the girl before she leaves.

5 THE COURT: She may already have gone, Mr. Isaacs.
6 I'll send the bailiff after her.

7 MR. WISE: Your Honor, may we approach the bench?

8 (At this point in the proceedings, a discussion
9 was held, the contents of which were not made a part of the
10 record.)

11 BY MR. ISAACS:

12 Q Have you told me everything you know about this
13 case?

14 A I think so.

15 MR. ISAACS: Thank you, that's all.

16 MR. WISE: We have no further questions.

17 THE COURT: You may be excused.

18 (Whereupon, the witness was excused and withdrew
19 from the hearing room.)

20 THE COURT: We are going to recess for three or
21 four minutes. However, I do not plan to leave the bench. I
22 would request that you not leave the courtroom because you
23 probably won't be allowed back in if you leave. If you need
24 to leave, you may.

25 (Following a four minute recess, the proceedings

1 continued as follows:)

2 MR. WISE: If it please the Court, the State of
3 Oklahoma would next call Miss Carla Wilhite.

4 THE COURT: Do you swear to tell the truth, the
5 whole truth and nothing but the truth, so help you God?

6 MISS WILHITE: I do.

7 CARLA SUE WILHITE,

8 called as a witness on behalf of the State, having been first
9 duly sworn, testifies as follows:

10 DIRECT EXAMINATION

11 BY MR. WISE:

12 Q Carla, will you state your full name for the
13 record and the Court, please?

14 A Carla Sue Wilhite.

15 Q And Carla, where is it that you live?

16 A Presently, I'm living in Tulsa.

17 Q Back in June of 1977, where were you living?

18 A Sand Springs, Oklahoma.

19 Q Carla, how long have you been involved in scouting?

20 A About eleven years.

21 Q Okay. Had you attended a number of summer camps?

22 A Yes, sir.

23 Q Where?

24 A Camp Scott.

25 Q How many times or how many summers were you an

1 attendee at Camp Scott?

2 A Five or six years.

3 Q Okay, and as you grew older, did you then join the
4 staff as a counselor?

5 A Yes, sir.

6 Q Did you go through the CIT program?

7 A Yes, I did.

8 Q Tell us, what is a CIT?

9 A Counselor in Training.

10 Q And when was that, if you remember?

11 A The summer of -- two summers -- the summer of '76
12 and '75.

13 Q In 1977, when summer season came on, were you hired
14 again as a counselor?

15 A Yes, sir, I was.

16 Q This time you were a full fledged counselor; is
17 that right?

18 A Yes.

19 Q And Carla, did you go to a pre-camp camp out?

20 A Yes.

21 Q When was that, if you remember?

22 A Pre-camp was the week before the regular session
23 started.

24 Q Would that have been about the 5th or 10th of June?

25 A Yes.

1 Q Okay, what did you do at pre-camp?

2 A Well, we learned - we taught the counselors who
3 didn't know any skills, we taught them how to properly handle
4 saws and axes and we talked about first aid and how to run
5 the mess hall and how to run the unit and duties like that.

6 Q Then, when that pre-camp camp out ended, did you
7 take a day off?

8 A Yes.

9 Q Where did you go?

10 A Sand Springs.

11 Q When did you return back to Camp Scott?

12 A Sunday.

13 Q The Sunday of the 12th?

14 A Yes.

15 Q When did you get there?

16 A Around 12:30, I came down, caught a ride from Tulsa
17 with Jody Davis and people she knew.

18 Q Okay. When you got there, what camp did you
19 determine that you had been assigned to as one of the counsel-
20 ors?

21 A Kiowa Unit.

22 Q All right. Did you then go to Kiowa and make an
23 inspection?

24 A Well, I knew prior to that date that I was going
25 to be.

- 1 Q Going to be in Kiowa?
- 2 A Right, and the counselors went down the day before
- 3 we left and checked out the unit.
- 4 Q Did you notice anything about the equipment or
- 5 tents that was unusual?
- 6 A Just one tent had been ripped, just six inch rip
- 7 or so in the front flap.
- 8 Q Do you remember the number of that tent?
- 9 A Tent 3.
- 10 Q Was there any flaps or anything missing?
- 11 A No.
- 12 Q When did the girls get there, the campees?
- 13 A They got there Sunday afternoon. I can't say
- 14 exactly when but they got there in the afternoon.
- 15 Q All right. Well, you would have had how many noi-
- 16 mally?
- 17 A Twenty-eight.
- 18 Q And how many did you actually have assigned to you
- 19 when the buses unloaded?
- 20 A Twenty-seven.
- 21 Q There was one missing?
- 22 A Yes.
- 23 Q Then what did you do, Carla, after you got your
- 24 twenty-seven charges together?
- 25 A We took our kids down to the unit and helped them

1 get -- let them pick out their tents, told them to pick out
2 the tent they wanted. The luggage hadn't arrived yet and
3 we were waiting on the luggage so meanwhile, we let them pick
4 out their tents and let them put on mattress covers on the
5 beds because of the health regulation and so then --

6 Q Did they choose -- excuse me -- did they choose
7 their roommates, too?

8 A Yes.

9 Q Then they came back. Did they report to you what
10 their choices were as far as their roommates and tents?

11 A We went around --

12 Q And made a list?

13 A Uh-huh.

14 Q All right. Do you remember or do you know now
15 who occupied Tent No. 7?

16 A Yes.

17 Q Who were they, please?

18 A The Milner girl and Michelle and Lori Lee Farmer.

19 Q Okay. After you got that taken care of, what
20 happened next?

21 A Well, we took them to the unit kitchen and we
22 played name games for awhile before dinner so we could get
23 better acquainted with each other and waited for dinner and
24 we went to dinner.

25 Q Okay. Now along that line, are there work assign-

1 ments, chores for the kids to have?

2 A Yes. Well, yeah, they have what they call "Unit
3 Capers" and you usually break them into patrols. Let see --
4 so anyway, we had to have volunteers that night to go up to
5 the mess hall to set the table for our unit.

6 Q Okay. What's the camp name for those?

7 A Hopper.

8 Q Okay, and did you have some volunteers to be hop-
9 pers?

10 A Uh-huh.

11 Q How did they get up to the mess hall?

12 A I took them.

13 Q About what time, if you know?

14 A Probably about - dinner is at 6:00, so I guess
15 around 5:45 or so.

16 Q And you left behind -- well, for the record, who
17 were the other counselors in Kiowa?

18 A Susan Emery and Dee Elder.

19 Q Were all three of you there during these activities
20 you just talked about?

21 A Right.

22 Q And so, when you left the Great Hall with the
23 hoppers, did you leave behind then Dee and Susan?

24 A Yes.

25 Q Now tell us about supper. Was there anything

1 unusual during supper hour or shortly afterwards that was
2 remarkable?

3 A It started raining.

4 Q Was it just a little light rain or a pretty good
5 storm?

6 A No. Well, I wouldn't call it storm, but it rained
7 pretty hard. There had been sunshine all day and then all
8 of a sudden, it just started raining.

9 Q What did you do as a result of that? How did you
10 handle that situation?

11 A Well, we sang on the front porch for awhile, called
12 Singing Porch, and sang and taught them camp songs and waited
13 until it slacked off and then we took our kids back to Kiowa.

14 Q When you got back to Kiowa, what did you do, Hon?

15 A We told the kids to get in their tents and put
16 their flaps down because it was raining inside them and we
17 didn't want their stuff to get wet. We told them to put on
18 dry clothes and dry shoes so nobody would catch cold and Dee
19 and Susan went around and fastened down the sides of the kids
20 tents.

21 Q Now, fastened down the tents. Let me show you what
22 has been introduced as State's Exhibit, and on State's Exhibit
23 No. 2, would you take a look at that for me, Carla, and down
24 here, is that what you're talking about, the hooks and loops
25 at the bottom?

1 A Yes.

2 Q So you're saying all those hooks and loops were
3 seen to it that they were down that night?

4 A Yes.

5 Q Now, then, what happened, please?

6 A Well, it got to be 8:00 o'clock and the rain had
7 slacked off and the rain was just dripping from the trees
8 so we had decided to have a unit meeting and so Dee had gone
9 up to, I think, the Great Hall and she took some cookies for
10 our kids and brought them back down to the unit and so we
11 talked about camp stuff and talked some more about camp rules
12 and elected some camp kids to be our camp representatives at
13 the Camp Council and after we got those things out of the way,
14 we opened the cookies.

15 Q Who passed them out, if you remember?

16 A The Milner girl.

17 Q Denise?

18 A Yes.

19 Q Then, what happened, please?

20 A Well, it was about 9:00 o'clock and we sent them
21 to bed. It was time. Dee was sitting hill, which means she
22 was in charge of the unit for the evening while the two
23 other counselors had some time off and so Susan went to the
24 staff house and I went by the staff house and to the Arapaho
25 Unit and spent my time off with some friends.

1 Q Arapaho is pretty close proximity to Kiowa, isn't
2 it?
3 A Yes.
4 Q Incidentally, while we're talking about the meeting,
5 you say it was in the kitchen unit?
6 A Yes.
7 Q Is that -- tell us about this structure. Is it a
8 closed in building or an open shelter; how is it built?
9 A Kind of half and half. The unit kitchen part is
10 open and then there's a storeroom and then there's some
11 showers.
12 Q All right. Now, where you all were holding your
13 meeting, is that the open area?
14 A Yes.
15 Q So it could be seen from at least two or three
16 sides?
17 A Sure.
18 Q So if anybody had been observing, they could surely
19 see and hear all your activities, couldn't they?
20 A Yes.
21 Q Now, you got us up to some time, I believe you said
22 after the meeting, probably after 9:00 o'clock; is that right,
23 and you sent the kids to bed?
24 A Yes.
25 Q Tell us what happened then? You'd gone off for your

1 break time and went to Arapaho, and when did you return?

2 A It would probably be about 11:30.

3 Q When you got back at 11:30, tell us what you saw
4 or observed then, please?

5 A Well, I went into my tent and started getting
6 ready for bed and some kids were starting to make a lot of
7 noise, giggling and laughing and Dee started to get up and
8 she was already in bed and I still had my shoes on. I told
9 her to stay in bed and I'd go check them. So I got out of
10 the tent with my flashlight and I walked around the unit and
11 told the tents to be quiet and then the tents that were quiet
12 I didn't say anything to. But the ones that were making
13 noises, I told them to shut up.

14 Q Now, did you get up by Tent 6 and 7?

15 A Yes.

16 Q And they were quiet?

17 A Yes.

18 Q Okay. Let me ask you then, what did you do, please?

19 A Okay, well, I went back and started getting ready
20 for bed and I got in bed this time. I was laying there and
21 pretty soon, Tent 1 got up and the whole tent went to the
22 latrine and they were down there banging the doors, banging
23 the flat lids or something, so I got up and I met them on
24 the path as they were coming back and got onto them for making
25 noise.

1 Q Okay. So now let me go back to this diagram. Is
2 that a pretty accurate diagram as to the way the camp was
3 laid out?

4 A Well, the fire ring is more down.

5 Q Down? Okay. And this is the unit kitchen and the
6 staff house, this is the restroom, that would be the latrine,
7 right?

8 A Well, it's more over here but, yes, the latrine is
9 down there.

10 Q So you got out of your staff tent and went to the
11 latrine?

12 A Well, I didn't go all the way to the latrine. I
13 met them on the trail.

14 Q At that time, how close would you have been to
15 6 and 7?

16 A I would probably have been right across from it.

17 Q Pretty close?

18 A Separated by the fire ring.

19 Q And you didn't hear any problem out of 6 or 7 then?

20 A No.

21 Q And what did you do with these youngsters from
22 Tent No. 1 that were creating problems?

23 A I told them to go to bed and be quiet, and they
24 didn't make any more noise so I went back to bed and --

25 Q Now were you awakened again?

1 A Well, I still wasn't asleep.

2 Q What time is this, if you know?

3 A Probably a little after 1:00.

4 Q So you have been re-awakened, in other words,
5 from the time you had gone to bed earlier by this noise?

6 A Yes.

7 Q Okay. Now, after that - after you had ushered the
8 children back to Tent 1 and got them calmed down, did any-
9 thing else, or did you hear anything?

10 A Well, Tent No. 4 started giggling about the same
11 time I heard this noise over by the fence, across the road
12 from the staff tent and Dee woke up and I asked her if she
13 heard the noise and she said "Yeah" and I asked her well, do
14 you know what it is, and she said no, I never heard anything
15 like that before and she said well, I guess it's an animal.
16 I said, "I'll go over and check before I get Tent 4." So I
17 got up and put my tennis shoes on and I went over towards --

18 Q Would you get up, please, and step down and kind of
19 show us in the general directions where you went, assuming
20 that this "X" is the staff tent, this is the road. Now,
21 show us what you did, would you?

22 A Well, there is a little trail that runs out from
23 the staff tent, from the steps, and goes out here and I
24 walked out on this trail from the road, I walked across the
25 road over to the fence. There's a fence that runs right here

1 and here and so as I got over there, the noise stopped when
2 I flashed my light into it and so I started to walk back
3 away and it started again so I went back over and started
4 to go over towards the fence and I decided it was an animal
5 because it didn't sound like anything I'd ever heard before
6 and it didn't, you know, sound, you know -- I don't know,
7 but anyway, so I went and I got onto Tent No. 4 and I came
8 back and went back.

9 Q Tent 4 was still giggling?

10 A All that time, and I went over to Tent 4 and told
11 them to be quiet and I walked down by Tent 6 and 7 again and
12 I just made a path back to my tent.

13 Q So again, you went back past 6 and 7?

14 A Yeah.

15 Q Nothing unusual, no noise or out of line?

16 A All these tents were quiet but about that time,
17 Tent 4 was the only one making noise.

18 Q Well, after 1:30 in the morning?

19 A Yes.

20 Q Then, did you finally get to sleep?

21 A Well, I just kind of knocked off then.

22 Q What happened to you next? What do you next recall?

23 A My alarm going off.

24 Q Had you set it?

25 A Yes.

1 Q What time did you set it for?

2 A Six o'clock.

3 Q What were your plans?

4 A To go up to the staff house and take a shower.

5 Q All right. When the alarm went off -- incidentally,
6 what kind of alarm is this -- a wind-up alarm?

7 A Wind-up alarm.

8 Q Pretty loud?

9 A Yes.

10 Q And tell us, you know, just in your own words
11 what did you do next?

12 A Well, I put on my glasses and I got out of bed and
13 I shook my tennis shoes out and I grabbed my flashlight and
14 put on my tennis shoes and it was dark in the tent but it
15 was light outside - but it was dark in the tent because we
16 had all the tent flaps down except for the front, you know,
17 so we could watch the unit. So I turned on my light and I
18 got a towel out of my trunk and so - and whatever else I need-
19 ed - I put my flashlight down and I walked out of the tent,
20 started walking up that same path out to the road and out
21 towards the staff house.

22 Q I hate to make you jump up and down like a jack-in-
23 the-box, but would you do that for us?

24 A I walked out of the tent and around, started walking
25 down the road and I saw these sleeping bags in the fork.

1 Q Now, would you show us where you thought you saw
2 those sleeping bags?

3 A Right here in the fork (indicating).

4 Q Tell us, what was your first reaction? What was
5 your first impression? What did you see?

6 A I just saw sleeping bags and I thought that some
7 time, maybe during the night, during my time off, Ben had
8 delivered some more luggage. We had some missing and I
9 thought some of it had fallen off the truck, so I was going
10 to go over and pick up the sleeping bags and put them in our
11 unit kitchen for somebody to claim and when I started walking
12 over there, I saw a body and --

13 Q You can take your seat again. When you made this
14 discovery, you mentioned you saw a body. What did you do?

15 A Well, I started walking over toward it and as I
16 got closer, I saw it was a little girl and I couldn't say
17 whether or not, you know, she belonged to my unit so I didn't
18 know, you know, who she was at that point, and I just assumed
19 she was dead because her eyes were open and her legs were
20 spread out and -- you know -- I didn't know what happened. I
21 thought, you know, an accident or something. So I ran back
22 to the counselors' tent and I woke up Dee and Susan and I
23 told her that we needed to count our kids because I'd found
24 a body in the road so I told her to start with Tent 7, and
25 I would start with Tent 1, and we'd work our way through the

1 unit.

2 Q All right, so you asked Dee to start at Tent 7, and
3 you started at 1. How did you make that count, Hon?

4 A Well, by the time I got to Tent 4 --

5 Q Well, tell me how you made the tent count. When
6 you went into 1, what did you do?

7 A I physically, you know, I just touched each bed
8 to make sure there was a kid in it because it was dark in
9 the tent.

10 Q Okay, so you worked your way down to what?

11 A So I got to about Tent 3 and Dee comes running
12 over and she says, "Well, there's nobody in Tent 7," and she
13 said, "There's blood" and so I said, "Well, we've got to go
14 ahead and count because they might be sleeping with somebody
15 else," you know, got scared during the night and may be in
16 somebody else's tent. So I counted down to Tent 6 and then I
17 went over to Tent 7 and I parted the front flaps and looked
18 in and I saw blood on the corner of one of the mattresses and
19 some stuff all over the floor, but there weren't any sleeping
20 bags in it or kids.

21 Q What was your reaction? What, if you can remember,
22 what did you think?

23 A Well, I thought that maybe one of the kids started
24 her period.

25 Q Now, I'm going to show you what's been introduced

1 into evidence as State's Exhibit No. 3, and ask you if that
2 is a fair representation of what you saw when you parted
3 that?

4 A Yes.

5 Q And I'll ask you, too, Carla, did you ever notice
6 anything about that tent there or afterwards that made it
7 different than any other tent as a result of this tragedy
8 on the flap? Did you notice anything, any discoloration or
9 anything on the flap?

10 A No, I didn't.

11 Q So can you tell me whether that's Tent 7 or not;
12 do you know by looking at it?

13 A Yes, it is.

14 Q How do you know that, Hon?

15 A Well, I just recognize the tree.

16 Q And that?

17 A That looks like Tent 4, 4 or 5.

18 Q What's that?

19 A That's the fire ring.

20 Q Now, I'm going to hand you, Miss Wilhite, what's
21 been marked as State's Exhibit No. 4 and I'll ask you, is
22 that a true representation of what you saw when you walked
23 over to the two sleeping bags?

24 A Yeah. It wasn't at first because I guess Richard
25 Day, later, he put one part of the sleeping bag over her.

1 Q He did that later?

2 A Yes.

3 Q And here's another picture which has been marked
4 State's Exhibit No. 6. Is that the same scene?

5 A Yes.

6 Q All right, State's Exhibit 7?

7 A Yes.

8 Q Do you remember seeing anything there in the way
9 of objects - innate objects - other than the sleeping bags
10 and bodies you just described?

11 A No, I don't.

12 Q So you don't remember seeing anything - you were
13 too excited to notice anything outside of that; is that
14 right?

15 A Yes.

16 MR. ISAACS: Judge, at this time, we'll stipulate
17 to the identity of this little girl and object to the pictures
18 into evidence.

19 THE COURT: They haven't been offered at this time,
20 Mr. Isaacs.

21 MR. WISE: I am offering them at this time and I
22 gave counsel an opportunity to examine in anticipation --
23 well, if it please the Court, comes now the State of Oklahoma
24 and would respectfully ask that State's Exhibits 5, 6 and 7
25 be introduced into evidence.

1 THE COURT: What is your objection?

2 MR. ISAACS: Your Honor, we'll stipulate that
3 this little girl was a victim and this picture of her is at
4 the time she was deceased and we would object to any admis-
5 sion of these pictures into evidence. They lack probative
6 value.

7 THE COURT: Objection is overruled. State's 5, 6
8 and 7 are received.

9 MR. WISE: Thank you, Your Honor.

10 THE COURT: Exception noted.

11 Q (By Mr. Wise) Now, Carla, would you tell us what
12 happened after you made this discovery. What did you do?
13 You've taken us to the point that you have discovered Tent 7
14 is empty and you made a count. Did you come up with how many
15 on your count? Did you come up short on your count?

16 A Yes.

17 Q Then, what did you do, please?

18 A Well, I still thought that there was just one body
19 there at the fork in the road and so I just said - I told Dee
20 and Susan to stay in the camp area and make sure that none of
21 the kids got up or heard anything, to not let them, you know,
22 get out of their tents and that I would go get the camp nurse
23 and Barbara Day, the Camp Director. So I ran up the road
24 that goes up towards the staff house and over across to the
25 nurse's office, the infirmary, where the camp office is, too,

1 and I got the nurse, Mary Ann Alaback, and told her that there
2 was a body down in Kiowa in the fork and that I needed her
3 to get down there real fast and so she grabbed her car keys
4 and her stuff and left and by that time, I got over to
5 Barbara Day's office and I woke her and her husband, Richard,
6 up and we went down in the camp wagon - station wagon - by
7 the time we got down there, Mary Ann came up and said there's
8 three - she meant there were three bodies and so Richard and
9 I and Barbara got out of the car and we went back over to
10 the bodies and I could tell then, you know, it was the little
11 Milner girl and --

12 Q It had gotten lighter, incidentally?

13 A Sure.

14 Q Continue.

15 A Okay. It was about 6:20 or 6:30 by that time but
16 anyway - so Richard kind of walked around the bodies and
17 looked and then he said it looked like one of the girls had
18 been raped and so -- but he couldn't say for sure and Barbara
19 said, "Well, we've got to go call the police" so she told
20 Richard to kind of cover the one body because it was exposed
21 and Dee and Susan left at that time because they started to
22 feel pretty sick. And she told - Barbara told Mary Ann to
23 stay with the body and told me to go get my kids out of the
24 unit as quick as I could because the highway patrol probably
25 would be coming and I asked Mary Ann, you know, she was right

1 there by my unit and I asked her to please watch over my
2 kids because I couldn't get them out by myself. The kids
3 would notice that there was just one counselor there in the
4 unit, so I ran to Arapaho where I had a friend and she was a
5 CIT at the time and Barbara told me not to tell anybody what
6 had happened but I needed somebody to help me get the kids
7 out and so she was the only person there that I thought I
8 could trust to tell that I needed her help.

9 So I went to Arapaho and got her and we rounded
10 my kids up.

11 Q What did you tell your children?

12 A Well, it was about 6:30 and they didn't have to
13 get up for about another hour or so and so I went in and put
14 on a clean shirt, I guess, and Ann Mullins, the CIT, was
15 there with me and I yelled out at the kids and told them it
16 was time for them to get up, that we were late for breakfast
17 and I told them all to come as quick as they could to the
18 unit kitchen. And so then I got out of the tent, after a
19 few minutes and I kind of started walking around the unit and
20 I said, "You all have ten minutes to get ready, and if you
21 are not ready in five, you will just go undressed." And so,
22 they were kind of grumbling and we got them all up to the
23 unit kitchen and then they went straight to the unit kitchen
24 and by this time, Dee and Susan came back and I told them
25 since we couldn't take them out on the main road, because,

1 you know, that is where the bodies were so I told them that
2 since they had kept me up so late last night, I was pretty
3 ticked and I was going to take them on a tour of all the
4 camp latrines and it was pretty smelly business, so we did.

5 Q Bless your heart. So you took them up where?

6 A By our latrine, first.

7 Q This way (indicating)?

8 A Yes.

9 Q Are there --

10 A There's a path.

11 Q And there's a path that would get you out of there
12 and around this scene?

13 A Yes.

14 Q Now let me ask you, once you got them back to the
15 Great Hall --

16 A Yeah, that's where we finally wound up.

17 Q And you got all the children out and, to your
18 knowledge, they never knew what you were up to?

19 A They never knew.

20 Q Now, later on, did you determine that anything was
21 missing?

22 A Of mine?

23 Q Yes?

24 A No.

25 Q Did you have any glasses or anything?

- 1 A Yes.
- 2 Q Did you ever determine that they were missing?
- 3 A Well, we weren't allowed back down in our units,
4 but the next day, the highway patrol and OSBI brought us
5 back down to gather our belongings and that was when I dis-
6 covered I was missing some items.
- 7 Q Okay. Now, I see you are wearing glasses now. Do
8 you need glasses nearly all the time?
- 9 A Yes.
- 10 Q Do you have more than one pair?
- 11 A Yes, I do.
- 12 Q On that day, June 12th or 13th, how many pairs of
13 glasses did you have in camp?
- 14 A Two.
- 15 Q Tell me about them, what did they look like?
- 16 A Well, I had a pair of glasses that looked just like
17 these and I wasn't wearing them at the time and I kept them
18 in a glasses case in my crate that I had by my bed and the
19 glasses that I was wearing were the kind that are tinted and
20 they get lighter and darker.
- 21 Q What was the rim of them made of?
- 22 A Metal.
- 23 Q They were metal?
- 24 A Uh-huh.
- 25 Q But the ones you had left on the crate, do you mean

1 a little orange crate or something?

2 A Yes.

3 Q Okay, and they were plastic?

4 A Uh-huh.

5 Q Did they have a case?

6 A Yes.

7 Q What color was it, if you can tell me?

8 A It was red and it had silver-gold trim on it around
9 the edge of the glasses case. It was kind of a vinyl, made
10 to look like leather, but anyway, so --

11 Q Did you have anything else that you determined was
12 missing?

13 A Yes.

14 Q What?

15 A There was a kapo.

16 Q What's a kapo?

17 A Well, I play the guitar and it is something you
18 put on a guitar and make it higher. It is a piece of elastic.

19 Q Is it something that you put on the neck of the
20 guitar to shorten the length of the strings and kind of a
21 cheater on the neck of the guitar?

22 A Yes, that's what they call it.

23 Q And you had one of those at camp?

24 A Uh-huh.

25 Q And it was missing; is that correct?

1 A Yes.

2 Q Now, where were these - where were your glasses?

3 Could you tell the Court and the record where were the glass-

4 es when you went to bed that night?

5 A They were in my crate. On the top of the crate, I

6 had a candle and my alarm clock and on the second - I had

7 put a shelf in there, in the middle of the crate - and on

8 that second shelf, that's where my glasses and kapo were.

9 Q Now let's imagine that this is the diagram in

10 front of the counselors' tent and this is the front steps;

11 okay?

12 A Okay.

13 Q Which side were you sleeping on, if this was the

14 front?

15 A The left side.

16 Q Right here (indicating)?

17 A Right here (indicating).

18 Q Right here (indicating). Come up if you will and

19 show us where your crate was?

20 A (Witness complies.) My head sleeping on this

21 direction, so my crate was right here by the head of my bed.

22 Q Okay, and that's where the alarm clock was when it

23 went off?

24 A Uh-huh.

25 Q Where was the kapo?

- 1 A It was on the same shelf with my glasses.
- 2 Q When you went to bed that night, the front flap
- 3 was up; is that right?
- 4 A Yes.
- 5 Q The side flaps were how?
- 6 A Down.
- 7 Q How close would it be to the front of the tent
- 8 in there to your box - to your crate?
- 9 A To the front of the tent?
- 10 Q Yes.
- 11 A If this was the front of the tent?
- 12 Q Yeah.
- 13 A My crate was sitting right on the edge.
- 14 Q Right in front?
- 15 A Yeah, right there in front.
- 16 Q Now, Miss Wilhite, I am going to show you what's
- 17 been marked for identification purposes as State's Exhibit -
- 18 well, let me start with State's Exhibit 10. Would you look
- 19 at that picture carefully and see if you see anything in it
- 20 that you recognize, please?
- 21 A Yes, I do.
- 22 Q What do you see?
- 23 A My kapo.
- 24 Q The same thing that you have told us before?
- 25 A Yes.

1 Q You know that's your kapo?

2 A Yes.

3 Q I'm going to hand you what's been marked for
4 identification purposes as State's Exhibit 11. Would you
5 look in that photograph and see if there's anything in
6 that that looks familiar to you?

7 A Yes.

8 Q What is that?

9 A My glasses.

10 Q That's the pair of plastic rimmed glasses that you
11 were talking about?

12 A Uh-huh.

13 Q And when you went to sleep, those glasses were
14 on the crate, just in the front end of your tent; is that
15 right?

16 A Right, in the glasses case.

17 Q And I hand you what's been previously marked as
18 State's Exhibit 12. What do you see in that photograph,
19 please?

20 A The glasses case.

21 Q Is that your glasses case?

22 A Yeah.

23 Q That red one that you were telling me about?

24 A Yes.

25 MR. WISE: If it please the Court, the State would

1 respectfully ask that State's Exhibits 10, 11 and 12 be
2 introduced into evidence.

3 MR. ISAACS: Judge, I would like voir dire the
4 witness, a couple of questions about the pictures.

5 THE COURT: Go ahead.

6 VOIR DIRE EXAMINATION

7 BY MR. ISAACS:

8 Q Miss Wilhite, did you see these glasses on the
9 ground at this place when this picture was taken?

10 A No, sir.

11 Q Do you know where these glasses were in Mayes County
12 when this picture was taken?

13 A Do I know that they were in Mayes County?

14 Q Yes, ma'am?

15 A Well, I assume they were because they were with
16 me until they disappeared.

17 Q But you don't know where this picture was made or
18 whether or not it was in Mayes County, of your own personal
19 knowledge, do you?

20 A No.

21 Q This glasses case, State's Exhibit No. 12, you
22 don't know where that picture was taken either, do you?

23 A No.

24 Q State's Exhibit No. 10, the guitar kapo, you don't
25 know where that picture was taken either, do you?

1 A No, sir.

2 Q Miss Wilhite, when you saw these items, this kapo,
3 how many days after the 13th, was it?

4 A The day after.

5 Q So it would have been the 14th of June?

6 A Yes.

7 Q When you saw this glasses case, would that have
8 been the 14th, the same day?

9 A Yes, sir.

10 Q When you saw these glasses, would that be on the
11 same date?

12 A Yes, sir.

13 Q Had you missed them in your tent before the 14th?

14 A No, because we hadn't been allowed down in our
15 unit.

16 Q You didn't know they were even gone until you got
17 back there on the 14th?

18 A That's correct.

19 MR. ISAACS: Nothing further.

20 THE COURT: Any objection?

21 MR. ISAACS: We don't object to these pictures if
22 he's offering them solely to show that they were her property

23 THE COURT: State's Exhibits 10, 11 and 12 are
24 received.

25 MR. ISAACS: We do object to the pictures for any

1 other reason, Judge. We want the record to show that.

2 DIRECT EXAMINATION (Resumed)

3 BY MR. WISE:

4 Q Miss Wilhite, with regard to the front edge of
5 this tent at night, was there any towels or anything on it
6 that you recall?

7 A Yes.

8 Q Would you tell us about it, please?

9 A Well, we all shared a towel to dry off on in the
10 counselors' tent and it was Susan Emery's towel and she laid
11 it out on the edge of the tent by my bed, right draping over
12 the edge and it was like that and I came back from my time
13 off, so, you know, I knew it was hers and I left it alone
14 because I knew she had laid it out to dry and it was still
15 there in the morning.

16 Q And I will ask you one question, then. If I were
17 reaching from the outside to get your glasses and kape, would
18 I be passing directly over that towel?

19 MR. ISAACS: I object to that question. It's lead-
20 ing and suggestive.

21 MR. WISE: I think it's a reasonable question, Your
22 Honor.

23 MR. ISAACS: It's a leading question, Your Honor.

24 THE COURT: Objection is sustained. I believe it
25 is leading, Mr. Wise. And it's a multiple question. Why don't

1 you rephrase it?

2 MR. WISE: Okay, I'll rephrase it.

3 Q You testified earlier that you can reach in from
4 the front and that your little crate was right there with
5 your glasses and kapo?

6 A Right.

7 Q Tell me if the towel was directly under the path
8 you would have to follow to get in there; yes or no?

9 MR. ISAACS: Judge, I object again. It is a lead-
10 ing question.

11 THE COURT: I don't know that it suggests the
12 answer. Overruled.

13 MR. ISAACS: I think he has already suggested it,
14 Your Honor.

15 THE COURT: She can answer that question.

16 Q You can answer.

17 A Well, like --

18 THE COURT: Yes or no, if you please?

19 A (By Miss Wilhite) Could you restate your question?

20 Q Yes. You told me where the crate was.

21 A Yes.

22 Q Is the towel in a direct line to the crate; yes or
23 no?

24 A It looks kind of -- no, not really.

25 Q How far apart are they?

1 A Probably a matter of inches but the towel is --
2 the crate is more towards the step and the towel is more
3 towards the side of the tent.

4 Q Okay, but they are just a matter of inches apart?

5 A Yes.

6 Q Okay. Now I'll ask you one other question. With
7 all these things that were - all the responsibilities that
8 were put out on you that day, how old were you?

9 A Eighteen.

10 MR. WISE: I have no further questions, Your Honor.

11 THE COURT: Mr. Isaacs, would you like to take a
12 recess at this time before your cross-examination? I'll leave
13 it up to you.

14 MR. ISAACS: This would be a fine time to take a
15 recess.

16 THE COURT: Why don't we take about a fifteen or
17 twenty minute recess and I'll ask everyone to remain seated
18 until we clear the Defendant from the room which may be done
19 at this time.

20 (Following a fifteen minute recess, proceedings
21 continued as follows:)

22 THE COURT: I believe we're ready for your
23 cross examination, Mr. Isaacs.

24 MR. ISAACS: Thank you, Judge.
25

CROSS EXAMINATION

1 BY MR. ISAACS:

2 Q Miss Wilhite, during the orientation week, did you
3 have classes at Camp Scott?

4 A Yes.

5 Q What kind of classes?

6 A Well, we had a class on tool safety - I taught
7 that one and I taught fire building. We taught them how to
8 build the right kind of fires; we taught them how to tie
9 knots; we taught them how to --

10 Q What kind of knots, Miss Wilhite?

11 A Oh, like slip-knots, half-hitches, flagpole, square
12 knots, friendship knots -- let me see, we taught them how to
13 latch.

14 Q Were these things you need to know to know how to
15 put up the tent?

16 A Some of it, yes.

17 Q And other ones, was that a part of scouting that
18 one should know?

19 A Yes.

20 Q How many hours during the orientation week did you
21 spend in knot-tying classes?

22 A Not more than an hour.

23 Q Were any of the other classes longer than that
24 particular class?
25

- 1 A Mine. I taught fire building and not everyone was
2 too hot on it and so I had to keep having them try to rebuild
3 a fire and rebuild the fire.
- 4 Q The week before camp, each one of you counselors
5 were assigned to particular units; is that correct?
- 6 A Yes, we found out what our staff assignments were
7 a few days before we left camp.
- 8 Q Would that have been after Thursday during the
9 orientation week?
- 10 A Yes, I imagine.
- 11 Q Who made those assignments?
- 12 A Barbara Day.
- 13 Q Did she give you a list of the campers that were
14 going to be in your unit come Sunday June 12th?
- 15 A Yes, she did.
- 16 Q Had Barbara made tent assignments?
- 17 A No. Well, she had. She just went through the list,
18 you know, of girls and like kind of -- like the first four
19 names in Tent 1, and the next set of names -- but we didn't do
20 it. She left it up to us how we wanted to arrange our tents
21 and we just let the kids pick out the tents they wanted.
- 22 Q So Barbara Day has made the assignments, not only
23 to the unit but to the tents; is that correct?
- 24 A Yes.
- 25 Q And at your option, you changed those assignments

1 and permitted the girls in the camp to sleep where they
2 wanted?

3 A Right. That's how most counselors did it.

4 Q During the orientation period, did you have any
5 class on security?

6 A Well, we were told that the gate was locked every
7 night.

8 Q What time did they lock the gate, Carla?

9 A I think 11:00 or 11:30.

10 Q Who locked the gate?

11 A Ben, then, or Barbara.

12 Q Are Ben and Barbara the only persons with keys to
13 the gate?

14 A I imagine.

15 Q Do you know of anybody else has a key?

16 A Well, they shouldn't have.

17 Q When you come to camp, are all the buildings locked
18 on the campgrounds?

19 A I don't know; I can't say.

20 Q How many years have you been going to camp at
21 Camp Scott?

22 A Five or six years.

23 Q During that time, have you ever been in there
24 when buildings were padlocked?

25 A Yes.

1 Q Who has the keys for those buildings?

2 A Ben.

3 Q Does the Camp Director have keys?

4 A I don't know.

5 Q Back to the security class. During orientation
6 week, did they tell you anything about security around the
7 building?

8 A Around which building; any of them?

9 Q Camp buildings, any building at Camp Scott?

10 A No. No, we were just told, you know, mostly it was
11 more camp safety because we'd never really had any problem
12 with anybody. We have a few prowlers before, the previous
13 years, and nothing had ever been taken or destroyed and then
14 we were just - it was in passing that we were told, you know,
15 if we did see any prowlers or any people in campgrounds, that
16 we were supposed to notify them that it was camp property
17 and for them to leave.

18 Q Carla, have you ever seen a prowler at Camp Scott?

19 A I couldn't call them "prowlers" but I've seen
20 people drive through and ask like directions to the Camp
21 Director's Office and I just tell them where the office was
22 or tell them they weren't allowed on the property. They
23 would have to turn around and go back.

24 Q Did anything ever happen to you during the orienta-
25 tion week which was unusual?

1 A Well, there was. I hurt my back lifting sailboats.
2 Q Yes, ma'am.
3 A Huh?
4 Q Yes, ma'am. What happened after you hurt your
5 back?
6 A Well, there was this stuff - campout, down at
7 Cedar Lodge.
8 Q Where is Cedar Lodge located, Carla?
9 A Well, you go back down the road a piece and
10 there is a sign that says "Cedar Lodge".
11 Q Which way, down the Cookie Trail east - excuse me,
12 down the Cookie Trail north?
13 A Yes.
14 MR. WISE: IF it please the Court, I am going to
15 object to this line of questioning unless we can establish
16 a date and time with some relevancy to this case.
17 THE COURT: Sustained. Have her establish when it
18 happened.
19 MR. ISAACS: I thought we were talking about the
20 orientation week, Judge.
21 Q Do you recall what day during the orientation you
22 hurt your back, Carla?
23 A Probably Wednesday - Wednesday or Thursday.
24 MR. WISE: If it please the Court, we would inquire
25 about the orientation week of '77 or what year?

1 THE COURT: Do you want to ask her that, Mr.

2 Isaacs?

3 Q Miss Wilhite, what orientation week are we talking
4 about?

5 A 1977.

6 Q If you can recall, what day of the week are we
7 talking about?

8 A Wednesday or Thursday.

9 Q And about what time of day did you hurt your back?

10 A Afternoon.

11 Q After you hurt your back, did you go down to
12 Cedar Lodge?

13 A I eventually did. They gave me some Tylenol with
14 Codeine and that knocked me out for the afternoon but I was
15 up and went down to Cedar Lodge to eat but I planned to
16 sleep in the staff house on the floor, because I couldn't
17 sleep on the floor of one of the tents and I didn't want to
18 be up in the infirmary by myself and if I slept in the staff
19 house, I would be closer to some of the units. And so,
20 anyway --

21 Q What happened that night when you were in the
22 staff house?

23 A I heard a noise; I heard noise behind the staff
24 house on the screen.

25 Q What did it sound like, Carla?

1 A It was just like a scratch, you know, like some-
2 body rubbed up against it and I figured there was somebody
3 behind there like a camper or something and they were going
4 to, you know, last night's surprise, and so --

5 Q Could you tell us if that noise was man or beast?

6 A It sounded like a person and so I said, "Who's
7 there?" And nobody answered but I heard steps walking away
8 and so I put on my glasses, you know, and I just laid there
9 and listened and I heard, you know, some more steps so I
10 got up and I looked out - you know, looked out the front
11 window because I thought it might have been Sally, our camp
12 dog, and she -- well, here he comes - here Sally comes across
13 from - over from the Woodward's house.

14 Q Who does Sally belong to?

15 A The camp.

16 Q What did Sally do when she came running across the
17 yard?

18 A She started barking and growling.

19 Q Did you ever see what she was barking or growling
20 at?

21 A No.

22 Q Did you hear anything else?

23 A Not after that. I just grabbed my blanket while
24 she was starting to chase whatever it was and I ran across
25 and got Dee Elder because I knew she was in the Quapaw Unit

1 and I got her and a few other people up and they came in
2 and sat with me until I fell asleep and then Jody Davis came
3 in the house the rest of the night.

4 Q Did you tell anybody else about that incident where
5 you heard the noise outside of the staff house?

6 A I don't remember, just Dee and whoever else was
7 there at that time.

8 Q Did anything unusual, anything unusual other than
9 that, happen during the orientation week?

10 A No.

11 Q How about the tent flap? Did you see that?

12 A The one that has the six-inch tear in it?

13 Q Yes, ma'am?

14 A Yes, I saw that.

15 Q Do you know what caused it?

16 A No.

17 Q Does weather ever cause a six-inch tear in a tent
18 flap?

19 A It could.

20 Q And we don't know whether weather caused it or
21 somebody cut it, do we?

22 MR. WISE: If it please the Court, we would object.
23 She's asked and answered that question.

24 THE COURT: Objection sustained.

25 Q Do we know whether weather caused it; we're just

1 guessing, aren't we?

2 MR. WISE: If it please the Court, he is asking
3 the same question that the Court just sustained.

4 THE COURT: You can ask her if she knows it. I
5 don't know if she can answer that question.

6 Q Do you know whether weather caused it or somebody
7 else?

8 A I don't know whether somebody caused it.

9 Q All right. Can you think of anything else unusual
10 that happened during orientation week, Carla?

11 A Well, not during orientation.

12 Q Well, was anything stolen from Camp Scott during
13 the orientation period?

14 A No.

15 Q Where are the tent supplies and tent ropes kept
16 on Camp Scott?

17 A We don't have any -- the tent ropes?

18 Q Yes, ma'am?

19 A Well, on the tent.

20 Q All right. If you need a rope and you don't have
21 one, where did you go to get one?

22 A Chick hut.

23 Q And do you have a coil of rope there?

24 A No.

25 Q Do you have a --

1 A Well, okay. We have one coil of nylon rope that
2 I can remember from 1975, and it was used to replace tent
3 ropes that were there but as far as I know, we used it all
4 up.

5 Q Carla, do you know what duct tape is?

6 A Yes, I do.

7 Q Did you see any duct tape at Camp Scott?

8 A No.

9 Q Do you know what bookbinding tape is?

10 A Yes.

11 Q Have you seen any of that at Camp Scott?

12 A No.

13 Q If you needed some tape to fix something, who would
14 you go to at Camp Scott that would have tape?

15 A As far as I know, we don't use tape to fix anything.

16 Q Carla, who is responsible for locking the gate at
17 night?

18 MR. WISE: If it please the Court, the question has
19 been asked and answered.

20 MR. ISAACS: I didn't ask that. I asked who had
21 the keys.

22 THE COURT: I think you asked about the time it
23 was locked. Objection is overruled. You may answer.

24 Q Who is responsible for locking the gate at night?

25 A Either Barbara or Ben.

1 Q Anybody else have that responsibility other than
2 those two people?

3 A No.

4 Q Do you know who put up the tent after the orienta-
5 tion period?

6 A Nobody. They were already up.

7 Q Do you know who put them up before?

8 A Ben put them up.

9 Q Did Ben have anybody help him?

10 A Maybe his daughters; I don't know.

11 Q Could you describe for me on that diagram which
12 one of the tents had the tear in the flap, Carla; on this
13 diagram right here (indicating)?

14 A It was either Tent 2 or 3.

15 MR. ISAACS: Okay. Could we let the record show
16 that she is talking about - we've got the diagram with the
17 tents numbered 1 through 7, and it would be 2 or 3 on it.

18 THE COURT: Mr. Isaacs, have you had a chance to
19 photograph this yet?

20 MR. ISAACS: No, I want to do that at the end of
21 the day, Judge.

22 Q Who reported that this tent was torn, slashed or
23 damaged?

24 A I think -- well, we went down the day before - the
25 day - the morning that we were going to leave camp and we

1 were supposed to write down any repairs that needed to be
2 done and any supplies that we needed and so we needed some
3 things in the unit kitchen like soap and stuff like that and
4 then we found the tear on the tent. We were supposed to
5 check ropes on tents and make sure the flies were up and
6 everything like that.

7 Q What time did you leave Camp Scott at the end of
8 the orientation week?

9 A Probably right after noon.

10 Q Friday?

11 A Yes.

12 Q June 9th or 10th?

13 A Whenever.

14 Q All right. Where did you go that weekend?

15 A Sand Springs.

16 Q Who did you spend the weekend with?

17 A My parents.

18 Q After that weekend, when did you go back to Camp

19 Scott?

20 A Sunday.

21 Q What time?

22 A About - well, I got to camp about noon.

23 Q Who with?

24 A Jody Davis.

25 Q Anybody else?

1 A Some of her friends.

2 Q Do you know their names - male or female?

3 A Female.

4 Q Were they counselors?

5 A No.

6 Q Whose car did you go over there in?

7 A I don't know.

8 Q Do you remember what type of automobile?

9 A It was white, but I don't remember what kind of
10 car it was.

11 Q When you got back to Camp Scott, tell me what you
12 did on June 12th?

13 A We gathered up the supplies that we needed for our
14 unit, we took them down to the unit, put everything in place.

15 Q You say "we". Who was we?

16 A Me and Dee and Susan.

17 Q Jan?

18 A Dee and Susan.

19 Q Dee and Susan? Okay. What did you do after you
20 took the supplies down to Kiowa Unit?

21 A Well, we went back and waited for the kids to
22 arrive.

23 Q What time did the kids arrive?

24 A Sometime in the afternoon, I guess, around 2:30.

25 Q When they arrived, was there some special identifi-

1 cation tags so that you could identify your campers?

2 A Well, we went on each bus with a list of names
3 and called them off and whichever kid that was got off the
4 bus and went over to where our little stake was.

5 Q After the kids got off the bus, what did you do?

6 A Well, we told them to get whatever luggage they
7 could carry easily and we took them to the unit and helped
8 them settle in, rolled their tent flaps up and showed them
9 how to do it right and put on the mattress covers on the beds.

10 Q What time of day was it when the campers of Kiowa
11 Unit had settled in?

12 A Our luggage arrived - we hauled all the luggage off
13 the truck and put it in the tents and none of them really had
14 time to unpack before it was dinner, you know, but it was
15 pretty settled in.

16 Q What time was dinner?

17 A Six.

18 Q After the girls had settled in, what did you do
19 as a counselor to see that the little girls knew what they
20 were suppose to do and where they were suppose to go?

21 A Well, when is this -- after dinner?

22 Q After they had settled in?

23 A After they had settled in? Oh. Well, we brought

24 them all to the unit kitchen and we played name games and they
25 asked, you know, while we were working with them, rolling up the

1 tent flaps and they asked questions and we answered them and
2 we told them a few things about camp.

3 Q And after that, who accompanied the campers from
4 Kiowa Unit up to the Great Hall for dinner?

5 A Well, Dee and Susan took the unit and I took the
6 hoppers.

7 Q Who left first?

8 A I did.

9 Q What time was that?

10 A Probably like I said, 5:45 or so, a little before
11 it was time for dinner so we could set the table.

12 Q Carla, after Dee and Susan left the camp area and
13 brought the campers to the Great Hall, was there anybody left
14 in the Kiowa Unit area to your knowledge?

15 A No.

16 Q Was there anybody who was supposed to sit hill for
17 the whole camp at this time?

18 A No.

19 Q Is there anybody that has the duty to see to it
20 that trespassers don't come into the camp?

21 A Well, as far as I know, no, it's kind of everyone's
22 responsibility, if you see somebody, to report it.

23 Q Okay. You went up to the Great Hall with the
24 hoppers and then Dee and Susan came with the little girls.
25 What did you do after dinner?

1

A We sang.

2

Q When did the rain start?

3

A Well, it started during dinner.

4

Q About what time was that?

5

A Six-thirty.

6

Q How long did it last?

7

A Oh, about an hour and a half.

8

Q After the rain stopped, what did you do?

9

A Well, by that time, we had been back down to the unit. We had to walk back down to the unit in the rain

10

because no one had flashlights and it was getting dark early.

11

Q Did you have those flashlights there at the camp

12

with you?

13

A No, not up at the Great Hall.

14

Q Did you have one there at the Kiowa Unit?

15

A Yes, sir.

16

Q Would you describe that for me?

17

A A green flashlight, about - you know - the front

18

of it is about I guess three or four inches.

19

Q Is it a box flashlight?

20

A Yes.

21

Q Do you know the brand name?

22

A Well, it was Raovac? I don't know. EverReady; I

23

don't know.

24

Q Okay. You've got a green flashlight. When you got

25

it, was it a green flashlight?

1 back to the camp, did you use that green flashlight?

2 A Yes.

3 Q Why did you use it?

4 A Because the clouds made it dark, the trees and
5 everything - you just need a flashlight to be able to get
6 around when it gets that dark. You are not going to be able
7 to see a snake sitting there on the path and I sure wouldn't
8 want to step on one.

9 Q Did you put all the little girls in their tents
10 or did you go back in the unit kitchen area?

11 A Well, I stayed in the counselors' tent and dried
12 off and Dee and Susan went out with their flashlights and
13 everything and helped - took down all the tents and get the
14 kids ready for bed; dry clothes.

15 Q So all the kids were in their tents after dinner
16 and after you had the singing?

17 A Yes.

18 Q What time was that?

19 A Probably getting close to - getting close to 8:00;
20 by that time, it had pretty well stopped raining and it was
21 just dripping off the trees, the water.

22 Q After Dee and Susan put the little girls in the
23 tents, what did you do?

24 A They came back to the unit kitchen -- I mean, they
25 came back to the counselors' tent and Dee said she was going

1 to get some cookies for a unit meeting at 8:00, some Girl
2 Scout cookies, and we said, well, that would be pretty cool
3 so she went and we stayed and watched the kids and then,
4 when Dee got back, we lit our lantern, we called them all
5 out to the unit kitchen at about 8:00.

6 Q About 8:00 o'clock?

7 A Yes.

8 Q What type of shoes were you wearing on the 13th --
9 on the 12th or 13th of June?

10 A Tennis shoes.

11 Q What type of shoes were Susan and Dee wearing?

12 A Tennis shoes.

13 Q Was that standard footwear for campers?

14 A Yes.

15 Q Is that what most of them wear?

16 A That's what everyone had to wear.

17 Q Can you draw me a picture of the shoes you had on --
18 the bottoms of them?

19 A Well, they're just --

20 Q Do you need something to write on?

21 A Yeah.

22 MR. WISE: If it please the Court, may I ask a
23 qualifying question?

24 THE COURT: About what?

25 MR. WISE: Whether or not she knows what the bottom

1 of her shoes looked like.

2 THE COURT: No, that's out of order. She may draw
3 the picture, if she knows.

4 MR. WISE: If it please the Court, she hasn't
5 indicated that she does know.

6 A They probably look like the bottom of a tennis
7 shoe.

8 Q That's fine.

9 A They're a track shoe and it has the wavy tracks
10 like that (indicating) just like that.

11 Q Do you remember what brand they were, Carla?

12 A Let's see - Converse?

13 Q Okay. Would you sign that for me, please?

14 A (Witness complies.)

15 MR. ISAACS: Judge, we'd like to have this marked
16 for identification as Defendant's Exhibit No. 1.

17 THE COURT: I believe the court reporter has a tag
18 she'll put on it.

19 MR. ISAACS: I'm not going to offer it into evidence.

20 THE COURT: What is that, Mr. Isaacs?

21 MR. ISAACS: I don't choose to offer it into
22 evidence.

23 THE COURT: But that has been marked as Defense 1?

24 MR. ISAACS: Yes, sir.

25 (Reporter marked Defendant's Exhibit No. 1 for

identification.)

1 Q (By Mr. Isaacs) These Converse tennis shoes, were
2 they tennis shoes that a lot of campers wear?

3 A A lot of campers wore them because they're what's
4 in style. And a lot of campers wear what we call "Blue tips".
5 They're more like basketball shoes except they don't have any
6 sole, that's what a lot of campers wear.

7 Q Do you know the type of tennis shoes that Dee
8 Elder had?

9 A She had some looked like basketball shoes.

10 Q The ones that Susan Emery had?

11 A I can't recall. Probably -- Oh, I can't recall.

12 Q That night, I believe you said Dee was sitting hill?
13 A Yes.

14 Q Sitting hill means you're lookout; right?

15 A You are in charge of the unit; you take watch over
16 the kids and make sure they get to bed, make sure you know
17 they're all comfortable and make sure there aren't any dis-
18 turbances, you know, to disturb other units. You keep them
19 quiet and try to get them to go to sleep.

20 Q Because Dee Elder was sitting hill, you didn't have
21 any responsibilities that night, did you?

22 A Not for two hours.

23 Q Did you go anyplace during that two hour period?

24 A Yes, I did.
25

1 Q Where did you go?

2 A I went to the staff house and stayed for a few
3 minutes and then I went to the Arapaho Unit.

4 Q About what time was it when you went to the staff
5 house?

6 A A little after 9:00.

7 Q Who went with you?

8 A Susan and I walked up there together.

9 Q At the staff house, who did you see?

10 A Just whoever was there.

11 Q Was there a bunch of counselors there?

12 A Yes.

13 Q Do you remember their names?

14 A Sure. I remember pretty much everyone's name but
15 I can't remember who was there.

16 Q Did you have any musical instruments with you when
17 you went to the staff house?

18 A Oh, I don't remember.

19 Q Okay. You went over to Arapaho camp; right?

20 A Yes.

21 Q And to get to the Arapaho Unit from the staff house,
22 you would have to go which direction?

23 A To get from the staff house to the Arapaho Unit,
24 you'd have to walk north.

25 Q How far?

1 A Oh, I don't know, probably a football field.

2 Q What did you do after you got over to the Arapaho
3 house?

4 A Talked for awhile.

5 Q What else?

6 A Played guitar.

7 Q Was this with the counselors or with the campers?

8 A Counselors.

9 Q What were the names of the counselors at the Arapa-
10 ho Unit?

11 A Nan Cook and I think they had the girl from Penn-
12 sylvania and I don't remember her name and Ann Mullin was the
13 CIT in the unit.

14 Q Before you went to the staff house and over there
15 to the Arapaho house, did Susan Emery or Dee Elder have any
16 visitors from one of the other units?

17 A Dee had a visitor.

18 Q What was her name?

19 A Monon Cavins.

20 Q Would you spell that?

21 A M-O-N-O-N C-A-V-I-N-S.

22 Q And was she with Dee Elder when you left to go to
23 the staff house and go to the Arapaho Unit?

24 A Yes.

25 Q What time was it that you left the Arapaho Unit to

1 go back to the Kiowa Unit?

2 A About 11:15.

3 Q The shortest route back to the Kiowa Unit is on a
4 diagonal, is it not?

5 A Yes, sir.

6 Q And not through some trail or road there in Camp
7 Scott; is that correct?

8 A Yes, it's the truck road.

9 Q There is a road through there?

10 A It's not really what you'd call a road but it's a
11 way that Ben drives. It's the route you go on to pick up
12 trash and it is pretty overgrown.

13 Q Did you go back that way or follow the road?

14 A (No response.)

15 Q Did you go back through Ben's truck road or follow
16 one of the gravel roads?

17 A Well, I went on that back path.

18 Q Was anyone with you on the back path?

19 A No.

20 Q This was about 11:15 at night?

21 A Yes.

22 Q Did you see or hear anything unusual?

23 A No.

24 Q When you got back to Kiowa, tell us what happened?

25 A Well, I started to get ready for bed and some of

1 tents were making noise and Dee started to get up, so I told
2 her to go ahead and go back to sleep and I'd walk around the
3 unit and so I did and settled everybody down, got them quiet
4 and I went back to the tent and started getting ready for
5 bed and like I said, pretty soon, Tent 1 got up and went to
6 the latrine.

7 Q Who were the girls that went to the latrine, girls
8 in Tent 1?

9 A Their names?

10 Q Yes, ma'am?

11 A I only remember one because her name was Tiffany.

12 She resembles a friend of mine and that's why I remember her
13 name.

14 Q What did you do when the girls went to the latrine?

15 A Well, there was nothing unusual about that. Every-
16 one has to go to the bathroom but they started banging the
17 doors and they started banging where the lat lids -- at the
18 time I thought it was the lat lids and so I started to get
19 out of the tent, you know, I told Dee I'd get ahead and get
20 them, so as I got out of the tent, they were walking back up
21 the path and I stopped them and I said, "What were you all
22 doing?" And they said, "Well, we were going to the bathroom."
23 And I said, "Well, what was all the -- all this banging noise
24 down there?" I said, "You were banging the lat lids." And
25 they said, "No, we weren't, no, we didn't even close them, you

1 know." So --

2 Q After you intercepted these girls and told them
3 to go back to their tents and during the time, did you see
4 anybody that shouldn't have been at Camp Scott?

5 A No.

6 Q Did you have your flashlight with you?

7 A Yes.

8 Q Were you using it?

9 A Yeah.

10 Q See anybody in the area?

11 A No.

12 Q What time was it when you told the girls to go and
13 get in their tent?

14 A Just a few minutes after I went out after them.

15 Q What time of night would that have been?

16 A Probably getting close to 12:00 or 12:30.

17 Q When was it that you heard the noise over in the
18 area of the gate?

19 A When I got up for the last time to get Tent 4 for
20 giggling and laughing.

21 Q What time was that?

22 A Either 1:00 or after 1:00.

23 Q I believe you said -- did you say it sounded like
24 a frog?

25 A Kind of like in between a fog horn, a frog or a

1 snore.

2 Q Do you know where John Cavalier's place is?

3 A Yes.

4 Q Do you know if John Cavalier has cattle out there?

5 A He does.

6 Q Could you tell me if the noise was made by either

7 man or beast?

8 A I can't say. It didn't sound like either.

9 Q You went out there and looked, though?

10 A Yes.

11 Q Did you take your light?

12 A Yes.

13 Q Shine it out there?

14 A Yes.

15 Q Did you see anything that looked like a man or

16 beast?

17 A No.

18 Q Do you know if that noise came from a brushy area?

19 A Yes.

20 Q Was it a brushy area that it came from?

21 A Yeah.

22 Q In your estimate, which side of the fence - in your

23 opinion - John Cavalier's side or Camp Scott's side?

24 A Cavalier's side.

25 Q Did anybody go with you to investigate the noise?

1 A No.

2 Q After you heard that noise and you told those

3 girls to quieten down, what did you do?

4 A Well, I just walked over to Tents 6 and 7. They

5 were all quiet down there, 6 and 7 were quiet, so I walked

6 back and I finally got to bed.

7 Q Did you see anything unusual?

8 A No.

9 Q Have your light?

10 A Yeah.

11 Q Did you use your light?

12 A Yes.

13 Q When you went to bed, you went to sleep; right?

14 A Yes.

15 Q Was the towel there on the floor?

16 A Yeah.

17 Q Hanging off the front of the tent?

18 A Yeah.

19 Q You used that towel to wipe your feet on; right?

20 A No, not my feet.

21 Q You hadn't?

22 A No, not my feet.

23 Q Okay, but the towel was there hanging off the front

24 of the tent?

25 A Yes.

1 Q The next morning when you woke up, I believe you
2 said you woke because of the alarm clock; is that right?

3 A Yes.

4 Q And you went over to the tree where the bodies
5 were and you saw those bags; right? And one of the bodies?

6 A Right.

7 Q How long were you at the tree in the area of the
8 bodies, Carla?

9 A Less than five minutes.

10 Q So we can say about five minutes?

11 A Less than five; maybe two minutes at the most.

12 Q Did you see any tape there by the tree?

13 A No, sir.

14 Q Did you see any bookbinding by the tree?

15 A No, sir.

16 Q Did you see a flashlight by the tree?

17 A No.

18 Q Did you see a flashlight anywhere near the body?

19 A No.

20 Q Did you see any glasses near the body?

21 A No.

22 Q Did you see any glasses case near the body?

23 A No.

24 Q Did you see any pictures or photographs in the area?

25 A No.

- 1 Q How close were you to the body?
- 2 A About - no more than five feet.
- 3 Q Okay. After you saw those bodies, you ran down
- 4 the road; right?
- 5 A Back to my --
- 6 Q Yes, ma'am, back to the counselors' tent; right?
- 7 A Yes, sir.
- 8 Q Is it not correct that you told Dee Elder, "Some-
- 9 thing's wrong"?
- 10 A I did.
- 11 Q And after that, what did you do?
- 12 A We counted the kids.
- 13 Q You went to one end of the camp and she went to
- 14 the other; right?
- 15 A Yes.
- 16 Q You went to Tent No. 1; is that correct? You've
- 17 got to answer, Carla?
- 18 A Oh, yeah, sure.
- 19 Q You went to Tent No. 1?
- 20 A Yes.
- 21 Q How many people had you counted before Dee Elder
- 22 yelled at you to come down there?
- 23 A I had counted to Tent 3, which --
- 24 Q What did Dee Elder say to you?
- 25 A When she came to Tent 3, she said there was blood

1 in the tent and there weren't any kids or sleeping bags in
2 it.

3 Q Did you go up and look in the tent, Carla?

4 A I went ahead and counted Tent 6.

5 Q How many did you come up missing?

6 A Three missing.

7 Q Did you go look in Tent 7?

8 A Yes, I did.

9 Q What did you see in Tent 7, when you looked in it?

10 A Blood.

11 Q Where did you see that blood?

12 A On the mattress and on the floor.

13 Q Did you see blood on the floor?

14 A Yes, it was pretty dark in the tent but there was
15 stuff on the floor and there was blood on the mattress cover
16 and it trailed off over.

17 Q All right, and what did you do after you saw the
18 blood?

19 A I told Dee that maybe one of the girls had started
20 their period and I said - you know, I still thought there was
21 just one body, which meant there were two kids that were
22 missing, so I told her and Susan to stay there and watch over
23 the unit and that I would run up and get Mary Ann, the nurse,
24 and Barbara Day and Richard.

25 Q Who stayed there with the bodies?

- 1 A Nobody was with the bodies at that time.
- 2 Q Nobody was with the bodies while you and Dee were
- 3 checking the tents; is that correct?
- 4 A That's right.
- 5 Q How long did it take you to check the tents?
- 6 A About five minutes.
- 7 Q After you had looked in that tent and seen that
- 8 blood and had that conversation with Dee Elder, who had
- 9 decided to stay in the camp area - in the unit area?
- 10 A I told Dee and Susan to stay there.
- 11 Q All right. Where did Susan stay?
- 12 A Well, they both went back to the counselors' tent
- 13 but when I started to walk to the staff house, I heard a
- 14 scream and I knew one of the counselors had gone over towards
- 15 the body.
- 16 Q Do you know who it was?
- 17 A I found out later it was Susan.
- 18 Q But you didn't see her; right?
- 19 A No.
- 20 Q Did you go on up the road?
- 21 A Yes.
- 22 Q When you got up there, who did you talk to?
- 23 A Mary Ann.
- 24 Q What did you tell Mary Ann?
- 25 A I told Mary Ann that there was a body in the road

1 and I needed her to get down there.

2 Q How long did it take you to walk from the counselors'
3 tent up there to Mary Ann?

4 A I didn't walk.

5 Q Running?

6 A I was running.

7 Q How long did it take you to run up there?

8 A About five minutes.

9 Q After you got up there and you talked to Mary Ann
10 and told her that there was a body down there and you needed
11 help, what did you do?

12 A I ran across to the office and got Barbara and
13 Richard.

14 Q What did Mary Ann do?

15 A She got in her car and left.

16 Q Where were Barbara and Richard staying?

17 A In the camp office.

18 Q Where is that located?

19 A Right across from the infirmary.

20 Q How far is that from the Great Hall?

21 A They were all there on the same road.

22 Q Okay. How far is the camp office from the Kiowa
23 Unit?

24 A I can't say for sure but it's about a ten minute
25 walk.

1 Q Okay. Did you tell Barbara Day about the body?

2 A Yes.

3 Q Did you tell Richard Day?

4 A Yes.

5 Q What happened then?

6 A Well, we all got into a camp wagon and went down
7 to the Kiowa area and Mary Ann ran over to the car and she
8 said there were three - three bodies and so we got out of
9 the car and went back over by the bodies and, like I said,
10 Richard walked around and examined them and said, well, it
11 looked like she'd been raped but he couldn't say for sure.

12 Q Did Richard touch the bodies?

13 A I can't say for sure.

14 Q How far were you away when you saw Richard examin-
15 ing them?

16 A I was almost right by him.

17 Q How far is that - six feet, five feet?

18 A Five feet.

19 Q Pardon me?

20 A Five feet.

21 Q Who was there with you and Richard?

22 A Mary Ann, Barbara, Dee and Susan.

23 Q So all of you were there at the bodies?

24 A Yes.

25 Q What did you do after Richard made that statement?

1 A Well, Mary Ann started crying, so I held her and
2 told her everything was going to be okay and Barbara said,
3 "Well, I've got to go call the police," and she told Mary
4 Ann to watch.

5 Q Let me interrupt you. Was Mary Ann's automobile
6 down there by the bodies?

7 A Yes, it was.

8 Q Was it in front of your camp car?

9 A Yes.

10 Q What happened then?

11 A Okay, so Barbara and Richard left and Dee and Susan
12 left because they started to feel sick and --

13 Q Dee and Susan and Barbara and Richard left and
14 that left Mary Ann there to watch the bodies?

15 A Uh-huh.

16 Q Where was Mary Ann standing to watch the bodies?

17 A By her car.

18 Q That car is how far from the bodies?

19 A No more than - no more than fifteen feet.

20 Q Was Mary Ann crying when you left?

21 A When I left her?

22 Q Yes, ma'am.

23 A No, she had settled down some.

24 Q What time of day was it when you left Mary Ann
25 down there with the bodies by herself - approximately?

1 A By that time, it was about six-thirty.

2 Q Had Ben Woodward been down there yet?

3 A No.

4 Q Had you talked to Ben?

5 A No.

6 Q Had you seen Ben?

7 A No.

8 Q Where did Richard go?

9 A He was with Barbara.

10 Q Do you know where they went?

11 A To the office.

12 Q Do you know why they were going there?

13 A To call the police.

14 Q After Barbara and Richard left, what did you do?

15 A Barbara told me that I would have to evacuate my
16 kids because the police would be coming down.

17 Q All right.

18 A And so I -- Mary Ann could see my unit from there
19 and so I told her to watch my unit and make sure that none
20 of the kids got up. I said I couldn't get them out by myself.

21 Q That's when you led them the back way up to the
22 Great Hall; correct?

23 A Yes.

24 Q Did you see anything in the area when you led them
25 up to the Great Hall?

1 A No.

2 Q Did you ever go anywhere near the counselors' tent

3 during the time after the bodies were discovered but before

4 you moved all of the girls out of the Kiowa Unit to the Great

5 Hall?

6 A Yes, I went back there.

7 Q Was your towel there in the tent?

8 A It was there in the same place I'd seen it before.

9 Q When you got up that morning, did you miss your

10 glasses?

11 A No.

12 Q Did you miss anything near your bed when you got

13 up that morning?

14 A No.

15 Q Did you have your glasses on that day?

16 A I had my other pair of glasses on.

17 Q Now you took the girls back to the Great Hall and

18 you stayed there for the remainder of the morning; is that

19 correct?

20 A Yes.

21 Q Did you ever go back to Kiowa Camp to see anything

22 about what was done in that area for the rest of June 13th -

23 the remainder of the 13th?

24 A No, sir.

25 Q What time was it when you left the camp to go home?

1 A Probably getting -- on the 13th?

2 Q Yes, ma'am?

3 A Getting probably close to 5:00 or 6:00.

4 Q Who went home with you?

5 A Nan Cook drove me to my parents' house.

6 Q Did anybody interview you from any law enforcement
7 agency on the 13th?

8 A Yes.

9 Q Do you remember his name?

10 A No, sir.

11 Q Do you remember what you talked about?

12 A I talked about what happened - what we saw.

13 Q Okay. Did you tell him what you told me, Carla?

14 A Yes.

15 Q Carla, let me say something. There are some ques-
16 tions that I am going to ask that might pry into your personal
17 life. I mean no offense but I need to ask these questions;
18 okay?

19 A Okay.

20 Q When's the next time that you talked to an OSBI
21 Agent or law enforcement personnel?

22 A Fourteenth.

23 Q Where was that?

24 A Camp Scott.

25 Q And who was present?

1 A My father.

2 Q Anybody else?

3 A Barbara and Richard and Nan Cook.

4 Q What was the subject of that interview?

5 A About whether or not I was missing anything.

6 Q And where was that interview conducted?

7 A In the back of my father's pickup truck.

8 Q Where was it parked?

9 A At the staff house.

10 Q What did you tell the OSBI Agent?

11 A Told him I was missing my glasses and my capo and
12 that's all I could find that was missing.

13 Q When did you discover that those items were missing
14 from the tent?

15 A After I had looked through my trunk.

16 Q What time was that?

17 A In the afternoon.

18 Q Of the 14th?

19 A Yes.

20 Q You went back over there on the 14th to pick up
21 personal property, did you not?

22 A Right.

23 Q And you looked through your tent and discovered your
24 capo and glasses and your glasses case was missing; right?

25 A Right.

1 Q And those items were the only items that were
2 missing from your tent?

3 A Of mine, that I know of.

4 Q Was this orange crate affixed to the floor of the
5 tent?

6 A No.

7 Q How big was it?

8 A Oh, about two and a half feet high and about maybe
9 two feet wide.

10 Q Was anything said about a towel?

11 A I was going through my stuff and I knew that Susan's
12 towel was there at the edge of my bed and I said, "Susan,
13 aren't you going to take your towel?" And she looked at
14 me and she said, "No, I can't."

15 Q Was the towel sitting there on the edge of the tent
16 when you had that conversation with Susan?

17 A Yes.

18 Q What did you say?

19 A I said, "Well, why not?" And one of the law enforce-
20 ment people said, "Well, you can't take it because it is
21 evidence." So I looked over there at the edge of my bed and
22 I saw that there was some blood had been smeared on there.

23 Q On the towel?

24 A On the towel.

25 Q Did you go back to the tent a second time and look

1 into the tent on the morning of the 13th after the bodies
2 had been discovered?

3 A Back - when I went back to get Dee and Susan.

4 Q Did you look in the tent again?

5 A When I came back to the unit with Ann Mullin to get
6 the kids out of my unit.

7 Q Did it appear to you that some of the blood had
8 been wiped up?

9 A Where? Oh, Tent 7?

10 Q Yeah.

11 A I never went back to Tent 7.

12 Q Did you look in there to see whether or not any
13 blood had been wiped up?

14 A I don't - I have no idea.

15 Q Did it appear to be smeared to you?

16 A I don't know. On the mattress, I could tell it was.

17 Q How about on the floor?

18 A I don't know.

19 Q Did it look like there had been more blood but
20 something had soaked it up?

21 A I don't know.

22 Q The towel that we are talking about in the counsel-
23 ors' tent at the Kiowa Unit, how much blood was on it?

24 A I can't really say. Just like - maybe like if you
25 had had a bad cut and had wiped your hand off or foot off,

1 whatever.

2 Q The size of a dollar - one dollar bill?

3 A Maybe.

4 Q Larger?

5 A I can't recall.

6 Q All right, who told you that this was evidence;
7 Susan Emery?

8 A She said so and so did one of the law people that
9 were there.

10 Q Was that Mrs. Huff?

11 A I believe so.

12 Q Did Mrs. Huff take the towel into her possession?

13 A No, she didn't.

14 Q What was done with it?

15 A I have no idea.

16 Q So when you left the tent in Kiowa, the towel was
17 still in front of the tent?

18 A Yes.

19 Q Was anything seized as evidence?

20 A Of mine?

21 Q Yes, ma'am?

22 A Not that I know of.

23 Q Did anybody else report to you that they had some-
24 thing stolen from them in the Kiowa Unit?

25 A Susan said that somebody had taken her purse.

1 MR. WISE: If it please the Court, we would object
2 to that as hearsay.

3 THE COURT: It has already been answered, Mr. Wise.
4 Overruled.

5 Q Do you know if she got her purse back?

6 A No, I don't.

7 Q What happened after you left the Kiowa Unit area
8 on the morning of the 14th?

9 A The afternoon of the 14th.

10 Q Afternoon.

11 A I went home - oh, wait - I went to the Council
12 Office and then I went to McAlester to get away from Tulsa.

13 Q Did somebody interrogate you at the Council Office?

14 A No.

15 Q Did you talk to any OSBI people there?

16 A No.

17 Q What did you do then?

18 A Went to McAlester.

19 Q I am talking about at the Council Office?

20 A The Council Office? I had -- in the back of the
21 truck, we had some other counselor's stuff and we dropped it
22 off there for them to get.

23 Q So the OSBI had only talked to you twice: once
24 the day that it happened and once on the 14th?

25 A They talked to me the day after that, too.

- 1 Q On the 15th?
- 2 A Yes.
- 3 Q But that was after you and Mrs. Cook had gone to
4 McAlester; right?
- 5 A Yes.
- 6 Q Did you get a phone call?
- 7 A Yes.
- 8 Q Was that from the OSBI?
- 9 A Yes.
- 10 Q Did they want you to come someplace and talk to
11 them?
- 12 A Uh-huh.
- 13 Q Where was that?
- 14 A Camp Scott.
- 15 Q Did you go back to Camp Scott?
- 16 A Yes.
- 17 Q Who did you talk to there?
- 18 A Three of their agents.
- 19 Q Do you know their names?
- 20 A No, I don't.
- 21 Q Do you see any of them in the courtroom?
- 22 A Not --
- 23 Q How about this man right in front? Was he one of
24 them?
- 25 A I think I talked to him the day before that.

1 Q What did they ask about at Camp Scott?
2 A Well, they asked me what happened again.
3 Q Did you tell them what you told me here today?
4 A Yes.
5 Q What else did they ask about, Carla?
6 A They asked me about people at camp.
7 Q What kind of questions?
8 A They asked me about whether I knew whether or not
9 they were - there were any homosexuals at camp.
10 Q What else did they ask?
11 A They -- I told them no, not to my knowledge.
12 Q Then, go ahead.
13 A They asked me if I was and I said --
14 Q You don't have to answer that.
15 A Well, I'm not, anyway.
16 Q All right. I just wanted to know what the subject
17 of the conversation was.
18 A Okay.
19 Q Now after you had that talk, did they ask you for
20 any samples of your hair?
21 A Yes.
22 Q On that day?
23 A On that day.
24 Q What samples of hair did they want?
25 A They took hair from my head and pubic hair.

1 Q Did they take it from any place on your body?

2 A Just my hair and --

3 Q Did they want a blood sample from you?

4 A Yes.

5 Q Did you give them one?

6 A Yes.

7 Q Did they want fingerprints?

8 A Yes.

9 Q Did you give them one?

10 A Yes.

11 Q You've got to speak up.

12 A Yeah.

13 Q Did they take a saliva test from you?

14 A Yes, they did.

15 Q Any other tests that they ran on you?

16 A No.

17 Q Now, Nan Cook was with you when you went back to
Camp Scott on the 15th; is that not correct?

18 A Yes.

19 Q Did they take the same samples from Nan Cook?

20 A Uh-huh.

21 Q Did they talk to Nan Cook about the same things
that they talked to you about?

22 A Yes.

23 Q Can you tell me about how long you looked into that

24

25

1 tent - Tent No. 7 in the Kiowa Unit?

2 A That morning?

3 Q Yes, ma'am?

4 A About --- maybe less than a minute.

5 Q Did Susan's boyfriend ever visit her at camp?

6 A Yes, he did.

7 Q When was that?

8 A The day that we were moving into the Kiowa Unit.
9 before the kids got there.

10 Q Do you know his name?

11 A No.

12 Q Do you know what kind of car he has?

13 A No.

14 Q After the interview with the OSBI on the 15th, has
15 anybody contacted you from any law enforcement agency and
16 interviewed you further?

17 A They called various times just asking a few ques-
18 tions.

19 Q Did you tell them what you have told me here today?

20 A Yes.

21 Q Tell them anything different?

22 A No.

23 Q Did anybody show you any footwear?

24 A No, but they interviewed me on the phone about it -
25 about a pair of tennis shoes.

1 Q What kind of tennis shoes?

2 A Red Wing tennis shoes.

3 Q What color?

4 A They described them to me as a brown or a gold
5 sort of tennis shoe, kind of like a track shoe, only it had
6 different kind of tread on it.

7 Q What kind of tread?

8 A These little like --

9 Q Can you draw me a picture and describe that tread?
10 MR. WISE: If it please the Court, we're talking
11 about a conversation over a telephone.

12 MR. ISAACS: I'll withdraw the question, Judge.

13 THE COURT: Go ahead, ask your next question.

14 Q Describe them in your words.

15 A Well, they're like -- they're bumps and they're
16 circular and they come out, you know, like basketball shoes,
17 the circles go in.

18 Q Do you know what Adidas basketball shoes are?

19 A No.

20 THE COURT: I'm sorry, Mr. Isaacs, I didn't under-
21 stand that question.

22 MR. ISAACS: I asked her if she knew what Adidas
23 basketball shoes are.

24 THE COURT: All right.

25 A No, I don't.

1 Q Did the description of the shoes that they asked
2 you about fit the description of any shoes that were worn
3 by anybody that you knew at Camp Scott?

4 A No, sir.

5 Q Did they ask you about a shoe size?

6 A They mentioned something about it but I didn't
7 connect with it.

8 Q Were you interviewed in person on any matter that
9 I haven't asked you about?

10 A I don't understand.

11 Q Did anybody interview you in person, Carla, about
12 this case, other than these times we've already talked about?

13 A No, you.

14 Q Anybody else?

15 A No.

16 Q During any of these interviews, has anybody ever
17 mentioned the name Gene Leroy Hart?

18 A I can't say. I guess -- well, I just heard - heard
19 it first from the newspapers.

20 Q Have you told me everything you know about this
21 case?

22 A Have I?

23 Q Yes?

24 A Oh, as far as I know, yes.

25 MR. ISAACS: Judge, let me ask just a couple of

1 questions over here.

2 Q Carla, do you know anybody that went into Tent No.
3 7; inside of it?

4 A No, I don't.

5 Q Yes, ma'am?

6 A Huh?

7 Q Yes, ma'am, I didn't catch your answer.

8 A I said no.

9 Q On Friday, at the end of the orientation period,
10 did the camp counselors use ropes, to put on tents to tie
11 flaps back for the purposes of putting up tents and prepar-
12 ing them for campers?

13 A Any time we - we didn't replace any ropes.

14 Q Is that why the rope was kept in Arapaho Unit?

15 A To my knowledge, it wasn't kept in Arapaho.

16 Q Pardon me, it wasn't?

17 A To my knowledge, it wasn't, unless they needed
18 some new tent rope.

19 Q Do you know where it was kept?

20 A Should have been - I would think in the chick hut
21 unless somebody checked it out.

22 Q Carla, you said -- well, you've been talking about
23 a body. You say you saw the body - a body?

24 A Yes.

25 Q Did you ever know that there was more than one body

1 underneath the trees?

2 A Well, I knew that there was one; I didn't know
3 that there were three until Mary Ann said so and Richard
4 looked in the sleeping bag and he said so but I didn't see
5 them myself.

6 MR. ISAACS: Okay, thank you, Carla.

7 THE COURT: Redirect?

8 MR. WISE: We would have no further redirect and
9 we would ask that this young witness be permanently excused
10 so that she may go back to her normal life.

11 THE COURT: Do you wish her to be available for
12 further testimony or not, Mr. Isaacs?

13 MR. ISAACS: No, I do not, Your Honor.

14 THE COURT: You are excused if you wish to leave.
15 (Whereupon, the witness was excused and withdrew
16 from the hearing room.)

17 THE COURT: Mr. Wise, I would inquire, since it's
18 4:30, who your next witness is and what the length of testi-
19 mony would be in your estimate?

20 MR. WISE: Your Honor, we, of course, never expected
21 these witnesses to be this lengthy. Our next witness will
22 be Mrs. Barbara Day. She's in my office and available. I
23 don't know how long.

24 THE COURT: Is she a local witness?

25 MR. WISE: No, she's the former Camp Director and

1 I believe she makes her home in Tulsa. She is also several
2 months pregnant, Your Honor.

3 THE COURT: Well --

4 MR. ISAACS: I think she's made -- I've just been
5 advised, Your Honor, that my office informed her shortly ago
6 that this has drawn on longer than we anticipated and I think
7 she has made plans in the event that the Court would rather
8 put her off until tomorrow. I think that she has made those
9 appropriate plans and whatever. We are more than willing
10 to go on but I think she anticipated the problem.

11 THE COURT: I believe, gentlemen, since it is
12 4:30, that we will recess until tomorrow morning, but let's
13 try to start a little earlier. I'd like to start at 9:45
14 instead of 10:00 o'clock as originally planned.

15 MR. WISE: Very well.

16 THE COURT: But the courtroom, both A and B, will
17 go on the same schedule as before.

18 Mr. Isaacs, are you planning or do you need a little
19 time to consult with your client before he's transferred this
20 evening?

21 MR. ISAACS: We'd appreciate it, Your Honor.

22 THE COURT: In other words, you would just as soon
23 he wait in the courtroom for just a few minutes?

24 MR. ISAACS: It would be fine if we could have about
25 an hour.

1 THE COURT: I don't know what the Sheriff's feed-
2 ing schedule is, so he may have to take him earlier than
3 that but we will be in recess then until tomorrow morning
4 at 9:45 a. m.

5 I'll ask that the spectators leave as quietly as
6 possible. I would also ask that the air conditioning remain
7 on in order to cool this room down.

8 The Defendant will be placed in the custody of the
9 Sheriff until tomorrow morning, and Sheriff, he can stay here
10 a little while and talk to his attorney until you need to
11 take him to eat, if you'll only let him stay a few minutes.
12 Do you need a conference about that?

13 THE SHERIFF: Yes, Your Honor.

14 THE COURT: Mr. Isaacs, could I see you and Mr.
15 Wise in chambers for a conference with the Sheriff?

16 (WHEREUPON, the cause in hearing was recessed until
17 9:45 a. m., on the 8th day of June, 1978.)

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