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6854

1 APPEARANCES
2 PATRICK RYAN, United States Attorney for the
Western
3 District of Oklahoma, 210 West Park Avenue, Suite 400,
Oklahoma
4 City, Oklahoma, 73102, appearing for the plaintiff.
5 LARRY MACKEY, SEAN CONNELLY, BETH WILKINSON,
GEOFFREY
6 MEARNS, JAMIE ORENSTEIN, and AITAN GOELMAN, Special
Attorneys
7 to the U.S. Attorney General, 1961 Stout Street, Suite
1200,
8 Denver, Colorado, 80294, appearing for the plaintiff.
9 MICHAEL TIGAR, RONALD WOODS, ADAM THURSCHELL,
and
10 JANE TIGAR, Attorneys at Law, 1120 Lincoln Street,
Suite 1308,
11 Denver, Colorado, 80203, appearing for Defendant
Nichols.

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PROCEEDINGS

(In open court at 8:44 a.m.)

THE COURT: Be seated, please.

May I have counsel at the bench.

(At the bench:)

(Bench Conference 63B1 is not herein transcribed by

court

order. It is transcribed as a separate sealed transcript.)

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1 (In open court:)

2 THE COURT: All right. Since we're here a little

3 early for this bench conference and the jury is here, we'll

4 start a little early.

5 (Jury in at 8:47 a.m.)

6 THE COURT: Members of the jury, good morning.

7 JURY: Good morning.

8 THE COURT: I guess this is a surprise
starting time.

9 We're not trying to surprise you. The fact of the
matter is

10 that I had a conference here with counsel on some
procedural

11 matters, and since -- that was accomplished a little
faster

12 than I expected and we're a few minutes ahead of the
starting

13 time. Since you're all here, we might as well start,
so that's

14 why we brought you into the courtroom before 9:00.

15 So we are ready for the next witness?

16 MR. MACKEY: Your Honor, the United States
will call

17 Trooper Charlie Hanger.

18 THE COURT: All right.

19 MR. MACKEY: Mr. Goelman will present.

20 THE COURTROOM DEPUTY: Raise your right hand,
please.

21 (Charles Hanger affirmed.)

22 THE COURTROOM DEPUTY: Have a seat, please.

23 Would you state your full name for the record
and

24 spell your last name.

25 THE WITNESS: Charles J. Hanger, H-A-N-G-E-R.

1 THE COURTROOM DEPUTY: Thank you.

2 THE COURT: Mr. Goelman.

3 MR. GOELMAN: Thank you, your Honor.

4 DIRECT EXAMINATION

5 BY MR. GOELMAN:

6 Q. Good morning.

7 A. Good morning.

8 Q. I think they can all probably guess by your
uniform, but

9 can you tell the jury and the Court what you do for a
living.

10 A. I'm a state trooper for the Oklahoma Highway
Patrol.

11 Q. How long have you been a state trooper in Oklahoma?

12 A. Since September of 1976.

13 Q. Are you married?

14 A. Yes.

15 Q. Do you have any children?

16 A. Yes.

17 Q. What are their names and ages?

18 A. I have -- oldest, 25 years of age, is Jennifer.
Lisa is an

19 18-year-old, and Mindy is 16 years old.

20 Q. Officer Hanger, how much longer do you have until

21 retirement?

22 A. I plan on retiring in seven more years.

23 Q. Could you retire now?

24 A. Yes.

25 Q. And why don't you?

6860

Charles Hanger - Direct

1 A. I want to try to get my kids out of college first.

2 Q. I want to talk about what your job responsibilities
were in

3 April 1995. Where did you patrol at that time?

4 A. At that time I was assigned to a dual detachment
area.

5 Part of it was the interstate system near the -- which
began on

6 the south end of my detachment at the 165-and-a-half
mile

7 marker on Interstate 35 and continued north to near the

8 208-mile marker. I also had responsibilities for all
the

9 two-lane roads in Noble County. The interstate
detachment

10 covered two counties which was Payne and Noble County.

11 Q. And where in Oklahoma were you patrolling at that
time?

12 A. That's the northern part of the state. I'm within
35 miles

13 of the Kansas border and just about 60 to 65 miles
north of

14 Oklahoma City.

15 Q. What were your duties?

16 A. Primarily traffic, sworn to uphold all the traffic
and
17 criminal laws in the state, investigate accidents,
enforce
18 traffic laws, assist the motoring public in any way.

19 Q. Officer Hanger, in April, 1995, was it legal to
drive in
20 Oklahoma without a license plate?

21 A. No, it was not.

22 Q. And in April, 1995, was it legal to transport a
loaded
23 firearm?

24 A. No, it was not.

25 Q. Do you recall when you first heard about the
bombing in

6861

Charles Hanger - Direct

1 Oklahoma City?

2 A. Yes. It was shortly after 9:00 a.m. on that
morning of

3 April the 19th. I was at the turnpike headquarters of
the
4 Cimarron Turnpike in eastern Noble County.

5 Q. What did you do when you heard about the bombing?

6 A. We turned on the television there at headquarters

and began

7 watching the coverage on the TV.

8 Q. Did you receive any orders related to the bombing,
Officer

9 Hanger?

10 A. Yes, I did.

11 Q. And what were they?

12 A. Pawnee headquarters gave me a radio call to report
to the

13 Oklahoma City area, to the command post there and
assist as

14 needed.

15 Q. Did your orders say anything about radio traffic?

16 A. They had told me that the radio net was what we
would call

17 as 1063. That's restricting the radio net to a
specific area,

18 and this instance it was restricted to units working
the

19 Oklahoma City area. Unless you had an emergency, then
anyone

20 could use it.

21 Q. And what did you do after you got your orders to go
to

22 Oklahoma City?

23 A. I got in my unit and proceeded west on the Cimarron

24 Turnpike west to the first exit, which is the U.S. 64
exit. I

25 got off there and went west on U.S. 64 through the city
of

6862

Charles Hanger – Direct

got on 1 Perry, Oklahoma; and then on the west edge of Perry, I
2 Interstate 35 and began traveling south.
3 Q. And how fast were you going during this trip?
4 A. Speeds upward of a hundred mile per hour.
5 Q. Were your sirens on?
6 A. Yes.
7 Q. Were your emergency lights flashing?
8 A. Yes.
heard 9 Q. How far is the headquarters where you were when you
10 about the bombing from Oklahoma City?
11 A. That's approximately 80 to 85 miles.
Hanger? 12 Q. Did you get to Oklahoma City that day, Officer
13 A. No, I did not.
14 Q. Why not?
west 15 A. As I had just gotten on the interstate there on the
radio 16 edge of Perry and began traveling south, I received a
17 call from my headquarters advising me to disregard that
18 assignment and to remain in my area.
northern 19 Q. Officer Hanger, are you familiar with the roads in

20 Oklahoma from your service on the highway patrol?

21 A. Yes.

22 Q. Could you please take a look inside that folder
there and

23 see if you can find Government Exhibit 410.

24 A. I have it.

25 Q. Do you recognize that?

6863

Charles Hanger – Direct

Oklahoma 1 A. Yes. That's a map of part of the northern part of
2 from Oklahoma City north.

Oklahoma? 3 Q. Is that a fair and accurate map of northern

4 A. Yes.

410, 5 MR. GOELMAN: Move to admit Government Exhibit
6 your Honor.

7 MR. WOODS: No objection, your Honor.

8 THE COURT: 410 received.

9 MR. GOELMAN: May I publish?

10 THE COURT: Yes.

11 BY MR. GOELMAN:

there at 12 Q. Using that map and the light pen that should be

13 your side, Officer Hanger, could you indicate for the

ladies

14 and gentlemen of the jury where you were when you first
heard

15 about the bombing.

16 A. I was in this area right here on the Cimarron
Turnpike.

17 Q. And can you circle Oklahoma City on that map.

18 Okay. Now, would you trace the path where you
went

19 when you got your orders to report to Oklahoma City,
Officer

20 Hanger.

21 A. Yes. I was on the turnpike. I went west to this
exit

22 right here, which is U.S. 64, continued west through
the city

23 of Perry. Upon reaching Interstate 35, then I started
south on

24 Interstate 35.

25 MR. GOELMAN: Your Honor, is there any way we
can get

6864

Charles Hanger - Direct

1 a different color than white for Officer Hanger's --
wrong

2 person to ask.

3 BY MR. GOELMAN:

4 Q. Officer Hanger, could you experiment a little bit
and draw

5 a line on that map.

6 Okay. Thanks.

7 Thank you.

8 And indicate on the map where you were when
you got

9 your orders not to proceed to Oklahoma City.

10 A. I was between these two exits right here.

11 Q. Okay. And what did you do when you got those
orders?

12 A. I turned around and began traveling north on
Interstate 35.

13 Q. Is that from Oklahoma City or away from Oklahoma
City?

14 A. That'd be going away from Oklahoma City.

15 Q. And towards Kansas or from Kansas?

16 A. Towards Kansas.

17 Q. Where in particular were you headed?

18 A. Prior to receiving the call, the initial call to go
to

19 Oklahoma City, I had received a call of a motorist
broken down

20 north of Perry, so I was going to continue up to that
location

21 to see if that motorist was still there.

22 Q. And did you reach that motorist?

23 A. Before reaching that call, I drove up on another
vehicle

24 that was broken down just north of the north Perry
exit. And I

25 stopped and assisted that motorist.

6865

Charles Hanger – Direct

1 Q. How long were you at that stop?

2 A. Oh, 5 or 10 minutes.

3 Q. And what did you do after that?

4 A. Then I continued north on Interstate 35.

Officer 5 Q. As you are traveling north on Interstate 35,

6 Hanger, was your attention drawn to a particular car?

7 A. Yes.

8 Q. And tell us about that, please.

lane 9 A. I was northbound on the interstate in the left-hand

Mercury 10 when I came upon a vehicle which was a yellow 1977

rear 11 Marquis, four-door. It had a primer spot on the left

the left 12 quarter panel. And I started around that vehicle in

observed that 13 lane, it was in the right lane traveling north, I

14 it was not displaying a tag on the rear bumper.

wasn't 15 Q. What did you do after you noticed that the Mercury

16 displaying a tag?

the same 17 A. I slowed down, fell in behind the vehicle, got in

18 lane it was in. Initiated my emergency lights and
signaled for

19 it to pull over.

20 Q. What did the Mercury do when you turned your lights
on?

21 A. It began slowing down and pulling over to the east
side of

22 the roadway, the shoulder.

23 Q. Where did you pull the Mercury over on April 19?

24 A. It was between Mile Marker 202 and 203, about a
mile south

25 of the Billings exit.

6866

Charles Hanger - Direct

1 Q. How long did the Mercury take to pull over?

2 A. Oh, less than a quarter of a mile.

3 Q. Is that a normal distance for pulling cars over?

4 A. It is for the highway speeds on interstate.

5 Q. Did you find it necessary to turn on your sirens or
6 anything?

7 A. No.

8 Q. And in the course of this traffic stop, Officer
Hanger, did

9 you get a good chance to examine the car? Did you get
a good

10 look at it?

11 A. Yes.

12 Q. I want you to turn to Government Exhibit 414 in
your

13 folder.

14 A. I have it.

15 Q. What is that?

16 A. That is the car that I stopped that morning.

17 Q. And is that what it looked like when you pulled it
over on

18 April 19, 1995?

19 A. Yes.

20 MR. GOELMAN: Your Honor, move to admit
Government

21 Exhibit 414.

22 MR. WOODS: No objection.

23 THE COURT: 414 is received; may be shown.

24 BY MR. GOELMAN:

25 Q. Officer Hanger, can you click your pen to -- thank
you.

6867

Charles Hanger - Direct

1 Now, could you please indicate where the
primer spot

2 is that you were talking about.

3 What happened after you pulled that car over,
Officer

4 Hanger?

I was
were in
pulled
offset
photograph,
shoulder.

5 A. As I was pulling behind it and approaching the car,
6 observing the inside of the car to see how many people
7 it, and I could only see one, which was the driver. I
8 up within about 20 feet of the car and stopped. I was
9 to the car a little bit, as you can see in the
10 which is partially in the grass and partially on the

of the
left-hand side of the car.

11 I was entirely on the shoulder and 3 to 4-foot to left
12

13 Q. What did you do after you came to a stop?

as I
the
There was

14 A. I took my seat belt off and opened my car door, and
15 was getting out of the car, I observed that the door of
16 Mercury was already open. Just shortly thereafter, the
17 driver's feet came out, placed down on the asphalt.

got out of
the car.

18 a short hesitation, and then the driver stood up and
19

Mercury?

20 Q. What did you do when the driver got out of the

He began

21 A. I looked at him. I could see both of his hands.

door and

22 walking toward me, so I stepped out from behind my car

23 began walking toward him.

24 Q. What happened next?

25 A. We met behind his car. About 3 or 4 feet south of
the left

6868

Charles Hanger - Direct

And I 1 rear corner of his car and off to the west 3 or 4 feet.

2 told him why I'd stopped him.

3 Q. Can you describe the driver of the Mercury?

4 A. Yes. He was a young man, in his mid 20's, about 6'
2",

5 175 pounds, thin-faced. He had light blond, brownish
hair, and

6 a thin face.

7 Q. Can you look inside your folder and see if you can
find

8 Government Exhibit 318.

9 A. Yes, I have it.

10 Q. Do you recognize that, Officer Hanger?

11 A. That's the gentleman that I stopped that morning.

12 MR. GOELMAN: Move to admit Government Exhibit
318.

13 MR. WOODS: No objection, your Honor.

14 THE COURT: 318 is received; may be displayed.

15 BY MR. GOELMAN:

Exhibit 16 Q. Since you first saw this man depicted in Government
Officer 17 318 on April 19, have you come to know his identity,
18 Hanger?
19 A. Yes, I have.
20 Q. Who is that?
21 A. That's Timothy James McVeigh.
22 Q. And what happened when you and Mr. McVeigh met in
between 23 your two cars?
24 A. Like I'd said, I informed him why I had stopped
him. I 25 told him, "The reason I stopped you is because you're
not

6869

Charles Hanger - Direct

1 displaying a tag on the back of your car."
2 Q. What was Mr. McVeigh's response?
3 A. He turned and looked toward the bumper area of his
car.
4 Q. Did he say something then?
5 A. He said, "I haven't had the car very long and I
don't have 6 a tag yet."
7 Q. And what did you say?
8 A. I said, "Could you provide me a bill of sale."

9 Q. Did he do that?
10 A. He said that "The man that I bought the car from is
still
11 filling out the bill of sale."
12 Q. And what was your response?
13 A. I said, "How long does it take to fill out a bill
of sale?"
14 Q. Did he give you an answer to that?
15 A. He said, "I don't have one with me."
16 Q. What did you do at that point, Officer Hanger?
17 A. Then I asked him for his driver's license.
18 Q. And at that point was there any cause for special
concern
19 on your part?
20 A. No.
21 Q. What had Mr. McVeigh's demeanor been up to that
point?
22 A. Very calm, polite.
23 Q. Had he been unhelpful or disrespectful in any way?
24 A. No.
25 Q. What happened after you asked Mr. McVeigh for his
driver's

6870

Charles Hanger - Direct

1 license?
2 A. He took his right hand and went back to his right
rear

3 pocket, produced a camouflage billfold and removed his
driver's

4 license from that billfold and handed it to me.

5 Q. What happened after that?

6 A. As he was going to his right rear pocket to
retrieve his

7 billfold, he had on a blue windbreaker-type jacket that
was

8 just slightly zipped, and when he went to his pocket,
it

9 tightened this jacket up somewhat; and I could see a
bulge

10 under his left arm, and I thought that that was a
weapon under

11 his arm.

12 Q. What did you do at that point?

13 A. I looked at the driver's license and looked at him.
Then I

14 instructed him to take both hands, unzip his jacket,
and to

15 very slowly move his jacket back.

16 Q. What was Mr. McVeigh's response when you told him
to do

17 that?

18 A. He took both hands, he unzipped his jacket, and
started

19 slowly pulling it back; and just as he started doing
that, he

20 said, "I have a gun."

21 Q. When Mr. McVeigh told you that he had a gun, what
did you

22 do?

23 A. I grabbed for the bulge, and I said, "Put your
hands up and

24 turn around."

25 Q. Did he comply with your instructions?

6871

Charles Hanger – Direct

1 A. He did.

2 Q. What happened then?

3 A. I removed my pistol from my holster and stuck it to
the

4 back of his head.

5 Q. What did you do after that?

6 A. I instructed him to walk to the trunk of his
automobile.

7 Q. Where was your gun at that point?

8 A. It was stuck at the back of his head.

9 Q. Okay. Did Mr. McVeigh say anything to you as he
walked to

10 the back of the automobile?

11 A. Yes.

12 Q. What did he say?

13 A. He said, "My weapon is loaded."

14 Q. What was your response?

15 A. I said, "So is mine."

16 Q. What did you do when you got Mr. McVeigh to the
back of his

17 car?

18 A. I instructed him to put his hands on the trunk and
to

19 spread his feet.

20 Q. Did he comply?

21 A. Yes, he did.

22 Q. What did you do then?

23 A. I then pulled back the jacket, removed the pistol
from the

24 holster it was in, and threw it on the shoulder of the
roadway.

25 Q. Did Mr. McVeigh say something to you at this point?

6872

Charles Hanger – Direct

1 A. Yes, he did.

2 Q. What?

3 A. He informed me that he also had another clip and a
pouch on

4 his belt.

5 Q. What is a clip, Officer Hanger?

6 A. That is a magazine that holds ammunition that fits
in the

7 bottom of a automatic weapon which feeds ammunition to
the

8 chamber.

9 Q. And did you find this clip that Mr. McVeigh told
you about?

10 A. Yes.

11 Q. What did you do with it?

12 A. I removed it from the pouch and threw it on the
shoulder of

13 the road near the weapon.

14 Q. Did Mr. McVeigh say anything further to you at that
time?

15 A. Yes.

16 Q. What did he say?

17 A. He told me that he also had a knife on his belt.

18 Q. And did you relieve Mr. McVeigh of his knife as
well?

19 A. Yes, I did.

20 Q. What did you do with that?

21 A. I also threw it on the shoulder near the other
items I had

22 thrown down there.

23 Q. What did you do next, Officer Hanger?

24 A. I then patted him down and handcuffed him.

25 Q. Did you find any other weapons?

6873

Charles Hanger – Direct

1 A. No.

2 Q. At that point in the encounter, did you ask Mr.
McVeigh

3 anything?

his
4 A. I asked him why he would be carrying a weapon on
5 person.

6 Q. What was his response?

7 A. He said he felt like he had the right to do that
for his
8 own protection.

9 Q. Did you have any reaction to that?

10 A. I told him that a wrong move on his part could have
gotten
11 him shot.

12 Q. And what did Mr. McVeigh say to that?

13 A. Possible.

14 Q. After you disarmed Mr. McVeigh and handcuffed him,
what did
15 you do?

16 A. I took him to the right front passenger seat of my
unit,
17 placed him in there and seat-belted him in.

18 Q. What did you do with the weapons that you had
dropped at
19 the side of the road?

20 A. I went back and retrieved those and took them to
the trunk
21 of my unit.

22 Q. What did you do then?

23 A. I placed them in the trunk of my unit. Also
checked the

the
24 weapon to see if it was loaded. Removed the clip from
25 bottom of the weapon, then I checked the chamber of the
weapon

6874

Charles Hanger - Direct

1 and removed a round from that chamber.
2 Q. Okay. What is a chamber of a gun?
3 A. That's where the bullet goes while it's in the
firing
4 position. That's the bullet that's ready to fire.
5 Q. That's the bullet that would come out if the gun
were
6 fired?
7 A. Yes.
8 Q. And did you notice anything about this bullet when
you
9 removed it from the chamber?
10 A. Yes. It was a Black Talon round, .45 caliber
round.
11 Q. What's a Black Talon round?
12 A. My understanding, a Black Talon round is designed,
when it
13 impacts something or a human being, it mushrooms, it
produces
14 tentacles as it goes into the body, it does a much
greater
15 damage to the human body because of these tentacles.

on him? 16 Q. What about the other bullets that Mr. McVeigh had

17 A. They were what I considered just regular round ball
18 ammunition. They were just smooth, rounded, pointed
19 ammunition.

20 Q. They were not Black Talons?

21 A. No.

22 Q. What did you do with the gun?

23 A. After unloading it, I took it to my unit, to the
driver's
24 side.

25 Q. And did you get in your unit at that time?

6875

Charles Hanger - Direct

1 A. Yes.

2 Q. What did you do then?

3 A. I made a call to my dispatcher on the cell phone,
since I

4 couldn't use the radio, and informed my dispatcher
where I was

5 at and that I had a individual in custody that had been
armed,

6 and I asked the dispatcher to run some checks on this
7 individual.

8 Q. Mr. Hanger, why couldn't you use your radio?

9 A. The radio was restricted due to the ongoing tragedy

in

10 Oklahoma City.

11 Q. What kind of checks did you ask your dispatcher to
run?

12 A. I asked her to run a check for wanted on this
individual,

13 to see if he was wanted and to also see if he had a
prior

14 criminal history.

15 Q. Did you get a response from your dispatcher?

16 A. Yes.

17 Q. What was that response?

18 A. The dispatcher advised that the individual was not
entered

19 as being wanted, and he had no prior criminal history.

20 Q. What did you do with the gun at that point?

21 A. I was -- I told her -- when I was talking to her on
the

22 phone, I wanted to run a check on the gun to see if it
was

23 stolen. I was turning it around looking for the serial
number

24 and told her, it would be just a minute, I'd have to
get the

25 serial number. While I was doing that, Mr. McVeigh
spoke up.

6876

Charles Hanger - Direct

1 Q. What did he say to you?
2 A. He said, "The serial number is VM769."
3 Q. What was your response to that information?
4 A. At about that same time, I had located it, and I
said
5 "Well, you're close, it's VW769."
6 Q. What did he say?
7 A. He said, "Well, I knew it was an M or a W."
8 Q. Did you have any further conversation with Mr.
McVeigh
9 about his gun?
10 A. I said, "Well, most people wouldn't know the serial
number
11 of their weapon."
12 Q. What did he say?
13 A. He said, "Well, I do."
14 Q. When you got the serial number of the weapon, what
did you
15 do?
16 A. I gave the information to the dispatcher, and she
ran a
17 check to see if it was stolen.
18 Q. Was it stolen?
19 A. It was not.
20 Q. What did you do after determining that the gun
wasn't
21 stolen and Mr. McVeigh wasn't wanted?
22 A. I took the gun and put it back in the trunk where
the other

23 evidence was at, the trunk of my unit.

24 Q. And did you decide to speak to Mr. McVeigh at the
point?

25 A. Yes, I shut the trunk and went up and got in my
car. And I

6877

Charles Hanger - Direct

1 attempted to initiate my video camera which would have
an audio

2 recording capabilities. However, I hit the wrong two
buttons,

3 and I only got video; I didn't get the audio.

4 Q. How did you begin to speak to Mr. McVeigh?

5 A. I read him his Miranda warning.

6 Q. What are they?

7 A. That is a card that informs the individual of his
right to

8 remain silent or to have counsel present before
speaking to me.

9 Q. Did Mr. McVeigh agree to speak to you?

10 A. Yes, he did.

11 Q. Did you go ahead and ask him some questions at that
point?

12 A. Yes.

13 Q. What did you say?

14 A. I again asked him why he didn't have a tag. And he
said he

then
15 hadn't had the car very long and he hadn't got one. I
he had
16 asked him where he purchased the car. And he told me
dealer
17 purchased it in Junction City, Kansas, from a Firestone
was Tom.
18 and the name of the salesman that he purchased it from

about the
19 Q. Did Mr. McVeigh volunteer any other information
20 purchase of this car?

traded
21 A. He told me that he gave around \$250 for it and had
22 in another car that had broken down on him.

City,
23 Q. Officer Hanger, do you know how to get to Junction
24 Kansas, from where you pulled Mr. McVeigh over?

25 A. Yes.

6878

Charles Hanger - Direct

1 Q. How do you?

on
2 A. You go north on Interstate 35 into Kansas, get off
3 Highway 77 and go north.

you
4 Q. Do you know whether or not that route would take
5 through Herington, Kansas, before you get to Junction
City?

6 A. Yes, it would.

7 Q. Did Mr. McVeigh say anything else about the purchase of the

8 car, or why he was driving without a license plate?

9 A. He had told me that he hadn't had time to get a tag. That

10 he had a tag that was on his car that had broken down, but he

11 felt like it was better to drive without a tag than to put the

12 wrong tag on it.

13 Q. Did he tell you anything about the tag that he had on the

14 car that had broken down?

15 A. He told me it was an Arizona tag and he quoted the number.

16 Q. Do you remember what that number was?

17 A. No, I do not.

18 Q. Did Mr. McVeigh tell you where that license plate was at

19 that point?

20 A. No.

21 Q. Did you ask Mr. McVeigh for his permission to do anything

22 else, Officer Hanger?

23 A. Yes, I asked him if I could search his car.

24 Q. And what was his response?

25 A. Yes.

Charles Hanger – Direct

1 Q. He agreed?

2 A. Yes.

3 Q. What did you do then?

4 A. Then I got out of my unit and went up to the car,
but
5 before I began searching it, I went to the left front
area of
6 windshield, the front windshield, and I recorded the
vehicle
7 identification number from that plate that is located
there.

8 Q. What is the vehicle identification number, Officer
Hanger?

9 A. That's a number that's assigned to each and every
vehicle,
10 no two vehicles have the same number, and it will
specifically
11 identify that particular vehicle.

12 Q. And why did you take that number from the front
part of the
13 Mercury?

14 A. I wanted to run a check for stolen on that number
since it
15 didn't have a tag to check, and I also wanted to
attempt to
16 locate a registered owner from the vehicle by using
that
17 number.

18 Q. After copying down the VIN number, what did you do?

was
the
I

19 A. I then entered the front seat area of car, the door
20 still open. I got in the front seat, looked around in
21 front seat, under the front seat, in the glove box, and
22 looked into the back seat.

23 Q. What did you see in the front seat?

a piece
and an

24 A. There was a blue ball cap laying on the front seat;
25 of white, lined writing paper with some writing on it;

6880

Charles Hanger – Direct

about a

1 envelope, legal-sized envelope, white, sealed, and
2 quarter to half inch thick.

please.

3 Q. Can you take a look at Government Exhibit 468,

4 A. I have it.

way the

5 Q. And to the best of your recollection, is that the
6 content of the front seat of the Mercury looked on
April 19?

7 A. Yes.

468,

8 MR. GOELMAN: Move to admit Government Exhibit
9 your Honor.

10 MR. WOODS: No objection.

11 THE COURT: 468 received.

12 BY MR. GOELMAN:

13 Q. Describe what we're seeing in that picture, Officer
Hanger.

14 A. Looking into the front seat area of the Mercury
from the

15 opened right-hand passenger door.

16 Q. Okay. And what items are we looking at in this
photograph?

17 A. You can see the ball cap, the lined writing paper,
and just

18 a corner of the envelope.

19 Q. Did you see whether the lined writing paper had
anything

20 written on it?

21 A. I can't --

22 Q. Not in that picture. At the time that you were in
the car?

23 A. Yes, at the time that I was in the car, I
recognized it had

24 some writing on it.

25 Q. Do you remember what that writing was?

6881

Charles Hanger - Direct

1 A. No, I do not.

2 Q. I want to show you another picture now; it's
Government

3 Exhibit 466. Just a different angle.

4 Did you find 466?

5 A. Do you want one in here, also?

6 Q. Yeah.

7 A. I have it.

8 Q. And is that a -- also a depiction of the contents
of the
9 front seat from the other side?

10 A. Yes.

11 Q. Is that the way it looked when you first saw the
interior
12 of the car on April 19?

13 A. Yes.

14 MR. GOELMAN: Move to admit Government 466,
your
15 Honor.

16 MR. WOODS: No objection.

17 THE COURT: 466 received and may be shown.

18 BY MR. GOELMAN:

19 Q. And do you see the envelope that you saw in the
front seat
20 of the Mercury in this picture?

21 A. Yes, I do.

22 Q. Would you please circle it.

23 You said the envelope was sealed. Was there
any
24 writing at all on the outside of the envelope?

25 A. No.

6882

Charles Hanger – Direct

1 Q. What did you do after you searched the interior of
2 Mr. McVeigh's car?

3 A. I went back to my unit.

4 Q. What did you do there?

5 A. I again called the dispatcher and asked her to run
a check

6 on the vehicle identification number that I had
obtained and to

7 check for stolen and also to check the state of Kansas
and

8 Oklahoma for a registration check.

9 Q. Was that vehicle stolen?

10 A. No.

11 Q. And did she find a registration in Kansas or
Oklahoma?

12 A. No, she did not.

13 Q. Why did you pick those two states, Kansas and
Oklahoma, to

14 run your check?

15 A. Well, we were in Oklahoma, so I always check
Oklahoma. And

16 he had -- Mr. McVeigh had informed me that he had
bought it in

17 Kansas.

the 18 Q. What did you do when the dispatcher couldn't find
19 registration in either of those two states?
the 20 A. Well, I asked her -- there was a safety sticker on
21 front windshield; I thought it was the state of
Missouri, and I 22 asked her to check with the state of Missouri also.
23 Q. Did Mr. McVeigh say anything to you also?
24 A. Yes, he did.
25 Q. What?

6883

Charles Hanger - Direct

1 A. He spoke up and said, "That's an Arkansas safety
sticker."
2 Q. What did you do with that information?
3 A. I told the dispatcher to run it through the state
of 4 Arkansas.
5 Q. While you wait for a reply from the registration
check, did 6 you have any further conversation with Mr. McVeigh?
7 A. Yes. I asked Mr. McVeigh where he was coming from.
8 Q. And what did he say?
9 A. He said that he'd recently moved to Arkansas and
had taken 10 a load of his belongings down there and was on his way
back to

11 get more of his belongings.

12 Q. Did he say where he was on his way back to?

13 A. No, he didn't.

14 Q. Was it clear to you from the previous conversation
and from

15 the direction that Mr. McVeigh was headed when you
pulled him

16 over where he was going back to?

17 A. It was my opinion he was going back to Junction
City,

18 Kansas.

19 Q. And why was that your opinion?

20 A. That's where he had bought the car and that's where
he had

21 traded in the car that had broken down.

22 Q. Did you ask Mr. McVeigh anything else at that
point?

23 A. Yes, I did.

24 Q. What's that?

25 A. I had also asked him how to get into his car, into
the

6884

Charles Hanger - Direct

1 trunk.

2 Q. Did you ask him whether or not he wanted you to
leave his

3 car there?

4 A. Yes, I did.

5 Q. And why did you ask him that?

6 A. I asked him if he wanted me to tow the car or leave
it at
7 the roadside. And I explained to him the difference,
that if I
8 impound the car, I'll make a inventory of it and list
his
9 property for his protection, and if he leaves it at the
10 roadside, it will be left at his own risk.

11 Q. What did Mr. McVeigh want you to do?

12 A. He said, "Just leave it."

13 Q. Did you ask him anything further then?

14 A. I asked him if he wanted anything out of it.

15 Q. What did he say?

16 A. He said no.

17 Q. Did you ask him if he wanted anything in particular
out of
18 the car?

19 A. Yes. I said, "What about the sealed envelope
that's on the
20 seat?"

21 Q. And what was his response?

22 A. He said, "No, leave it there."

23 Q. Did Mr. McVeigh seem to know what envelope you were
talking
24 about?

25 A. Yes.

6885

Charles Hanger - Direct

1 Q. He didn't ask what are you talking or what envelope
or

2 anything?

3 A. No. He just replied to the question.

4 Q. And you mentioned that you asked Mr. McVeigh
something

5 about his trunk also during that period of time?

6 A. Yes. When I'd searched it earlier, I didn't see a
trunk

7 key on the keys that were in the ignition, so I asked
him how

8 to get into his trunk.

9 Q. And did he tell you how to get into his trunk?

10 A. Yes.

11 Q. What did he tell you?

12 A. He told me that I'd have to push a release button
that was

13 in the glove box.

14 Q. Did you do that?

15 A. Yes, I went to the right-hand side of the car to do
that

16 and the door was locked and so I went back around to
the

17 driver's side and got in and hit the button and opened
the

18 trunk.

19 Q. What was in Mr. McVeigh's trunk?

20 A. Not much of anything. There was a little toolbox
in there

21 with some hand tools, some rags, some of them were
soiled, some

22 leaves and twigs, that's it.

23 Q. What did you do after conducting the search of

24 Mr. McVeigh's trunk, Officer Hanger?

25 A. I shut the trunk and I locked the automobile. And
came

6886

Charles Hanger – Direct

1 back to my unit.

2 Q. And what did you do then?

3 A. I backed my unit up. We waited for traffic to
clear, I

4 crossed the center median and we went south on
Interstate 35

5 en route to the Noble County Jail.

6 Q. Where is the Noble County Jail?

7 A. That's in Perry, Oklahoma, located in the
courthouse.

8 Q. How long did the ride to the jail take from where
you

9 pulled over and ultimately arrested Mr. McVeigh?

10 A. No more than 20 minutes.

11 Q. What was the ride like in terms of atmosphere or
12 conversation that you and Mr. McVeigh had?

13 A. There wasn't much conversation. He was concerned
about how
14 he could get his weapon back.

15 Q. What did you tell him?

16 A. I told him that he'd have to contact the court or
have an
17 attorney to contact the court and see how that could be
done.

18 Q. Did Mr. McVeigh show any signs of being upset?

19 A. No.

20 Q. Did he display any signs of panic?

21 A. No.

22 Q. Did he show any signs of being the least bit
excited?

23 A. No.

24 Q. Or scared?

25 A. No.

6887

Charles Hanger - Direct

1 Q. Officer Hanger, where was Tim McVeigh during the
ride to
2 the Noble County Jail on April 19?

3 A. He's still sitting in the same seat that I'd put
him in
4 initially in the right front passenger seat.

5 Q. And did you later find something on the floor of
your
6 patrol car behind where Mr. McVeigh had been sitting?
7 A. Yes, I did.
8 Q. Can you describe that for the jury, please.
9 A. On the morning of the 22d, which would be the next
shift
10 that I worked after completing my shift on the 19th,
I'd went
11 to work that day, and I made a search of the, visual
search of
12 the area of my car. I always look at the floorboards
and the
13 seats to see if anything that might have been left in
there
14 that could be used as a weapon. And while I was doing
that, I
15 looked in the right rear floorboard and there was a
crumpled-up
16 white business card laying in the floorboard.
17 Q. Had you ever seen that business card before,
Officer
18 Hanger?
19 A. No.
20 Q. Who was the last prisoner you had transported
before
21 finding that business card?
22 A. Mr. McVeigh.
23 Q. Would you please take a look at Government Exhibit

24 which should also be in your folder.

25 A. Is this 418A?

6888

Charles Hanger – Direct

1 Q. Yeah, there should be 418, the original as well,
418A. But

2 keep 418A out. You're going to be looking at that in a
second.

3 A. I have both of them.

4 Q. Okay. And is Government Exhibit 418 that business
card

5 that you found on the floor of your patrol car?

6 A. Yes.

7 MR. GOELMAN: Your Honor, we move to admit
Government

8 Exhibit 418.

9 MR. WOODS: No objection.

10 THE COURT: 418 received.

11 BY MR. GOELMAN:

12 Q. Would you take a look at Government Exhibit 418A,
please.

13 A. Yes.

14 Q. And is that nothing more than a clearer copy of
Government

15 Exhibit 418?

16 A. Yes.

17 MR. GOELMAN: Move to admit Government Exhibit

418A,

18 your Honor.

19 MR. WOODS: No objection.

20 THE COURT: It's received, also.

21 MR. GOELMAN: May I publish?

22 THE COURT: Yes.

23 BY MR. GOELMAN:

24 Q. Could you read the big writing on the front of that
25 business card, please.

6889

Charles Hanger – Direct

1 A. It says, "Paulsen's Military Supply."

2 Q. Okay. I want to show you the back of the card and
have you

3 read that as well.

4 A. In big capital letters it says, "Dave," and then in
5 parentheses, it says "(TNT @ \$5 a stick. Need more.)"
Below

6 that is a telephone number that says, "708-288-0128."
Below

7 that in printing it says, "Call after 1 May see if I
can get

8 some more."

9 MR. GOELMAN: Your Honor, at this time I would
ask the

10 Court to read a stipulation reached by the parties to

11 Mr. McVeigh's handwriting.

12 MR. WOODS: We do stipulate to that
handwriting, your

13 Honor.

14 THE COURT: All right. You want the whole
thing?

15 MR. GOELMAN: It's page 4 of the table of
contents of

16 the McVeigh handwriting stipulation. Nothing more than
the

17 writing on the back of the card.

18 THE COURT: 418. All right.

19 Well, let me again remind you, members of the
jury: A

20 stipulation means an agreement with respect to certain
facts;

21 and of course when facts are agreed upon, we accept
them as

22 true without the necessity of proof by other evidence,
and in

23 this matter it has been agreed by both sides that the
document,

24 418, which you've just seen -- 418A, a copy of it, was
written

25 by Timothy James McVeigh.

6890

Charles Hanger - Direct

1 MR. GOELMAN: Thank you, your Honor.
2 BY MR. GOELMAN:

Jail, 3 Q. What did you do when you got to the Noble County
4 Officer?

5 THE COURT: I should make it clear, the
handwriting on
6 it is written by Timothy McVeigh, rather than the
printing.

7 MR. WOODS: Thank you, your Honor.

8 MR. GOELMAN: Thank you, your Honor.

9 BY MR. GOELMAN:

Noble 10 Q. Officer Hanger, what did you do when you got to the
11 County Jail in Perry, Oklahoma?

of the 12 A. Upon arriving at the jail, I took Mr. McVeigh out
13 unit, the 13 unit and we went back to the trunk of my area -- my
14 placed in 14 trunk area, and I removed the evidence that I had
15 there earlier.

16 Q. Where did you take Mr. McVeigh then?

fourth 17 A. Then I took him into the courthouse and up to the
18 floor which is the jail area.

19 Q. Did you take him to a particular area in the jail?

20 A. Yes, to the booking room.

21 Q. What's the booking room?

personal 22 A. That's where all prisoners are processed, their

23 information is recorded, their personal property is
taken from
24 them and recorded, they're photographed, fingerprinted,
before
25 they're placed in a cell.

6891

Charles Hanger - Direct

1 Q. What is in the booking room?

2 A. In the booking room there's a large counter which
is the
3 booking counter, covers about three-quarters of the
width of
4 the room. Also a computer, desk that it sits on, and
another
5 desk that has a TV on it.

6 Q. Do you remember if the television was on when you
brought
7 Mr. McVeigh in on April 19?

8 A. Yes, it was.

9 Q. Do you remember what it was showing?

10 A. They were showing coverage of the bombing in
Oklahoma City.

11 Q. What was the nature of that television coverage?

12 A. They were showing pictures of the building that had
been
13 bombed and also pictures of the parking lot and
destroyed cars
14 in the area of the building.

time
15 Q. Was there anyone else in the booking room at that
16 besides you and Mr. McVeigh?
17 A. The jailer was there, Mrs. Marsha Moritz.
any way?
18 Q. And did you and Mrs. Moritz discuss the bombing in
19 A. Yes.
20 Q. What was the nature of your conversation?
doubt
21 A. We were talking about how tragic it was and how no
22 that many people had been killed and many injured.
you and
23 Q. What was Mr. McVeigh doing during this time when
24 Mrs. Moritz were discussing the bombing?
was just
25 A. At times he was looking at the TV and at times he

6892

Charles Hanger – Direct

1 looking away.
2 Q. Did he join in your discussion of the bombing?
3 A. No.
4 Q. Did he make any comments whatsoever?
5 A. No.
shown on the
6 Q. What was his reaction to the devastation being
7 television screen?
8 A. There was no reaction.

9 Q. What did you do after bringing Mr. McVeigh to the
booking
10 room?
11 A. I then went to the desk behind, to the north of the
booking
12 area, where the computer's located and began working on
a
13 probable cause affidavit.
14 Q. And how far is the desk that you were working at
from the
15 booking area?
16 A. 5 or 6 feet.
17 Q. Do you remember what charges you filed against Mr.
McVeigh?
18 A. Yes.
19 Q. What were they?
20 A. Transporting a loaded firearm in a motor vehicle,
21 unlawfully carrying a weapon, failure to display a
current
22 number plate, which is a tag, on a motor vehicle and
failure to
23 maintain proof of security, which is liability
insurance.
24 Q. Officer Hanger, earlier you described how you got
25 Mr. McVeigh's driver license from him. Did you ever
give that

1 back to Mr. McVeigh during the traffic stop?

2 A. No.

3 Q. What did you do with it?

4 A. I stuck it in my left rear pocket, pant pocket.

5 Q. And what did you do with it when you brought Mr.
McVeigh to

6 the Noble County Jail in the booking area?

7 A. I gave it to the jailer.

8 Q. Why did you give it to the jailer?

9 A. They use that as a -- recording information off
that to put

10 on the booking card.

11 Q. And what is a booking card?

12 A. A booking card has the name of the prisoner that
you're

13 booking in with some other information, their
occupation, date

14 of birth, Social Security number. I think they list
tattoos,

15 scars, or marks.

16 Q. Does the jail fill one of those out for every
prisoner that

17 it takes in?

18 A. Yes.

19 Q. And does the booking card also include place for
listing

20 someone as the prisoner's next of kin?

21 A. Yes.

on the 22 Q. When Mr. McVeigh was being booked in and you were
between him 23 computer, were you listening to any conversation
24 and Mrs. Moritz?
25 A. Yes.

6894

Charles Hanger - Direct

1 Q. Why were you doing that?
2 A. I pay attention to what's going on. I don't listen
in on 3 every word, but I try to listen to the demeanor of the
4 prisoner, make sure that the jailer's not having any
problems.
5 Q. What was Mr. McVeigh's demeanor when he started
talking to 6 Mrs. Moritz?
7 A. He was very calm and cooperative.
8 Q. Did you hear anything unusual while you were at the
9 computer?
10 A. Yes.
11 Q. Tell us about that.
12 A. I had heard Mrs. Moritz ask him who he wanted to
list as 13 next of kin. And he didn't say anything. And I heard
her ask 14 that same question again. He still didn't say
anything. So

15 I --

16 Q. Mr. McVeigh just didn't have any response to those
17 questions?

18 A. No, he didn't respond at all.

19 Q. What did you do at that time?

20 A. So I got up from the chair that I was sitting in at
the
21 computer and walked up to the booking counter.

22 Q. Why did you do that?

23 A. I didn't know whether she was going to have
problems or

24 what. He had been cooperative up to that point, and I
just

25 wanted to be there in case there was a problem.

6895

Charles Hanger - Direct

1 Q. Okay. What happened when you got to the booking
counter?

2 A. I asked him, I said, "Well, what about this address
listed
3 on the driver's license?" She was trying to explain to
him

4 that the only reason that she wanted that information
was in

5 case he would get sick or something, they weren't going
to call

6 and tell his next of kin that he was in jail, but they
wanted

7 someone to contact in case of an emergency.

8 And I said, "Well, what about the address
listed on

9 the license?" I said, "Who lives there?"

10 Q. When Mrs. Moritz was explaining to Mr. McVeigh that
the

11 only reason she wanted name of next of kin was in case
he got

12 sick or something, did he give her a name at that
point?

13 A. Not initially, no.

14 Q. Okay. Did Mr. McVeigh eventually provide a name?

15 A. Yes.

16 Q. And when was this?

17 A. That was after I'd asked him who lived at that
address.

18 Q. What did he say?

19 A. He said that was a place that he had stayed; it was
a --

20 belonged to a brother of a friend that he was in the
military

21 with.

22 Q. And did Mrs. Moritz say anything at that point?

23 A. She said, "Well, do you want to use that?" And he
said

24 yes.

25 Q. What name did Mr. McVeigh give for next of kin?

Charles Hanger - Direct

I 1 A. The last name was Nichols. At that particular time
2 couldn't remember what the first name was.

find 3 Q. Could you take a look again inside your folder and
4 Government Exhibit 427.

it or 5 A. This isn't clearly marked. I'm not sure if that's
6 not.

driver's 7 Q. Officer, Exhibit 427 is -- it looks a lot like a
8 license.

9 A. I see the license, but I don't see a number.

anything's 10 Q. Okay. Can you look on your screen and see if
11 depicted there.

12 A. Yes.

13 Q. What is that?

to me 14 A. That's the driver's license that Mr. McVeigh handed
15 that morning.

admit 16 MR. GOELMAN: Your Honor, Government moves to
17 Exhibit 427.

18 MR. WOODS: No objection, your Honor.

19 THE COURT: 427 received.

20 MR. GOELMAN: May I publish?

21 THE COURT: Yes.

22 BY MR. GOELMAN:

23 Q. Is that the driver's license that you got from Mr.
McVeigh

24 April 19, Officer Hanger?

25 A. Yes.

6897

Charles Hanger - Direct

1 Q. Would you please read the street address listed on
that

2 license into the record.

3 A. That is 3616 North Van Dyke Road in Decker,
Michigan. ZIP

4 48426.

5 Q. Thank you. And now could you look -- I hope these
are

6 labeled a little bit better -- inside the folder for
7 Government's Exhibits 420, 422, and 423.

8 A. I have 420 and 422, and this other one doesn't have
a

9 number on it.

10 Q. Officer Hanger, is there a number on the back of
that

11 exhibit, maybe?

12 A. Yes, 423.

13 Q. So you've found all of them?

14 A. Yes.

15 Q. And are they all records that are made for
prisoners when

16 they check into the Noble County Jail?

17 A. Two of them are. One of them is a document that I
fill

18 out.

19 Q. What is the document that you fill out?

20 A. It's a confiscated property report.

21 Q. And are all three documents related to Mr.
McVeigh's

22 arrest?

23 A. Yes.

24 MR. GOELMAN: Move to admit 420, 422, 423,
your Honor.

25 MR. WOODS: No objection.

6898

Charles Hanger – Direct

1 THE COURT: They are received.

2 MR. GOELMAN: May I publish 420?

3 BY MR. GOELMAN:

4 Q. Officer Hanger, do you see the exhibit that is
displayed on

5 the screen below you?

6 A. Yes, I do.

7 Q. Can you read the name listed there?

8 A. At the top.

9 Q. Yeah.

10 A. It's Timothy James McVeigh.

11 Q. And what's the address?

12 A. 3616 North Van Dyke Road in Decker, Michigan.

13 Q. Where does Mrs. Moritz get the addresses that she
puts on

14 booking cards?

15 A. Normally from the driver's license.

16 Q. Okay. And can you go down to where it says next of
kin?

17 A. Yes.

18 Q. What does it say there?

19 A. James Nichols.

20 Q. Does it give a phone number?

21 A. Yes.

22 Q. What's that number?

23 A. I can't make out the second letter. It's either
507 or

24 517. And then it says 882-4018.

25 Q. Okay. Are you sure the second number of the number
itself

6899

Charles Hanger - Direct

1 is a 8 and not a 7?

2 A. Looking at the actual exhibit, not on the screen,

it's

3 clearer it shows 512. 872-4018.

4 Q. 512?

5 A. Yes.

6 Q. Where does Mrs. Moritz --

7 MR. WOODS: Your Honor, we'll stipulate it's
517. 512

8 is Austin, Texas, ZIP code.

9 MR. GOELMAN: Thank you.

10 Your Honor, we'll accept that stipulation.

11 THE COURT: All right.

12 BY MR. GOELMAN:

13 Q. Did Mr. McVeigh explain to you why he had been so
hesitant

14 to give you the name Nichols?

15 A. No.

16 Q. Did he explain why he hadn't answered the question
about

17 the next of kin the first three times it was asked?

18 A. No.

19 Q. Let's turn to another part of the booking process,
Officer

20 Hanger. Are prisoners that are booked into the Noble
County

21 Jail photographed?

22 A. Yes, they are.

23 Q. Does that happen to all prisoners as part of
intake?

24 A. Yes.

25 Q. How is this done?

6900

Charles Hanger - Direct

1 A. Prior to his photographing, we ask him to remove
his jacket
2 that he'd had on. It was taken off, and also the
holster that
3 he had on. Then he is asked to go to a corner -- the
southwest
4 corner of the jail where there is a height chart. He's
asked
5 to stand in front of that height chart. He's holding a
sign
6 that has his booking number, the date, and it says
"Noble
7 County Jail" on the sign.

8 Q. Do you remember asking Mr. McVeigh to take his
jacket off
9 that morning?

10 A. Yes.

11 Q. Did he comply?

12 A. Yes, sir, he did.

13 Q. What did you see when he took his jacket off?

14 A. He had on a light-colored T-shirt and on the front
of it
15 was a picture of Abe Lincoln and some writing below
that.

16 Q. Did you see what that writing said?
17 A. I saw the writing was there, but I didn't read it.
18 Q. Did you see Mr. McVeigh's photograph taken?
19 A. Yes.
20 Q. Who took it?
21 A. The jailer, Marsha Moritz.
22 Q. And where were you at the time?
23 A. I was standing there in the area watching her
photograph
24 it.
25 Q. After Mr. McVeigh was photographed, what happened?

6901

Charles Hanger - Direct

jailer
if I
changing
supervised, but
wouldn't

1 A. Then he is asked to change his clothes, and the
2 handed him a paper sack and some jail clothes and asked
3 would go with him to observe him changing his clothes.
4 Q. And why did you have to go with him to observe him
5 into jail clothes?
6 A. The people that are changed out are always
7 since we had a male prisoner and a female jailer, it
8 have been appropriate for her to go, so I went.
9 Q. Where did Mr. McVeigh change into jail clothes?

of the 10 A. It's a little room across the hallway to the south

11 booking room.

the back 12 Q. During that process, did you get a chance to see

13 of the T-shirt that he was wearing?

14 A. Yes.

15 Q. Would you describe that, please.

16 A. It had a large tree on it with some writing.

17 Q. Do you remember what the writing was?

18 A. No.

after he 19 Q. Did you see what Mr. McVeigh did with the T-shirt

20 took off his civilian clothes?

to him. 21 A. He put it in the paper sack that had been provided

shirt 22 Q. Do you know whether Mrs. Moritz also noticed the T-

23 that Mr. McVeigh was wearing on that day?

24 A. Yes.

25 Q. How do you know that?

6902

Charles Hanger - Direct

had made 1 A. After Mr. McVeigh had been placed in a cell, she

he had 2 the comment to me, "Wasn't that a strange T-shirt that

3 on?"

4 I said, "What do you mean?"

5 She said, "Well, it had a strange saying on
it."

6 And I said, "Well, I didn't read it."

7 And she didn't recall exactly what it said,
but she

8 thought it was odd.

9 Q. Can you take a look and see if you can find
Government

10 Exhibit 421.

11 A. I have it.

12 Q. What is that?

13 A. That is a booking photo of Mr. McVeigh the day he
was

14 booked into the county jail.

15 Q. Is that what he looked like when he was booked into
the

16 Noble County Jail on April 19?

17 A. Yes.

18 MR. GOELMAN: Move to admit Government Exhibit
421,

19 your Honor.

20 MR. WOODS: No objection.

21 THE COURT: Received, 421.

22 BY MR. GOELMAN:

23 Q. Can you see any of the part of the T-shirt that you
saw on

24 that day, Officer Hanger?

25 A. Yes, I can see the front of it. The sign is
partially

6903

Charles Hanger – Direct

1 covering up Abraham Lincoln's face, but you can see
from about
2 his forehead up.

3 Q. Okay. Thank you.

4 MR. GOELMAN: Your Honor, may I approach?

5 BY MR. GOELMAN:

6 Q. Do you have Government Exhibit 429 up there?

7 A. Yes.

8 Q. Okay. And without showing it to the jury because
it's not
9 in evidence yet, Officer Hanger, could you see if you
recognize
10 this exhibit?

11 A. May I take it out?

12 Q. Sure.

13 A. Yes, that's the same T-shirt that Mr. McVeigh had
on that
14 morning.

15 Q. How do you know that that's the same T-shirt?

16 A. It has the same picture of Abe Lincoln with some
writing

17 below it and the picture of the tree on the back with

writing

18 on it.

19 Q. Had you ever seen a shirt like that before April
19?

20 A. No.

21 MR. GOELMAN: Your Honor, I move to admit
Government

22 Exhibit 429.

23 MR. WOODS: No objection.

24 THE COURT: 429 is received.

25 MR. GOELMAN: May I publish, your Honor?

6904

Charles Hanger – Direct

1 THE COURT: Yes.

2 BY MR. GOELMAN:

3 Q. Could you please read what the back of the shirt
says.

4 A. It says: "The tree of liberty must be refreshed
from time

5 to time with the blood of patriots and tyrants." And
below

6 that it says, "T. Jefferson."

7 Q. And is there a picture on the back of the shirt?

8 A. Yes. It's a large tree, and it has red blood
droplets.

9 Q. Can you please hold that up and show the back of
the shirt

10 to the jury.

11 THE COURT: You may do that.

12 BY MR. GOELMAN:

13 Q. Thank you, Officer Hanger.

14 After you booked Timothy McVeigh into the
Noble County

15 Jail that day, Officer Hanger, did you have any more
contact

16 with him?

17 A. No.

18 Q. So all your contact with Mr. McVeigh was on April
19?

19 A. Yes.

20 Q. How long did you spend with him that morning?

21 A. About a hour and a half.

22 Q. And how would you describe his demeanor during that
hour

23 and a half you spent together?

24 A. For the most part, except during the time he didn't
answer

25 the question on next of kin, it was very calm and
polite,

6905

Charles Hanger - Direct

1 cooperative.

2 Q. And except for the questions about next of kin, did
his

3 demeanor change at all throughout the course of the
time that

4 you spent together?

5 A. No.

6 Q. Was there anything about the way that Timothy
McVeigh

7 looked, acted, or spoke on the morning of April 19,
1995, that

8 led you to suspect that he had just detonated the bomb
that

9 destroyed the Murrah Building?

10 A. No.

11 Q. Let's turn to April 21, 1995, Officer Hanger. Two
days

12 after the bombing, did you learn that federal
investigators

13 suspected the man who you had arrested as being
involved in the

14 bombing?

15 A. Yes.

16 Q. And did you accompany agents on that day back up to
where

17 you had left Mr. McVeigh's car on the highway?

18 A. Yes, I met them at the location of where the car
had been

19 left.

20 Q. You met them there?

21 A. Yes.

22 Q. What did you find there?

23 A. The car that Mr. McVeigh was driving at the time

that I

24 arrested him was still sitting where it had been left.

25 Q. And did it look like anything had changed with that
car?

6906

Charles Hanger - Direct

1 A. No.

2 Q. Did you look inside the car?

3 A. Yes. I looked through the windows, into the car,
and

4 everything looked the same as I had left it.

5 Q. Had you locked the car before you left on April 19?

6 A. Yes.

7 Q. And do you know whether it was still locked on
April 21

8 when you met federal agents up there?

9 A. Yes, it was.

10 Q. One final area of questioning, Officer Hanger.
When you

11 arrested Tim McVeigh and searched his car, did you see
if he

12 had a suitcase or duffel bag or any kind of bag of
clothing in

13 there?

14 A. He didn't have.

15 Q. Did you see if he had a change of clothes?

16 A. There was none.

17 Q. I want you to look again at Government Exhibit 410
which
18 you previously identified, and has been introduced into
19 evidence.
20 A. I have it.
21 Q. And again, using the light pen, point out where Mr.
McVeigh
22 was when you first pulled him over.
23 A. Right there in that area.
24 Q. About how far is that from the Kansas border?
25 A. About 35 miles.

6907

Charles Hanger - Direct

1 Q. And can you point out Oklahoma City on this map,
please.
2 Officer Hanger, if you were in Oklahoma City
and you
3 wanted to get to Arkansas, how would you get there?
4 A. I would go east on Interstate 40.
5 Q. Officer Hanger, do you know where Kingman, Arizona,
is?
6 A. Yes.
7 Q. And if you were in Oklahoma City and you wanted to
get to
8 Kingman, Arizona, how would you get there?
9 A. I would go west on Interstate 40.

and you 10 Q. Is there any reason if you were in Oklahoma City
miles 11 wanted to get to one of those two places, to travel 80
12 north on Interstate 35?

13 A. I don't see any reason.

from 14 Q. Officer Hanger, were you asked by the FBI to drive
the point 15 where the Murrah Building stood before the bombing to
16 where you pulled Mr. McVeigh over?

17 A. Yes.

18 Q. What route did you take to do that?

Interstate 19 A. Took city streets over the Interstate 235, up to
20 44, and then Interstate 35 north.

Building to 21 Q. And how far is it from the site of the Murrah

April 19? 22 where you first noticed Mr. McVeigh on the morning of

23 A. It was 77.9/10 miles.

that route? 24 Q. What speeds were you traveling at when you took

19th, 25 A. At the posted speeds that were posted on April the

6908

Charles Hanger – Direct

1 1995.

2 Q. And how long did it take you?

3 A. 75 minutes and 15 seconds.

4 Q. How much longer would it have taken you to reach
the Kansas

5 border if you continued at that speed on I-35?

6 A. Oh, around 30 minutes.

7 Q. And driving at the speed that was posted in April,
1995,

8 what time would you have arrived at that mile marker
where you

9 arrested Tim McVeigh if you left at 9:02 in the
morning?

10 A. Shortly after 10:17 a.m.

11 Q. About what time did you pull Mr. McVeigh over,
Officer

12 Hanger?

13 A. A little before 10:20 a.m.

14 MR. GOELMAN: Nothing further.

15 THE COURT: Mr. Woods.

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

17 CROSS-EXAMINATION

18 BY MR. WOODS:

19 Q. Good morning, Trooper Hanger.

20 A. Good morning.

21 Q. My name is Ron Woods. I'm one of lawyers that's
appointed

22 to help Terry Nichols. You and I have never had a
chance to

23 talk about this case, have we?

24 A. No, sir.

got a 25 Q. Okay. That morning when you turned around and you

6909

Charles Hanger - Cross

1 dispatch to not go to Oklahoma City but to turn and
just patrol

2 your area; is that correct?

3 A. Yes.

4 Q. How fast were you going when you passed the car
that

5 Mr. McVeigh was in?

6 A. I was running 90 to a hundred miles an hour.

7 Q. What was the reason you were going so fast?

8 A. On Sunday, Sunday just prior to the 19th, it would
have

9 been Easter Sunday, I had investigated an accident east
of the

10 community of Billings, Oklahoma, on State Highway 15,
which is

11 just west of Interstate 35. And I wanted to go up
there and

12 view that area to see if there was any physical
evidence that I

13 had missed because the accident had occurred during
hours of

14 darkness, and I was afraid I was going to be sent back
to

that 15 Oklahoma City, and I wanted to get this complete before

16 might have happened, so I was rushing up there.

17 Q. And so you passed Mr. McVeigh how fast,
approximately,

18 would you estimate that he was going?

19 A. I couldn't even estimate it. I don't know.

were 20 Q. Did you have your lights and siren going as you

21 driving a hundred miles an hour?

22 A. No, I did not.

license 23 Q. And you just happened to look over and see the

24 plate was not there?

25 A. Yes.

6910

Charles Hanger – Cross

McVeigh, 1 Q. Could you see if there was any other car near Mr.

2 either in front or the rear?

around 3 A. I didn't take any note of other traffic that was

could 4 him. The interstate is usually busy. There very well

5 have been, but I didn't take note of it.

about how 6 Q. And when you stopped him, can you tell the jury

7 long it was before you turned on your camera?

8 A. It was after I had had him arrested, placed the
evidence in
9 the trunk, ran the checks, went back, took the gun back
to the
10 trunk, and then came back that I turned on the camera,
but I
11 don't recall the exact time. A few minutes.

12 Q. Can you give us an approximation of how long it was
before
13 you turned that on?

14 A. From the time of the stop until that point, less
than 10
15 minutes.

16 Q. Okay. Isn't it your practice usually to have the
camera
17 going as you get out of the car and go up to talk to
the
18 individual?

19 A. If it's something that you think that you're going
to need
20 to document. If you're stopping a vehicle that's
driving
21 erratically and you think you have a DUI, well, then,
yes, you
22 would turn it on and record that information because
that would
23 be pertinent to your case, but I didn't feel like it
was
24 necessary in this instance.

25 Q. Okay. So you felt that you should turn it on once
you

6911

Charles Hanger - Cross

1 started talking to Mr. McVeigh in the car; is that
correct?

2 A. Yes. I wanted to be able to document the
conversation. I

3 knew that I was going to read him his Miranda warning.
I

4 wanted that documented, and I wanted to document the
entire

5 conversation.

6 Q. Okay. And is that a practice that is taught there
in

7 Oklahoma; that when you're talking with a suspect, you
normally

8 try to record the conversation?

9 A. I wouldn't say that it's a practice that is taught.
But a

10 lot of times I do do that.

11 Q. Well, you've gone to all the police schools in
Oklahoma, I

12 take it, haven't you, to become a trooper and to
maintain your

13 certification?

14 A. I attended the training academy in Oklahoma City
and then

15 receive additional training each year.

16 Q. During that training, haven't they taught you to
tape-

17 record the interviews of suspects?
18 A. It's -- I've never had a school where they said
that was a
19 mandate. I know of no patrol policy that mandates
that.
20 Q. How familiar are you with that camera? How long
had it
21 been in your car that you had been operating it?
22 A. I don't recall exactly how long I'd had that. It
had been
23 a few months. I hadn't had it a long time.
24 Q. Was this a new installation? You hadn't had a
camera
25 before?

6912

Charles Hanger - Cross

1 A. This was the first camera I'd ever had.
2 Q. So you'd had it for how many months?
3 A. I'd just have to give you a wild guess; I really
don't
4 recall.
5 Q. Give us a wild guess.
6 A. Six months.
7 Q. Okay. And you told the jury that you punched the
wrong
8 button, and you only got video rather than audio?
9 A. Yes. That camera has the capabilities of recording
the

outside 10 information inside the car as you're recording video
11 the car, and I just pushed the wrong two buttons.
to 12 Q. Okay. Now, have you reviewed that video from start
you turn 13 finish -- do you recall -- Let's start with when did
14 it off.
the 15 A. I believe I turned it off just prior to getting off
the 16 interstate at the Perry exit while we were en route to
17 Noble County Jail.
finish? 18 Q. Okay. Have you reviewed that video from start to
19 A. No.
20 Q. Did the FBI ever ask you to review it?
from 21 A. We looked at parts of it, but we didn't look at it
22 start to finish.
that had 23 Q. When you looked at it, did you see a brown pickup
24 stopped in front of McVeigh some distance up?
25 A. No.

6913

Charles Hanger – Cross

your 1 Q. Do you recall the media reports at that time that

2 video camera showed a brown pickup that had stopped --

3 MR. GOELMAN: Objection.

4 BY MR. WOODS:

5 Q. -- in front of McVeigh?

6 THE COURT: Sustained.

7 BY MR. WOODS:

8 Q. Did you ever have any information that you were
asked to

9 look at concerning a brown pickup that was stopped in
front of

10 the Mercury Marquis some distance up?

11 MR. GOELMAN: Same objection, your Honor.

12 THE COURT: Overruled.

13 THE WITNESS: Could you repeat the question,
please.

14 BY MR. WOODS:

15 Q. Yes. Did you ever have any information that there
was a

16 brown pickup that was stopped in front of McVeigh's
vehicle

17 some distance up the road at the time of your stop?

18 A. I had been asked if I had seen such a pickup.

19 Q. And did you look at your video in detail from start
to

20 finish to see if it was on there?

21 A. Not from start to finish.

22 Q. Did the FBI take it and look at it, to your
knowledge?

23 A. They took the video. I don't know what they -- how
24 extensive they looked at it.
25 Q. Did you ever get it back?

6914

Charles Hanger - Cross

1 A. No.
2 Q. When did they take it?
3 A. I turned it over to them, I believe, on the 27th of
April.
4 Q. Is that the first time they requested it?
5 A. Yes.
6 Q. Did they have a subpoena for it, or they just come
get it,
7 or what?
8 A. They asked for it, and I turned it over to an agent
in
9 Oklahoma City.
10 Q. Did you drive down there and give it to them?
11 A. I had to be down there for a court hearing that
day, and I
12 took it with me.
13 Q. Okay. Now, you told the jury that when you stopped
14 Mr. McVeigh and he came back and you all met there
behind the
15 car that you told him that you were stopping him for no
license
16 plate; is that correct?

17 A. Yes, for not displaying a tag.
tag 18 Q. And you said that he turned and looked at where the
19 should be.
20 A. Yes.
21 Q. Okay. Why did he do that?
22 MR. GOELMAN: Objection, your Honor.
23 THE COURT: Sustained.
24 BY MR. WOODS:
25 Q. Do you know what reaction he gave when he turned
and looked

6915

Charles Hanger - Cross

1 at the space?
2 A. I know what he said.
said 3 Q. What kind of reaction did you observe before he
4 anything?
5 A. I don't recall any reaction. His demeanor never
changed.
6 He looked at -- but he did turn and look at the bumper.
7 Q. Okay. And then he started telling you a reason why
he 8 didn't have the license plate; is that correct?
9 A. Yes.
10 Q. How much -- how many seconds passed there before he

started

11 telling you a version or a reason why he didn't have a
plate?

12 A. Oh, just almost immediately.

13 Q. Now, do you have that driver's license in front of
you,

14 sir? And that's going to be Exhibit No. 427.

15 A. Yes.

16 Q. Does that driver's license reflect a date of
issuance?

17 A. There's something that says "issued" up there, but
I can't

18 read it through this plastic.

19 Q. Do you need glasses for reading?

20 A. I'm just getting to that point in my life where I
--

21 Q. I know that feeling.

22 THE COURT: Maybe it's on the display one. Is
it?

23 MR. WOODS: Well, I'm sure the Government's
got a

24 computer hookup. Let me see if I can.

25 THE COURTROOM DEPUTY: There it is.

6916

Charles Hanger - Cross

1 MR. WOODS: Here we go. Thank you, very much.

2 THE WITNESS: Much clearer there.

3 BY MR. WOODS:

4 Q. This is a Michigan driver's license; is that
correct?

5 A. Yes.

6 Q. And on the top line, does it show a date of issue?
It says

7 "issued"?

8 A. It says "issue," but it really doesn't look like a
date.

9 It looks like it says D242294.

10 Q. It's hard to come up with a date in there.

11 A. I don't know what that is. I'm not familiar with
the

12 Michigan driver's license process.

13 Q. Okay. And then the next blank on the right, it
expires on

14 "Birthday '97"?

15 A. Yes.

16 Q. Okay, thanks.

17 Now, Trooper Hanger, you have never seen Terry
18 Nichols; is that correct? You certainly didn't see him
there

19 that day.

20 A. I've never seen him in person, until today.

21 Q. You didn't see him that day for certain.

22 A. No.

23 Q. Do you know what the reason was why the lawyers in
your

24 department wouldn't let you talk to us?

25 A. You'd have to ask them.

6917

Charles Hanger – Cross

1 MR. GOELMAN: Objection, your Honor.

2 THE COURT: He already answered, "You'd have
to ask
3 them."

4 MR. WOODS: Thank you, very much, Trooper. I
5 appreciate this opportunity to talk to you finally.

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

7 MR. GOELMAN: Just one question, your Honor.

8 THE COURT: Okay.

9 REDIRECT EXAMINATION

10 BY MR. GOELMAN:

11 Q. Officer Hanger, you told Mr. Woods that you weren't
paying
12 much attention to the other traffic when you initially
pulled
13 Mr. McVeigh over?

14 A. Yes.

15 Q. You also told him that you don't remember seeing
any brown
16 pickup truck.

17 A. Yes.

18 Q. If there had been a brown pickup truck stopped on

the

19 shoulder of I-35 ahead of Mr. McVeigh when you pulled
him over,

20 would you have noticed that?

21 A. Possibly. Possibly not. I wasn't focusing right
down the

22 road. If it would have been close, I would have
noticed it.

23 Q. If it was within 20 feet, would you have noticed
it?

24 A. Oh, yes.

25 MR. GOELMAN: Nothing further.

6918

Charles Hanger – Redirect

1 MR. WOODS: Your Honor, just a couple more
questions.

2 THE COURT: All right.

3 RECROSS-EXAMINATION

4 BY MR. WOODS:

5 Q. Trooper Hanger, do you recall testifying at the
bond

6 hearing for Mr. McVeigh?

7 A. Was that at the hearing in El Reno?

8 Q. Pardon me?

9 A. Was that at the hearing in El Reno?

10 Q. I believe it is, sir.

11 A. On the 27th of April?

12 MR. TIGAR: Excuse me.

13 MR. WOODS: May I have one second, your Honor?

14 THE COURT: Yes.

15 BY MR. WOODS:

16 Q. No, sir, I'm sorry. This was at the initial
hearing that

17 Friday on April the 21st, there in Noble County, in
front of --

18 you were being asked questions by Mark Gibson, the
assistant

19 district attorney. It was in front of Judge Danny
Allen.

20 A. I didn't attend that hearing.

21 Q. Okay. You were not present when Mr. Gibbons was
explaining

22 to the Court about Mr. McVeigh?

23 A. Mr. who?

24 Q. About Mr. McVeigh?

25 A. I didn't understand -- you said Mr. someone, and I
didn't

6919

Charles Hanger - Recross

1 understand who you said.

2 Q. Mr. Gibson, who is the assistant district attorney.

3 A. On the 21st of April, I was off that day. I didn't
attend

4 any hearing that day.

5 MR. WOODS: Okay. Thank you.

6 MR. GOELMAN: May be excused, your Honor.

7 THE COURT: Is that agreed?

8 MR. WOODS: Yes, your Honor. No further
questions.

9 THE COURT: You may step down. You're
excused.

10 Next, please.

11 MR. MACKEY: Your Honor, United States will
call FBI

12 Agent William Eppright. Mr. Goelman will present.

13 THE COURT: All right.

14 THE COURTROOM DEPUTY: Would you raise your
right

15 hand, please.

16 (William Eppright affirmed.)

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

18 THE WITNESS: Yes, ma'am.

19 THE COURTROOM DEPUTY: Would you state your
full name

20 for the record and spell your last name.

21 THE WITNESS: William Eppright, E-P-P-R-I-G-H-
T, III.

22 THE COURTROOM DEPUTY: Thank you.

23 THE COURT: Proceed.

24 DIRECT EXAMINATION

25 BY MR. GOELMAN:

William Eppright - Direct

1 Q. Mr. Eppright, what do you do for a living?

2 A. I'm a special agent with the Federal Bureau of
3 Investigation.

Court and

4 Q. Please briefly describe your education for the
5 the jury.

law and

6 A. I have a bachelor of arts degree in mathematics and
7 justice from Glassboro State College, now known as

Rowan

8 University, in New Jersey, and a master's of forensic
9 science
10 from George Washington University.

10 Q. What did you do after graduating from college?

in

11 A. I immediately took a support position with the FBI
12 Washington, D.C., at our headquarters.

13 Q. What's a support position?

worked in

14 A. I worked in various units at our headquarters. I
15 our identification division, which handled fingerprint

matters;

16 I worked in our budget and accounting section; I worked

in our

17 laboratory; and I briefly worked in our computer

division.

18 Q. How long have you been a special agent?

19 A. Approximately 12 years, going on 13.

20 Q. And have all those years been spent in one office?

21 A. Yes, sir. I've been in Dallas, Texas, for my
entire tour

22 as an FBI agent.

23 Q. Are you a member of the Dallas FBI office Evidence
Response

24 Team?

25 A. Yes, sir, I am.

6921

William Eppright - Direct

1 Q. Will you explain what that is.

2 A. An Evidence Response Team is a group, a team of
special
in the
of
3 agents and support personnel who are specially trained
4 recognition, recovery, preservation, and documentation
5 evidence which may be located at complex crime scenes.

6 Q. And how long have you been a member of the Dallas
ERT?

7 A. I've been a member since its inception in 1991.

8 Q. How many complex crime scenes have you worked as a
member
9 of the ERT?

10 A. I would estimate approximately two dozen.

and ERT 11 Q. In April 1995, were you serving as a special agent
12 team member in Dallas?
13 A. Yes, sir, I was.
14 Q. And on April 19, were you sent to Oklahoma City to
15 participate in the investigation of the bombing?
16 A. Yes, sir, I was.
17 Q. How did you get to Oklahoma City?
18 A. I drove my FBI vehicle.
19 Q. And about what time did you get there?
20 A. I arrived sometime in the midafternoon.
21 Q. Were you still in Oklahoma City two days later, on
22 April 21, 1995?
23 A. Yes, sir, I was.
FBI had 24 Q. And that afternoon, did you become aware that the
25 arrested a suspect in the bombing?

6922

William Eppright - Direct

that fact. 1 A. Yes, sir. Sometime that day, I became aware of
2 Q. And who was that suspect?
3 A. That suspect was Timothy McVeigh.
of 4 Q. Were you given an assignment related to the arrest
5 Mr. McVeigh?

6 A. Yes, sir, I was.

7 Q. What was that?

8 A. I was told that a vehicle that the suspect was
arrested in
I was
9 was going to arrive at our Evidence Control Center, and
10 instructed to go to the Evidence Control Center and
coordinate
11 and oversee a search that was going to be conducted of
the
12 vehicle.

13 Q. Did you go to the Evidence Control Center on April
21?

14 A. Yes, sir, I did.

15 Q. What time did you get there?

16 A. I arrived there sometime in the midafternoon, I
believe.

17 Q. And was this vehicle that you'd been assigned to
search
18 already there?

19 A. No, sir, it was not.

20 Q. When did you first see this vehicle?

21 A. I first saw the vehicle when it arrived at the
Evidence
22 Control Center sometime in the late afternoon.

23 Q. How did it arrive?

24 A. It arrived on a flatbed trailer that was being
towed by a
25 tow-truck driver.

6923

William Eppright - Direct

1 Q. Can you describe the vehicle on the flatbed?

2 A. Yes, sir. It was older. It was a yellowish,
brownish; and

3 it contained a good amount of primer or rust,
discoloration on

4 the rear quarter panel of the driver's side.

5 Q. And what did you do when the car was delivered to
the

6 warehouse?

7 A. At that point, I instructed that the vehicle be
located in

8 the rear of the warehouse.

9 Q. Please take a look at the exhibit on your screen,
10 Government's Exhibit 414. And it's already in
evidence. Do

11 you recognize the car depicted in that picture, not the
12 surroundings, necessarily?

13 A. Yes, sir, I do.

14 Q. Agent Eppright, could you please click your pen a
couple

15 times to remove the marks.

16 What happened after the Mercury was delivered
to

17 Oklahoma City?

18 A. After the Mercury was delivered, again I instructed
that

Center; 19 the car be located at the rear of the Evidence Control

vehicle. 20 and I immediately erected a perimeter around the

21 Q. What do you mean "a perimeter"?

anywhere 22 A. Well, I set up -- I instructed that no one go

tables and 23 close to the vehicle. And I prepared a work space,

the 24 chairs, awaiting to conduct or initiate the search of

25 vehicle.

6924

William Eppright - Direct

the car at 1 Q. And did you and other agents start the search of

2 approximately 6:40 that evening?

3 A. Yes, sir, we did.

you had 4 Q. What was your understanding of the authority that

5 to search that car?

authorizing us to 6 A. I understood that we had a search warrant

7 search the vehicle.

8 Q. Was the car locked, or unlocked, when it arrived in
9 Oklahoma City?

10 A. The vehicle was locked.

11 Q. And how did you gain entry?

opening
12 A. We gained entry with the use of a Slim Jim or car-
13 device.

14 Q. Once you got into the car, what was done?

the
15 A. The very first thing that was done upon entering
16 the vehicle were air samples were taken from the inside of
17 vehicle.

18 Q. Okay. Were you present when these tests were
conducted?

19 A. Yes, sir, I was.

20 Q. Do you know what specific scientific tests were
conducted?

21 A. No, sir, I do not.

22 Q. Are you an expert in that field?

23 A. No, sir, I am not.

moving
24 Q. Did you see whether any of those tests involved
25 around the contents of the Mercury?

6925

William Eppright - Direct

1 A. Yes, I did see that. The test did not entail
moving any of
2 the contents.

3 Q. Did you instruct that something be done with the
car after

4 those scientific tests were conducted?

5 A. Yes, sir, I did.

6 Q. What's that?

7 A. I instructed that photographs be taken of the --
the
8 interior of the vehicle from both the driver's side and
the
9 passenger's side.

10 Q. Agent Eppright, would you please look at Government
Exhibit
11 468.

12 Is that a fair and accurate depiction of the
front
13 seat from the passenger side of the car?

14 A. Yes, sir, it is.

15 Q. Okay, and do you recognize the items that we can
see in
16 this picture?

17 A. Yes, sir, I do.

18 Q. What are they?

19 A. The items I can see in the picture are a baseball
hat, an
20 8-1/2-by-11 sheet of paper, a clipboard, and you can
barely
21 make out the end of an envelope.

22 Q. Okay. I want to take a little bit closer look and
zoom in.

23 Can you see the 8-1/2-by-11 sheet of paper that you
just

24 described there?

25 A. Yes, sir, you can.

6926

William Eppright - Direct

a 1 Q. And did you get a chance to see that paper up close

2 little bit later?

3 A. Yes, I did.

written 4 Q. Did you get a chance to see if there was anything

5 on it?

6 A. Yes, I did.

can find 7 Q. Can you please look in your folder and see if you

8 Government Exhibit 447.

9 A. I have that in front of me.

10 Q. Do you recognize that?

11 A. Yes, sir, I do.

12 Q. What is it?

directed to be 13 A. It is the 8-1/2-by-11 sheet of paper which I

14 removed from the front seat of the vehicle.

you 15 Q. How do you know that's the same sheet of paper that

16 first saw on April 21, 1995?

date. 17 A. I recognize it, and it contains my initials and

18 MR. GOELMAN: Your Honor, we move to admit
Government

19 Exhibit 447.

20 MR. WOODS: No objection.

21 THE COURT: Received.

22 MR. GOELMAN: Publish?

23 THE COURT: Yes.

24 BY MR. GOELMAN:

25 Q. Please read what this sheet of paper said into the
record,

6927

William Eppright - Direct

1 Agent Eppright.

2 A. The sheet of paper reads: "Not abandoned," and
that is

3 underlined, "please do not tow. Will move by April
23." And

4 then in parentheses, it reads: "(Needs battery and
cable),"

5 end of parentheses.

6 MR. GOELMAN: Your Honor, the parties have
reached a

7 stipulation that I would ask the Court to read, if it
pleases,

8 page 5.

9 MR. WOODS: Your Honor, we stipulated to that
10 handwriting.

11 THE COURT: All right. Again, there's an
agreement
12 here that the handwriting on this exhibit, 447, is that
of
13 Timothy James McVeigh.

14 MR. GOELMAN: Thank you, your Honor.

15 BY MR. GOELMAN:

16 Q. Agent Eppright, do you know whether there was at
that time
17 or had been anything at all wrong with the battery in
that
18 Mercury Marquis?

19 A. No, I do not.

20 Q. Do you know if there's anything wrong or had been
anything
21 wrong with the cable or cables in that car?

22 A. No, I do not.

23 Q. You identified several items that we can see on the
front
24 seat from the passenger side. Did you also cause a
picture to
25 be taken of the front seat from the driver's side?

6928

William Eppright - Direct

1 A. Yes, sir, I did.

2 Q. And can you take a look at Government Exhibit 466,
already

3 in evidence, I believe.

4 A. I have that on the screen.

5 Q. Okay. Do you recognize that?

6 A. Yes, I do.

7 Q. What is it?

8 A. That is a picture taken of the interior from the
driver's
9 side of the vehicle.

10 Q. And is the envelope that you could kind of see from
the
11 other side more visible in this -- from this angle?

12 A. Yes, sir, it is.

13 Q. Okay. I want to zoom in on that. Can you describe
this
14 envelope that you first saw when you started the search
of
15 Mr. McVeigh's car on April 21?

16 A. Yes, sir. The envelope was sealed. It was a
business-size
17 envelope, and it had a thickness to it. It appeared to
be an
18 inch or two in thickness.

19 Q. Did it have any writing on the outside of the
envelope?

20 A. No, sir, it did not.

21 Q. Did it have a stamp?

22 A. No, sir, it did not.

23 Q. Did you later get a chance to see what was inside
the

24 envelope?

25 A. Yes, sir, I did.

6929

William Eppright - Direct

1 Q. Will you tell the jury about that, please.

2 A. The inside of the envelope contained two separate
stacks of
3 various-sized documents; each stack was folded into
thirds.

4 Q. Agent Eppright, how did you open the envelope?

5 A. I opened the envelope by tearing it along one end.

6 Q. Why did you do it that way?

7 A. I did not want to insert any foreign object into
the
8 envelope.

9 Q. Okay. You said you noticed two stacks of paper
folded into
10 thirds?

11 A. Yes, sir, two separate stacks of papers.

12 Q. Did you notice if either of the stacks had any
writing on
13 them?

14 A. Yes, sir, there was a handwritten notation on the
outside
15 of one of the stacks.

16 Q. Agent Eppright, when you first opened this envelope
and

17 took out the two stacks of paper that you described,
did you

18 cause a picture to be taken of this?

19 A. Yes, sir, I did.

20 Q. Would you look at -- see if you can find Government
Exhibit

21 448A?

22 A. I have that.

23 Q. What is that?

24 A. This is a picture that I had directed to be taken
of the

25 contents of the envelope as they appeared when they --
when I

6930

William Eppright - Direct

1 removed them from the envelope with the handwritten
notation on

2 the outside.

3 MR. GOELMAN: Your Honor, I would move to
admit

4 Government Exhibit 448A.

5 MR. WOODS: No objection.

6 THE COURT: Received, 448A.

7 MR. GOELMAN: Publish?

8 THE COURT: Yes.

9 BY MR. GOELMAN:

10 Q. Are those the two stacks of paper that were inside

the

11 envelope, Agent Eppright, that front pile there?

12 A. Yes, sir.

Would you

13 Q. Let's take a closer look at what the pile says.

14 please read that into the record.

United

15 A. Yes, sir. It reads: "Obey the Constitution of the

16 States and we won't shoot you."

anything

17 Q. Did you later get a chance to see if there was

18 written on the other side of this paper?

19 A. Yes, sir, I did.

20 Q. And what was on the other side of this paper?

21 A. The other side of the paper was the Declaration of

22 Independence.

you can

23 Q. Could you please look inside your folder and see if

24 find Government Exhibit 462.

25 A. I have that.

6931

William Eppright - Direct

1 Q. And do you recognize that?

2 A. Yes, sir, I do.

3 Q. What is it?

4 A. That is the sheet of paper which was removed from

the

5 envelope that contains the handwritten notation: "Obey
the

6 Constitution of the United States and we won't shoot
you," and

7 on the reverse side, the Declaration of Independence.

8 Q. How do you know that that's the same sheet of paper
that

9 you saw on April 21?

10 A. I recognize it, and it contains my initials and
date.

11 MR. GOELMAN: Your Honor, we move to admit
Government

12 Exhibit 462 at this time.

13 MR. WOODS: No objection, your Honor.

14 THE COURT: Received.

15 MR. GOELMAN: Also ask the Court to publish
another

16 part of the stipulation about this being Mr. McVeigh's
writing.

17 MR. WOODS: Yes, your Honor, we stipulate to
the

18 writing on these documents as that being of Mr.
McVeigh.

19 THE COURT: Yes, this refers to highlight, but
it's

20 the whole thing; right?

21 MR. WOODS: Where it's handwritten. As I
understand,

22 there's printed material, but it's handwritten, yes.

23 THE COURT: Yes, the particular part of it,

the "Obey

24 the Constitution of the United States and we won't
shoot," is

25 stipulated, agreed to be the writing of Timothy James
McVeigh.

6932

William Eppright - Direct

1 MR. GOELMAN: Thank you, your Honor.

2 BY MR. GOELMAN:

3 Q. Agent Eppright, how many different groups of papers
were in
4 the envelope?

5 A. There were two separate, distinct groups of papers.

6 Q. And upon conducting a full examination, did you
discover
7 whether there was anything inside these two groups of
papers?

8 A. Yes, sir, I did.

9 Q. What was in there?

10 A. There were numerous documents of various sizes and
also
11 smaller clippings and some documents that appeared to
be
12 Xeroxed and some documents that were cut and pasted
together.

13 Q. And did you examine each of those documents,
smaller ones

14 and the ones that were the same size, individually?

15 A. Yes, sir, I did.

16 Q. I want to show you a series of exhibits that
reflect some,

17 but not all, the documents that were in that envelope.
Would

18 you please see if you can find Government Exhibit 453.

19 A. I have that.

20 Q. Do you recognize it?

21 A. Yes, sir, I do.

22 Q. Do you remember the first time that you saw that?

23 A. Yes, sir, I do.

24 Q. And when was that?

25 A. That was when I examined the contents of the
envelope on

6933

William Eppright - Direct

1 April 21, 1995.

2 Q. And how do you know that you saw that very same
piece of

3 paper inside the envelope on April 21?

4 A. I recognize it, and it contains my initials and
date.

5 Q. Is the appearance of this document any different
now than

6 it was when you first saw it?

7 A. Yes, sir, it is.

8 Q. How is it different?

9 A. It is darker in color, and it also contains
additional

10 notations.

11 Q. Do you know why it's darker in color and contains
12 additional notations?

13 A. Yes, sir, I do.

14 Q. Why is that?

15 A. It is darker in color from the latent fingerprint
16 processing, and it contains additional notations from
FBI

17 Laboratory personnel.

18 Q. Is there any other difference in the way the
document

19 appears?

20 A. Yes, sir. The document contained yellow
highlighting on

21 April 21, 1995, which does not appear today.

22 Q. And do you know why the yellow highlighting does
not appear

23 today?

24 A. Yes, sir, I do.

25 Q. Why is that?

6934

William Eppright - Direct

1 A. The highlighting does not appear -- the
highlighting has

2 been removed by the latent fingerprint processing.

admit

3 MR. GOELMAN: Your Honor, Government moves to
4 Exhibit 453.

5 MR. WOODS: No objection.

6 THE COURT: 453 is received.

7 BY MR. GOELMAN:

8 Q. Agent Eppright, can you find 453A there as well.

9 A. Yes, sir, I have that.

10 Q. What's that?

the

11 A. That's a photograph that I directed to be taken of

stack of

12 document as it appeared in the contents of the top

13 papers.

you first

14 Q. And is that actually how it appeared to you when

15 opened up the stack?

side.

16 A. I -- the way it first appeared, it was on the other

17 Q. What do you mean "on the other side"?

first

18 A. It was -- this is a two-sided clipping, and as it

19 appeared, it laid on the opposite side.

20 Q. And did you turn it over?

21 A. Yes, sir, I did.

22 Q. Do you recognize this as the other side?

23 A. Yes, sir.

24 MR. GOELMAN: Move to admit 453A, your Honor.

25 MR. WOODS: No objection, your Honor.

6935

William Eppright - Direct

1 THE COURT: 453A is received.

2 MR. GOELMAN: May I publish, your Honor?

3 THE COURT: Yes.

4 BY MR. GOELMAN:

5 Q. What are we looking at here, Agent Eppright?

6 A. That's the photograph I directed to be taken of the
7 clipping as it appeared in the contents of the
document.

8 Q. What do we see in the lower left-hand corner of the
screen?

9 A. That's my hand in a white cotton glove.

10 Q. Why was your hand in a white cotton glove at the
time?

11 A. I handled all the documents and all the evidence
from the
12 vehicle with white cotton gloves to protect the
evidence.

13 Q. Okay. I want to turn this particular picture
around and

14 see if you can read the highlight and the unhighlighted
15 portions of this particular document. Can you read
from the

16 top, please, into the record, Agent Eppright.

17 A. Yes, sir. The document reads: "Staffers" -- and
the
18 highlighting begins -- "but the real value of our
attacks today
19 lies in the psychological impact, not in the immediate
20 casualties," period. End of paragraph.
21 And then it continues, but is not
highlighting. "For
22 one thing our efforts against the system gained
immeasurably in
23 credibility," period. And then backing up,
"credibility" is
24 highlighted.
25 The clipping continues, and this is also
highlighted:

6936

William Eppright - Direct

1 "More important, though, is what we taught the
politicians and
2 the bureaucrats. They learned this afternoon that not
one of
3 them is beyond our reach. They can huddle behind
barbed wire
4 and tanks in the city, or they can hide behind the
concrete
5 walls and alarm systems of their country estates, but
we can
6 still find them and kill them."
7 Then the highlighting stops and the clipping

8 continues: "All the armed guards and bulletproof
limousines in
9 America cannot guarantee their safety."
10 Then the highlighting begins again. And the
article
11 continues: "That is a lesson they will not forget."
12 Q. Agent Eppright, does any part of this passage
appear to be
13 double highlighted?
14 A. Yes, sir, it does.
15 Q. Which part?
16 A. The part that reads: "But we can still find them
and kill
17 them," appears to be highlighted twice or twice
highlighted
18 double.
19 Q. Had you ever seen this passage before April 21,
1995?
20 A. No, sir, I had not.
21 Q. Have you since determine the source of this
passage?
22 A. Yes, sir, I have.
23 Q. And what is it?
24 A. It's a passage from page 62 of The Turner Diaries.
25 Q. What is The Turner Diaries?

6937

William Eppright - Direct

Macdonald. 1 A. The Turner Diaries is a novel written by Andrew

The 2 Q. Do you see the document underneath the passage from
3 Turner Diaries?

4 A. Yes, sir, I do.

5 Q. Did you later get a chance to see this up close?

6 A. Yes, sir, I did.

7 THE COURT: I think we'll take the recess
before we go

8 to this next document.

9 MR. GOELMAN: Thank you, your Honor.

10 THE COURT: You may step down now --

11 THE WITNESS: Yes, your Honor.

12 THE COURT: -- and we'll have you back at the
end of
13 the recess.

14 It's about midmorning, so I thought it would
be a time
15 to break. And of course you know that I'm going to
tell you
16 not to discuss the case or anything about it during the
time of
17 this recess and maintain open minds and avoid anything
outside
18 the evidence which would influence you in any way.

19 You're excused now, 20 minutes.

20 (Jury out at 10:19 a.m.)

21 THE COURT: Mr. Tigar.

22 MR. TIGAR: Your Honor, sometime today we may
get to
23 the offering of evidence that is the fruit of the
searches that
24 were the subject of the hearing we had before your
Honor in the
25 spring of this year.

6938

William Eppright - Direct

1 THE COURT: Yes.
2 MR. TIGAR: And rather than object each time,
I'd like
3 the Court's -- if the Court would -- give me a
continuing
4 objection to all of the items that we challenged at
that time
5 on the many grounds that we raised in our papers,
Fourth
6 Amendment, Fifth Amendment, Sixth Amendment, scope of
the
7 warrant and so on.
8 THE COURT: Sure. That will help us to
stipulate.
9 The Government agrees to that procedural step?
10 MR. MACKEY: Yes, your Honor.
11 THE COURT: Stipulate to a continuing
objection to
12 those items that were addressed in the motion to
suppress which

13 I denied.

14 MR. TIGAR: Thank you, your Honor, and that
way we
15 won't make any objection or noise, they will just come
--

16 THE COURT: I appreciate it.

17 MR. TIGAR: Thank you, your Honor.

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

19 (Recess at 10:20 a.m.)

20 (Reconvened at 10:40 a.m.)

21 THE COURT: Be seated, please.

22 (Jury in at 10:41 a.m.)

23 THE COURT: Please resume the stand.

24 You may continue.

25 MR. GOELMAN: Thank you your Honor.

6939

William Eppright - Direct

1 BY MR. GOELMAN:

2 Q. Agent Eppright, will you take a look inside that
folder,

3 please, and see if you can find the following
Government's

4 Exhibits: 454, 456, 459, and 460.

5 A. I have those.

6 Q. Do you recognize each of those as documents that
you first

7 saw in the envelope out of Mr. McVeigh's car?

8 A. Yes, sir, I do.

9 Q. And are your initials on each of those documents?

10 A. Yes, sir. My initials and date are on each of
those
11 documents.

12 MR. GOELMAN: Your Honor, the Government moves
to
13 admit Exhibits 454, 456, 459 and 460.

14 MR. WOODS: No objection.

15 THE COURT: They are received.

16 MR. GOELMAN: I also ask the Court to publish
the
17 stipulation that any and all handwriting on these
documents
18 belongs to Mr. McVeigh.

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

20 THE COURT: All right. And again, members of
the
21 jury, it is agreed that the handwritten -- handwriting
on these
22 documents as opposed to printing is -- that is, you
know,
23 printing not done by hand -- is that of Timothy James
McVeigh.

24 MR. GOELMAN: Thank you, your Honor. I have
nothing
25 further.

William Eppright - Direct

1 THE COURT: All right. Mr. Woods?

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

3 CROSS-EXAMINATION

4 BY MR. WOODS:

5 Q. Good morning, Agent Eppright. My name is Ron
Woods. I
6 represent Terry Nichols.

7 A. Yes, sir.

8 Q. You and I have never had a chance to talk about
this, have
9 we?

10 A. No, sir, we have not.

11 Q. Now, you told the jury that you became an agent --
what
12 year was it?

13 A. I became an agent in 1986.

14 Q. Okay. And you've been in Dallas all the time?

15 A. Yes, sir.

16 Q. And prior to that, were you working in Washington?

17 A. Yes, sir. I was working at our headquarters in
Washington,
18 D.C.

19 Q. In some support position?

20 A. Yes, sir, various support capacities.

21 Q. Okay. And you graduated from Glassboro State

College,

22 which has since been renamed; is that correct?

23 A. That's correct.

24 Q. Was it an accredited school before it was renamed?

25 A. Yes, sir, it was.

6941

William Eppright - Cross

1 Q. And what's the new name of it?

2 A. The new name is Rowan University.

3 Q. How do you spell that?

4 A. R-O-W-A-N.

5 Q. And what type of work did you do in Washington?

and I
6 A. I initially started in the identification division,

budget
7 worked there for one year. Then I was assigned to the

Laboratory,
8 and accounting division. Then I worked in the FBI

9 and I ended in the computer division.

evidence?
10 Q. Okay. And you got your master's in forensic

11 A. Yes, sir.

12 Q. At George Washington?

13 A. Forensic science.

don't they?
14 Q. Forensic science. And a lot of agents do that,

15 Were you in classes with other agents?

16 A. At -- yes, sir, I was.

17 Q. And how many hours is that program?

18 A. It is 36 hours -- credit hours, I believe.

19 Q. Okay. Now, when you were at the Evidence Control
Center,

20 is that the warehouse?

21 A. Yes, sir.

22 Q. At 4th and Classen in Oklahoma City?

23 A. I believe that's the correct address.

24 Q. Okay. Was that the first time you had gone there
that

25 Friday, the 21st?

6942

William Eppright - Cross

1 A. Yes, sir.

2 Q. Can you give the jury a general description of that
3 warehouse at that time when you got there?

4 A. Yes, sir. When I arrived at the warehouse, the
warehouse

5 contained rooms on the one side and an entry, a doorway
and

6 then a -- attached to that as part of the warehouse was
a

7 garage-type area with garage doors that could open and
close.

8 Q. Okay. You had a large garage door that vehicles

drove in

9 and out. That was one entry. Right?

10 A. Yes, sir.

11 Q. And next to it was a door that people could go in
and out;

12 is that correct?

13 A. Yes, sir.

14 Q. Did you see a lot of evidence on the floors that
was

15 separated by duct tape?

16 A. No, sir, I did not.

17 Q. Okay. What else did you see in there?

18 A. I can't be certain, but I believe there might have
been

19 another vehicle on the far side of the warehouse from
where the

20 administrative office is and other individual rooms
were

21 located. I believe there were boxes and things of that
nature

22 again on the far side of that warehouse.

23 Q. Individual rooms: What are you referring to that
are

24 inside that warehouse?

25 A. When you first entered the warehouse, the first
room was --

1 I'll call it an administrative office, where --

2 Q. That's the one on the right?

3 A. Yes, sir. And the -- the additional rooms along
that

4 wall --

5 Q. Were those really rooms, or was that just a big,
plastic

6 curtain separating that area?

7 A. I was never in that area, and I can just recall
that -- I

8 can't tell you whether there was one door or more than
one door

9 but --

10 Q. Okay. Let's stick with what you can recall. On
the 21st,

11 you see the vehicle Mercury Marquis brought in by a
flatbed

12 trailer. Is that correct?

13 A. Yes, sir.

14 Q. And how do you get it off of the trailer?

15 A. The operator of the tow truck placed the vehicle in
the

16 warehouse and placed the vehicle at the rear of the
warehouse.

17 Q. Just lower the flatbed and it rolls off, or what?

18 A. No, sir. He manipulated, operated. I believe he
took it

19 off the flatbed trailer and then with the tow truck got
it back

20 into the rear of the warehouse.

it. 21 Q. Because it was still locked up at that time, I take

someplace 22 You weren't driving it off the trailer and putting it

23 in the warehouse?

by the 24 A. No, sir. It was put at the rear of the warehouse

25 operator of the tow truck.

6944

William Eppright - Cross

with the 1 Q. So you had a truck and a flatbed trailer in there

2 car?

there. 3 A. I believe just the -- no, they were both not in

the tow 4 They would have been too large. I believe that just

5 truck placed the vehicle in the rear of the garage.

up with 6 Q. Okay. Now, you were there when the car was opened

7 a Slim Jim?

8 A. Yes, sir, I was.

is? 9 Q. And can you describe for the jury what a Slim Jim

flat 10 A. Yes, sir. A Slim Jim is a flat -- basically just a

between the 11 tool and has a hook on one end. And it slides down

12 windows, and you attempt to grab the lock and unlock
the car in

13 that fashion.

14 Q. Okay. Who did that?

15 A. That was done by personnel on the Chemical Residue
Recovery

16 Team.

17 Q. And what was his name?

18 A. Special Agent Steve Burmeister was in charge of the
19 Chemical Residue Recovery Team.

20 Q. And you stood there and watched this operation,
didn't you?

21 A. Yes, sir, I did.

22 Q. And didn't you write up a memorandum of everything
that

23 happened there?

24 A. Yes, I created documents of what occurred that day.

25 Q. Okay. And did Burmeister open up the door himself
-- Agent

6945

William Eppright - Cross

1 Burmeister? Let me phrase it that way.

2 A. I believe he was assisted with other members of his
team.

3 I don't know if Agent Burmeister himself was the
specific

4 individual that open the door, but it was members of
his team.

5 Q. How many members were there?

6 A. I recall there was five or six.

7 Q. Okay. And then you told the jury that an air
sample was

8 taken of the interior of the vehicle. Is that correct?

9 A. Yes, sir, it is.

10 Q. I assume that had to be done right away as soon as
the

11 doors opened before the air escapes and new air comes
in?

12 A. I witnessed that as soon as the door opened they as
quickly

13 as they could took air samples inside, yes, sir.

14 Q. What did they take air samples with?

15 A. I really wouldn't know.

16 Q. You observed it. Is that correct?

17 A. Yes, sir, I did.

18 Q. And you have a master's degree in forensic science?

19 A. Yes, sir, I do.

20 Q. What does "forensic" mean?

21 A. "Forensic" is the scientific study of evidence in a
evidence
22 laboratory setting; and it's also the collection of

23 which will in the future be studied in a scientific
setting.

24 Q. And this was collection of evidence to be put -- to
be

25 studied in the future; is that correct?

William Eppright - Cross

1 A. I am not an expert in their field of study and
their field

2 of expertise, and I can only go by what they told me
they were

3 doing.

4 Q. What did you observe them doing? What kind -- can
you just

5 describe to the jury in general what kind of machines
or

6 equipment they were using to take an air sample inside?

7 A. I recall they had evidence vacuum-cleaner-type
equipment,

8 and I really don't recall what the equipment looked
like that

9 they were using to take the air sample. I believe it
was some

10 type of vacuum cleaner device, but I really don't
recall. They

11 had a number of other pieces of equipment set up that
they were

12 using.

13 Q. Have you reviewed your memorandum that you prepared
that

14 explained that process?

15 A. Yes, sir, I have.

16 Q. Okay. Well, you told the jury that you retrieved
the

17 envelope there. Is that correct?
18 A. I retrieved it from an agent of the Chemical
Residue
19 Recovery Team, yes, sir.
20 Q. Okay. Okay. Now, there was no name written on the
front
21 of the envelope; is that right? Or no address, name
and
22 address to whom it was being made?
23 A. That's correct.
24 Q. Okay. And you opened it up and you mentioned to
the jury
25 that it was in stacks, it was folded in thirds. Is
that

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William Eppright - Cross

1 correct? Like a letter, a business letter is folded to
put in
2 an envelope?
3 A. Yes, sir. There were two distinct stacks, and each
stack
4 was folded into thirds; and then there were papers in
each
5 individual stack.
6 Q. Now, the way those were folded -- would that be
appropriate
7 for placing an envelope for mailing, the way it was
folded?
8 A. I don't know. I guess it could be. It seemed to

contain

9 the different documents.

10 Q. Okay. You certainly took it out of a regular
business

11 envelope; right?

12 A. Yes, sir, I did.

13 Q. It was somewhat thick. Two stacks?

14 A. Yes, sir.

15 Q. And if you separated the stacks and you still had
it folded

16 that way, it could be made in another envelope, same
size. Is

17 that correct?

18 A. I guess it could be.

19 Q. Okay. And you pointed out to the jury that there
were

20 numerous parts highlighted and you've only read one
part

21 there -- is that correct -- a quotation from Turner
Diaries?

22 A. That's correct.

23 Q. And there is some handwriting in there by Mr.
McVeigh.

24 You've heard the stipulation as to whose handwriting
that was.

25 A. Yes, sir.

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William Eppright - Cross

Terry 1 Q. In that handwriting, did Mr. McVeigh ever mention

2 Nichols?

3 A. No, sir, he did not.

4 Q. Did he ever say that he and Terry Nichols were
going to do

5 anything violent, in the handwriting?

6 A. No, sir, it did not.

7 MR. WOODS: Thank you very much.

8 THE COURT: Do you have any further questions?

9 MR. GOELMAN: Just one, your Honor.

10 REDIRECT EXAMINATION

11 BY MR. GOELMAN:

12 Q. In those documents that were in Mr. McVeigh's
handwriting,

13 did he ever mention that he and anyone was going to do
any act

14 of violence?

15 A. No, sir, he did not.

16 MR. GOELMAN: Nothing further, your Honor.

17 MR. WOODS: Nothing further.

18 THE COURT: You may step down.

19 THE WITNESS: Thank you, your Honor.

20 MR. MACKEY: United States would call FBI
Agent

21 William West. Ms. Wilkinson will question.

22 THE COURTROOM DEPUTY: Raise your right hand,
please.

23 (William West affirmed.)

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

25 Would you state your full name for the record
and

6949

1 spell your last name.

2 THE WITNESS: William K. West, W-E-S-T.

3 THE COURTROOM DEPUTY: Thank you.

4 THE COURT: Ms. Wilkinson?

5 MS. WILKINSON: Thank you, your Honor.

6 DIRECT EXAMINATION

7 BY MS. WILKINSON:

8 Q. Good morning, Mr. West. How are you doing?

9 A. Fine.

10 Q. Could you tell the ladies and gentlemen of the jury
how

11 you're employed?

12 A. I'm a special agent with the FBI.

13 Q. How long have you been an agent with the FBI?

14 A. 21 years. 22 years next month.

15 Q. Where do you work currently?

16 A. In the Kansas City office of the FBI.

17 Q. And how long have you been assigned to the Kansas

City

18 office?

19 A. Approximately seven years.

20 Q. Can you tell us briefly about your educational
background?

21 Where did you go to undergraduate university?

22 A. I went to college at the University of Missouri, in
23 Columbia, Missouri.

24 Q. What year did you graduate?

25 A. In 1971.

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William West - Direct

1 Q. Did you attain -- did you also attend law school?

2 A. Yes, I did.

3 Q. When did you do that?

4 A. I attended law school at the University of Missouri
at

5 Kansas City and graduated from law school in 1975.

6 Q. Do you have any other special skills or training
that you

7 use as an agent with the FBI?

8 A. Yes. I've been trained as a police instructor with
the

9 FBI, and I also have received training as an airplane
pilot,

10 Bureau pilot with the FBI.

11 Q. Have you also served in the capacity as a lawyer
for the

12 FBI at times in your career?

13 A. Yes, I have.

14 Q. Now, did you participate as one of the
investigators after

15 the bombing in April 19, 1995?

16 A. Yes, I did.

17 Q. Were you participating in the investigation on
April 22,

18 1995?

19 A. Yes, I was.

20 Q. Where were you that morning?

21 A. I was in Herington, Kansas.

22 Q. Did you participate in the search of Terry Nichols'
house

23 that evening?

24 A. Yes, I did.

25 Q. Did you have a court-authorized search warrant to
do so?

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William West - Direct

1 A. Yes, we had a search warrant.

2 Q. Did you review that search warrant before you
participated?

3 A. Yes, I did.

4 Q. When did you start working on the search of Mr.

Nichols'

5 residence?

6 A. I entered the residence at approximately 8:00 in
the

7 evening, 8:00 p.m.

8 Q. Do you recall where the first place was that you
went to

9 search?

10 A. I searched primarily the store -- what we referred
to as

11 the storage area of the house. It was one room, a 10-
by-10

12 room in the house.

13 Q. Where was that located in Mr. Nichols' house?

14 A. It was on the southwest corner of the house.

15 Q. Now, did you find any documents in Mr. Nichols'
storage

16 room?

17 A. Yes, I did.

18 Q. Let me show you what's been marked as Government's
Exhibit

19 17 -- 1773, Photo 12. Do you see that in front of you?

20 A. Yes, I do.

21 Q. Do you recognize that document?

22 A. Yes, ma'am.

23 Q. Or that photograph. Excuse me.

24 A. Yes, ma'am.

25 Q. What does it depict?

William West - Direct

1 A. It -- one of the boxes of the box (sic) is the box
where I 2 retrieved the documents I retrieved from Terry Nichols'
3 residence.

4 Q. This is a fair and accurate depiction of the boxes
when you 5 saw them as you entered the storage room?

6 A. Yes, it is.

7 MS. WILKINSON: Your Honor, we offer
Government's

8 Exhibit 1773, Photograph No. 12 of 15.

9 MR. TIGAR: No objection, your Honor.

10 THE COURT: All right. It's received, may be
shown.

11 BY MS. WILKINSON:

12 Q. Mr. West, tell the ladies and gentlemen of the jury
what 13 they're seeing.

14 A. Well, the box on the bottom of the picture that's
the green

15 Quaker State box is a box that was located in the
storage room

16 on the floor against the north wall. And that green
Quaker

17 State box is the box that I took the documents from.

18 Q. Now, you told us you took some documents. Were you

the

19 only agent that was searching that room?

20 A. No, ma'am. There were primarily three of us, Bob
Meredith,

21 who was designated team leader for our team; Cullen
Scott,

22 another agent, and myself.

23 Q. And did you also have a photographer assisting you
at

24 times?

25 A. From time to time, a photographer came in the room,
also.

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William West - Direct

1 Q. Now, can you tell the jury what procedures you
followed --

2 first of all, let me go back. You said you see some
documents

3 from Mr. Nichols, is that right -- or from this box
depicted in

4 the picture?

5 A. That's correct.

6 Q. Did all the documents you took that day come from
this

7 Quaker State box depicted in Government's Exhibit 1773,
8 Photograph 12?

9 A. Yes, ma'am.

10 Q. And when you took all those documents out, what did

you do

11 with them?

placed 12 A. I took the -- removed the documents from the box,

an 13 them in a plastic bag, in the plastic baggy also placed

or the 14 evidence card, which generally described the documents

had the 15 items. I initialed that card, dated it; and it also

16 file number on it.

17 Q. What did you do with that card?

documents. 18 A. I put that card also in the plastic bag with the

sealed it 19 Then I sealed the bag and -- or closed the bag and

20 with evidence tape.

evidence tape? 21 Q. What did you do once you sealed the bag with

the log 22 A. We also had a log, a written log; and we entered on

of items 23 the items, a brief description -- general description

24 that were in that bag.

sealed it? 25 Q. Did you initial the tape on the bag after you

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William West - Direct

1 A. Yes, I did.

you
the
2 Q. All right. Now, when you took the glove -- when
3 took -- excuse me -- when you took the documents out of
4 box, what were you wearing?

5 A. Well, I was wearing gloves.

6 Q. Why were you doing that?

team was
7 A. To preserve the evidence. Everyone in the search
8 wearing gloves.

documents that
9 Q. Now, we're going to talk about a series of
10 you seized from Mr. Nichols' house. Were all of those
11 documents placed in the same plastic bag that you just
12 described for the jury?

13 A. Yes, ma'am.

look for
described.
14 Q. Could you look in the envelope in front of you and
15 Government's Exhibit 1707A, the plastic bag you just

16 A. I have it.

17 Q. Do you recognize that?

put the
the
18 A. Yes, ma'am. This is the plastic bag that I used to
19 documents that I retrieved from that cardboard box, put
20 documents in this bag.

21 Q. How do you recognize it?

22 A. Well, it has the evidence tag in the bag and also

has my

23 initials, W.K.W., on the evidence tape that I used to
seal the
24 bag with.

25 MS. WILKINSON: Government offers 1707A, your
Honor,

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William West - Direct

1 the plastic bag.

2 MR. TIGAR: No objection, your Honor.

3 THE COURT: Received. Did you say 1707?

4 MS. WILKINSON: Yes, sir. 1707A.

5 THE COURT: Yes. Proceed.

6 BY MS. WILKINSON:

7 Q. Mr. West, looking at that bag, does it have a Q
number on
8 it?

9 A. Yes, it does.

10 Q. What is the Q number marked on that bag?

11 A. Q number is 194.

12 Q. You've reviewed the documents that you placed in
that bag
13 prior to coming to court. Is that right?

14 A. That's correct.

15 Q. And are they all marked with the series of Q194?

16 A. That's correct. The bag has 194, and then each

document

would be 17 would have -- for example, the first document of that

18 194-1, the second document would be 194-2.

were the 19 Q. Does that indicate to you that all those documents

the time 20 same documents that you placed in the plastic bag at

21 of the search?

22 A. Yes, it does.

some of 23 Q. Now, before coming to court today, did you compare

1707A -- 24 the documents that you placed in Government's Exhibit

house -- 25 that is, documents that you took from Mr. Nichols'

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William West - Direct

1 with some of the documents that were found in Mr.
McVeigh's car

2 at the time of his arrest?

3 A. Yes, I did.

4 Q. Tell the jury what you found.

just in 5 A. Some of the documents were identical in whole or

then some 6 part, some of the documents had identical quotes, and

subject 7 of the documents just dealt with the same general

8 matter.

459, 9 Q. I want to start by showing you Government's Exhibit
10 which has been previously moved into evidence.

taking 11 MR. TIGAR: Your Honor, I'm going to object to
12 witness time making a comparison of documents that the
jury is 13 equally able to do for themselves.

14 THE COURT: The objection is overruled.

15 BY MS. WILKINSON:

16 Q. Can you read the title of this document, Mr. West,
for the 17 jury?

18 A. It's "U.S. Government Initiates Open Warfare
Against 19 American People."

"U.S. 20 Q. Now, did you find a document with that same title,
21 Government Initiates Open Warfare Against the American
People," 22 in Mr. Nichols' house.

23 A. Yes, I did.

24 Q. All right. Let me show you what's been marked
Government's 25 Exhibit 1707B.

William West - Direct

1 MS. WILKINSON: And, your Honor, we're using
the B
2 because that's the clean documents. I'd move in at
this time
3 1707 and 1707B, which is the actual documents and then
a clean
4 copy.

5 BY MS. WILKINSON:

6 Q. Agent West, do you recognize 1707B?

7 A. Yes, I do.

8 Q. Is that a document you took from Mr. Nichols'
house?

9 A. Yes, it is.

10 Q. Does it have the Q number marking that you've
previously
11 described?

12 A. Yes, it does.

13 Q. What does it say?

14 A. It's 194 ---Q number 194-10.

15 MS. WILKINSON: Your Honor, we'd move in
Government's
16 Exhibits 1707 and 1707B.

17 MR. TIGAR: May I inquire, your Honor?

18 THE COURT: You may.

19 VOIR DIRE EXAMINATION

20 BY MR. TIGAR:

21 Q. Agent, what is -- you said that the 1707B is a
clean copy?

22 What does that mean?
23 A. That means when the documents went to the lab.
Apparently
24 they were processed. And they're hard to reproduce or
make a
25 copy from. So you can make a copy from a, you know --
another

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William West - Voir Dire

1 one, identical copy or clean copy.
2 Q. What do you mean "another one"? I mean, is 1707B
the same
3 document as 1707, or is it different, or what? I don't
4 understand.
5 A. No, that's just -- as I understand it, that's just
for the
6 screen -- for the computer. 1707B is a clean -- yeah,
is a
7 clean copy of the document. It's a copy of the
document.
8 Q. Where did that copy come from?
9 A. The original -- it's a copy of the original
document.
10 Q. Let me try to understand the process. You seized a
11 document at Mr. Nichols' house and you gave it a
number.
12 Correct?
13 A. I seized a document from the house. I placed it in

a

it a 14 plastic bag. I put the tag in the bag. I did not give

15 number.

16 Q. All right.

H18. 17 A. Except -- we gave it a number on the log, which was

18 Q. That was the number on the log?

19 A. Right.

That's 20 Q. And that's a document that is headed "APRA News."

21 what we're talking about. Correct?

22 A. Correct.

Washington 23 Q. Then where did that document go from there? To

24 to be processed?

25 A. That's correct.

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William West - Voir Dire

wanted to 1 Q. Now, before -- when it was processed, somebody

right? 2 find out if there were fingerprints on it. Is that

3 A. Yes, sir.

you're 4 Q. All right. And -- so that's the kind of processing

5 talking about? Fingerprints?

6 A. That's correct.

7 Q. And from your experience as a special agent, you
know that
8 pieces of paper can yield fingerprints if subjected to
certain
9 processes. Correct?

10 A. That's correct.

11 Q. And, for example, if I were to touch this white
piece of
12 paper I'm holding up with my thumb and forefinger, it
could be
13 chemically treated and the fingerprint would show up.
Right?

14 MS. WILKINSON: Objection, your Honor. This
is beyond
15 the scope of voir dire.

16 THE COURT: Overruled.

17 THE WITNESS: It's possible. Not always. You
don't
18 always get fingerprints, but you may get a fingerprint.

19 BY MR. TIGAR:

20 Q. I'm not trying to get you outside your area of
expertise.

21 A. Right.

22 Q. But the next question I want to ask you: When it's
subject
23 to processing with a chemical solution to cause
fingerprints to

24 come up, then the document will be discolored.
Correct?

25 A. It may become discolored, correct.

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William West - Voir Dire

1 Q. Now, is it your understanding that the document
that you

2 referred to as the clean copy is a copy that was made
before

3 the fingerprints were taken, or is it a document --

4 A. I don't know how the clean copy was made. It may
have been

5 enhanced from a copy, or -- I can't tell you that.

6 Q. So you can't tell us whether the clean copy was
something

7 that the FBI went and got from a third party or whether
it came

8 from Mr. Nichols' house or whether it came from the
publisher

9 or where it came from. Right?

10 A. I'm not the one that could speak for that. I'm not
aware

11 of us getting it from any third party, but --

12 MR. TIGAR: Well, I object to the copy, your
Honor.

13 No objection to the original.

14 THE COURT: Objection sustained to what's
described as

15 the clean copy.

16 MS. WILKINSON: May I ask a few more
questions, your

17 Honor, just to lay the foundation for the next witness?

18 DIRECT EXAMINATION CONTINUED

19 BY MS. WILKINSON:

20 Q. Mr. West, after you seized these documents, did you
turn
21 them in to the search leader, Agent Jasnowski?

22 A. I personally didn't, but our team leader did.

23 Q. And do you know what she did with those documents
after
24 they were turned in to her?

25 A. I know that they were loaded on a truck to be
transported

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William West - Direct

1 but don't know other than that.

2 Q. You don't know whether she made copies of those
documents,
3 do you?

4 A. No, I don't.

5 MS. WILKINSON: Your Honor, may I retrieve the
6 originals from Mr. West so I can show them on the ELM0?

7 THE COURT: Yes.

8 MS. WILKINSON: Your Honor, may I have one
moment? I

9 think we may have those documents even on the computer,
if I

10 could just have one moment to consult.

11 THE COURT: Yes.

12 MS. WILKINSON: Thank you.

13 We do have it, your Honor. I'm sorry about
that.

14 THE COURT: Are you saying that 1707 was
scanned into

15 a computer?

16 MS. WILKINSON: Yes. The original. And I'm
-- so was

17 1707B. But since they object to the clean copy, we'll
just

18 show the 1707.

19 THE COURT: We're staying with 1707, but do
you have

20 any objection to the use of this out of the computer?

21 MR. TIGAR: No, your Honor, not at all. It
was just

22 that copy. That was my only objection.

23 THE COURT: I understand. So 1707 has been
received

24 now without objection.

25 MS. WILKINSON: Your Honor, now they're
telling me we

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William West - Direct

ELMO and 1 don't have it on the computer; so I'll go back to the

2 show it on there.

3 THE COURT: I'll withhold any comment.

4 MS. WILKINSON: Thank you. I appreciate it.

5 This is harder for me than the computer.

6 MR. TIGAR: May I cross the aisle and give
assistance?

7 MS. WILKINSON: I think I've got it. Thank
you.

8 THE COURT: Okay.

9 All right. 1707 is now being displayed.

10 BY MS. WILKINSON:

11 Q. I'm showing you the top half. Do you recognize
that, Agent

12 West?

13 A. Yes, ma'am.

14 Q. And that's the document that you seized from Mr.
Nichols'

15 house?

16 A. Yes, ma'am.

17 Q. Did you compare that to the document from Mr.
McVeigh's

18 car, Government's Exhibit 459, with the same title?

19 A. Yes, I did.

20 Q. What did you determine?

21 A. The document had the article -- had the same title,
and all

22 of the paragraphs of the article from Tim McVeigh's
vehicle are

23 included in the article that I seized from Terry
Nichols'

24 residence.

25 Q. Now I'm going to show you Government's Exhibit 460
that's

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William West - Direct

1 been previously been entered into evidence.

2 MS. WILKINSON: Can we have the computer back,
please.

3 BY MS. WILKINSON:

4 Q. Do you recognize that document?

5 A. Yes, ma'am.

6 Q. And that's entitled "Waco Shootout Evokes Memory of
Warsaw

7 '43." Did you find a document with that same title in

8 Mr. Nichols' house?

9 A. Yes, ma'am. I found a document with the identical
article

10 in the box on the floor of the storage room from Terry
Nichols'

11 residence.

12 Q. Okay. Let me show you Government's Exhibit 1702,
which has

13 not been moved into evidence yet. Do you recognize
that?

14 A. Yes, ma'am.

15 Q. And did you review that document 1702 before coming
to

16 court today?

17 A. Yes, I did.

18 Q. Does that have the same Q number series that you
described

19 previously?

20 A. Yes, although I can't read it too well on the
screen.

21 MS. WILKINSON: Your Honor, I think I can give
the

22 documents back and use the computer for the remaining

23 presentation.

24 BY MS. WILKINSON:

25 Q. Take a look at the document, Mr. West. Is that the

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William West - Direct

1 document, Government's Exhibit 1702, that you took from

2 Mr. Nichols' house?

3 A. Yes, it is.

4 Q. And did you compare those two documents,
Government's

5 Exhibits 460 and Government's Exhibit 1702?

6 A. Yes, I did.

7 Q. All right. Let me show you those two documents
side by

8 side. Do you see that?

9 MS. WILKINSON: And can we publish, your
Honor?

10 THE COURT: Well, it hasn't been admitted yet.

11 MS. WILKINSON: I'm sorry. I move to admit
12 Government's Exhibit 1702.

13 MR. TIGAR: No objection, your Honor.

14 THE COURT: 1702 is received. Now you may
publish.

15 MS. WILKINSON: Thank you.

16 BY MS. WILKINSON:

17 Q. Now, on the left side there is 460, is that right,
18 Mr. West, from Mr. McVeigh's car?

19 A. That's correct.

20 Q. And on the right is Government's Exhibit 1702 from
21 Mr. Nichols' house?

22 A. Yes, ma'am.

23 Q. Tell the jury how these two documents compare.

24 A. They are identical articles. The articles are the
same.

25 Q. Can you look in that envelope that we left up there
and

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William West - Direct

1 look for Mr. McVeigh's T-shirt, Government's Exhibit
429.

2 A. I have it.

3 Q. And do you see the quote on the back of the T-
shirt? Can

back of 4 you take it out of the bag and look at the quote on the

5 the T-shirt?

6 A. I see it.

7 Q. Do you recognize that quote?

8 A. Yes, ma'am.

Nichols' 9 Q. Did you see that quotation on any documents in Mr.

10 house?

contained 11 A. Yes, ma'am. It's contained -- the same quote is

Memories 12 in the article, "Waco Shootout -- Waco Shootout Evokes

13 of Warsaw '43."

1702, if we 14 Q. All right. Let me publish Government's Exhibit

15 could, on the computer.

portion, 16 And if I enhance this for you or enlarge a

17 can you show the jury where that quote is?

18 A. Yes, ma'am.

19 Q. Okay. Do you see it?

20 A. Yes.

up on 21 Q. Can you use that pen up there, the black pen that's

circle the 22 top of your screen -- see that? Bring it down and

record. 23 quote for the jury, please. And read it into the

24 A. The quote is, "The tree of liberty must be
refreshed from
25 time to time with the blood of patriots and tyrants,"
and it

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William West - Direct

1 has, quote, "Thomas Jefferson."

"Waco
2 Q. And that's on the same documents that's entitled,
3 Shootout Evokes Memory of Warsaw '43"?

4 A. Yes, at the bottom.

Exhibit 462,
5 Q. Now, I want you to take a look at Government's
6 which has been previously moved into evidence.

7 MS. WILKINSON: Will you display that, please.

8 BY MS. WILKINSON:

"Obey
9 Q. Do you recognize this, Mr. McVeigh's handwriting of
10 the Constitution of the United States and we won't
shoot you"?

11 A. Yes, ma'am.

12 Q. Did you review that before coming to court today?

13 A. Yes, I did.

in
14 Q. Did you find that same quotation in some documents
15 Mr. Nichols' house?

16 A. Yes, I did.

17 Q. Let me show you Government's Exhibit 1704.

18 MS. WILKINSON: Your Honor, I'm going to have
the same
19 problem with this. This is 1704A. I'll need to ask
the
20 witness and move it to the ELMO.

21 THE COURT: Yes.

22 BY MS. WILKINSON:

23 Q. Agent West, did you find Government's Exhibit 1704?

24 A. I did.

25 Q. Do you recognize that document?

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William West - Direct

1 A. Yes, I do. This is one of the documents I took
from the
2 cardboard box in the storage area at Terry Nichols'
residence.

3 Q. Is it marked with a Q number?

4 A. Yes, it is.

5 Q. What is the Q number?

6 A. Q194-5.

7 MS. WILKINSON: Your Honor, we'd move 1704
into
8 evidence.

9 MR. TIGAR: No objection.

10 THE COURT: 1704 is received. You may display
it.

11 MS. WILKINSON: Thank you.

12 BY MS. WILKINSON:

13 Q. Can you read the title of that document, please.

14 A. "Why the Armed Citizen in America."

15 Q. And did you find the "Obey the Constitution" quote
in this

16 document?

17 A. Yes, I did.

18 Q. Do you see it there?

19 A. Yes, I do.

20 MS. WILKINSON: Your Honor, I don't know if
this will

21 work. Can he circle it on the computer screen and we
print it

22 out?

23 THE COURTROOM DEPUTY: Yes.

24 MS. WILKINSON: We'd like to do that.

25 BY MS. WILKINSON:

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William West - Direct

1 Q. Could you circle it, Mr. West, for the jury. And
read it

2 into the record, please.

3 A. "Obey the Constitution of the United States of
America and

4 we won't shoot you."

admission 5 MS. WILKINSON: Your Honor, we move for the
6 of 1704B, which would be the printed copy with this
marking.

7 THE COURT: All right. Is the equipment doing
that?

8 THE COURTROOM DEPUTY: I'm doing that.

9 MR. TIGAR: My faith in technology tells me
not to
10 object to that, your Honor.

11 THE COURT: All right.

12 MS. WILKINSON: Your Honor, maybe you could
explain to
13 the jury how that works. I think this is the first
time we've
14 done that.

15 THE COURT: Well, explain how it works, I
can't do
16 that. Explain what it's supposed to do, I can.

17 What happens is that we have equipment here
which when
18 a witness has used this pen that has been referred to,
to
19 circle on -- electronically on something that's on the
screen
20 here, then we can stop it at that point. The machine
then
21 prints out like a Polaroid print of that particular
marking on
22 that exhibit, and then that can be a separate exhibit.

23 Did it work?

24 THE COURTROOM DEPUTY: It's processing.

If it 25 MS. WILKINSON: We can move on, your Honor.

6969

William West - Direct

1 doesn't, we can come back and try it again.

2 THE COURT: All right.

3 BY MS. WILKINSON:

Exhibit 456, 4 Q. Now, Mr. West, I want to show you Government's

you 5 which has previously been entered into evidence. Did

6 review that document before coming to court?

screen? 7 MS. WILKINSON: Could we have that on the

8 THE COURTROOM DEPUTY: 456.

9 THE WITNESS: Yes, I did.

10 MS. WILKINSON: 456.

11 BY MS. WILKINSON:

Tyranny." 12 Q. And that's entitled, "The American Response to

13 Is that correct?

14 A. That's right.

of the 15 Q. Did you review this documents and determine if any

the 16 paragraphs from this document were contained in any of

17 documents Mr. Nichols had at his house?

18 A. Yes, I did.

19 Q. What did you find?

20 A. I found that the bottom three paragraphs, the
bottom

21 right -- do you want me to circle those?

22 Q. Yes, please.

23 A. -- are identical to -- those three paragraphs are
identical

24 to paragraphs taken from the article "U.S. Government
Initiates

25 Open Warfare Against American Citizens."

6970

William West - Direct

1 Q. And that was Government's Exhibit 1707 that you
found in

2 Mr. Nichols house?

3 A. Yes, ma'am.

4 Q. I think I have it here. Is this the document -- is
this

5 the document you found those three paragraphs in, 1707?

6 A. That's correct.

7 Q. Now, during your search of Mr. Nichols' residence,
did you

8 find other documents that discussed the significance of

9 April 19 and discussed the topic of Waco?

10 A. Yes, I did.
11 Q. Can you pull out Government's Exhibit 1703, please.
12 A. I've got it.
13 Q. All right. And do you recognize that document?
14 A. Yes, I do.
15 Q. Did you take that from Mr. Nichols' house?
16 A. Yes, I did.
17 Q. Did you take it from the Quaker State box that you
18 previously described to the jury?
19 A. Yes, I took it from the same box.
20 Q. Does it have a Q number on it?
21 A. Yes, it does.
22 Q. What is the Q number?
23 A. Q194-6.

24 MS. WILKINSON: Your Honor, we'd offer
Government's
25 Exhibit 1703.

6971

William West - Direct

1 MR. TIGAR: No objection, your Honor.
2 THE COURT: 1703 is admitted.
3 MS. WILKINSON: May I display it?
4 THE COURT: It may be shown, yes.
5 MS. WILKINSON: Thank you.

6 BY MS. WILKINSON:

7 Q. Mr. West, could you clear the screen by just
touching the
8 pen there on the side.

9 Is this the document that you found in Mr.
Nichols'
10 house?

11 A. Yes, it is.

12 Q. Now, can you show the jury with the pen where the
date of
13 April 19 is discussed in this article and read it into
the
14 record as you're circling it, please.

15 A. Well --

16 Q. Do you see that, or do you want me to enhance it?

17 A. If you could, make it a little larger -- as
possible.

18 Q. How about that? Start over at the beginning of the
19 article.

20 A. Well, it starts at the beginning discussing April
19.

21 Q. Hold on one second, please. We're going to change
the
22 color of the pen.

23 There we go.

24 Okay. Go ahead.

25 A. But the date April 19 of 1993 is discussed.

William West - Direct

1 Q. Start with April 19, 1775.

it talks

2 A. Okay. It starts out discussing April 19, and then

3 about April 19, 1775, with Paul Revere.

and I'll

4 Q. Okay. Now, clear your -- clear the pen, please,

5 move the document.

6 Clear it again. There you go.

7 Now, can you circle where the discussion is of

8 April 19, 1993, in Waco, Texas.

9 Thank you.

10 Agent West, did you find other documents in

11 Mr. Nichols' house that discussed Waco?

12 A. Yes, I did.

examine

13 Q. Can you pull out Government's Exhibit 1701 and

14 that, please.

15 A. Got it.

16 Q. Do you recognize that document?

17 A. Yes, I do.

house?

18 Q. Did you seize that document from Mr. Nichols'

19 A. Yes, I did.

20 Q. How do you recognize it?

that

21 A. I recognize it because it's a document I took from

22 same cardboard box on the floor in the storage room,
the Quaker
23 State box, and also it's got the Q number 194 prefix on
the
24 document.

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

6973

William West - Direct

1 Exhibit 1701 into evidence.

2 MR. TIGAR: No objection.

3 THE COURT: 1701 is received, may be
published.

4 BY MS. WILKINSON:

5 Q. Is this the first page of the document, Mr. West?

6 A. Yes, it is.

7 Q. Could you read the title, please.

8 A. "U.S. Military Intelligence Briefing."

9 Q. And do you recall what page you found the
discussion of

10 Waco -- on which page?

11 A. I believe it's the third page. I'm not sure about
the

12 number on the bottom.

13 Q. Okay. This first page is numbered what? Can you
see?

14 A. 4.

15 Q. And you say it's the third page?

16 A. I think so. That's the second.

17 There it is.

18 Q. Is that it?

19 A. Yes.

20 Q. Page 6?

21 A. Yes.

22 Q. Can you circle the section on Waco, please.

23 Could you clear your screen, please.

24 Now, Agent West, during the search of Mr.

Nichols'

25 house, did you find any items that depicted an incident

at

6974

William West - Direct

1 Waco?

2 A. Yes. Yes, I did.

3 Q. What did you find?

4 A. Well, our team found this. A black baseball cap.

5 Q. Did you see it in Mr. Nichols' house?

6 A. Yes, I did.

7 Q. Were you present when it was seized?

8 A. Yes, I was.

9 Q. Could you recognize it?

10 A. Yes.

11 Q. Okay. Let me show you a photograph, Government's
Exhibit

12 1773, No. 4. Do you recognize this photograph?

13 A. Yes, I do.

14 Q. Is that a fair and accurate depiction of what you
saw that

15 night?

16 A. Yes. That's the -- those are shelves in the
storage room

17 that are against the east wall of the storage room.

18 Q. Does it depict the hat you've just described?

19 A. Yes. Yes, it does. On the bottom shelf is the
hat.

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

21 Exhibit 1773, No. 4 of 15.

22 MR. TIGAR: No objection.

23 THE COURT: Received, 1773, No. 4.

24 MS. WILKINSON: May we publish?

25 THE COURT: Yes.

6975

William West - Direct

1 BY MS. WILKINSON:

2 Q. Agent West, show the jury where the baseball cap is
that

3 you found.

find 4 Now, can you look in your stack of items and

5 Government's Exhibit 1711?

6 A. 1711?

7 Q. Yes.

8 A. Yes.

9 Q. See that?

10 A. Yes.

11 Q. Do you recognize that?

12 A. Yes. This is the same hat that we took from the
shelves on

13 the wall in the storage room.

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

15 Exhibit 1711.

16 MR. TIGAR: No objection.

17 THE COURT: Received, 1711.

18 BY MS. WILKINSON:

19 Q. Mr. West, can you show that to the jury and tell
them

20 exactly what's depicted on that hat?

21 A. There is a brick wall, and behind it is a --
appears to be

22 a caricature of David Koresh, the leader of the Branch

23 Davidians at Waco. And on the left it says, "We ain't
coming

24 out." It says "Waco." And you see on the flag above
is a

25 Texas star, and he's aiming a revolver.

6976

William West - Direct

1 Q. Agent West, is there another marking on that hat?

2 A. Yes, there is. There is a little red dot with a 3
on it.

3 Q. What does that indicate?

4 A. It appears to be like a price tag, like a \$3 price
tag.

5 MS. WILKINSON: We have no further questions,
your

6 Honor.

7 THE COURT: Mr. Tigar.

8 MS. WILKINSON: Your Honor, I want to check if
9 Government's Exhibit 1704B came out on the computer.

10 THE COURTROOM DEPUTY: No, it did not.

11 MS. WILKINSON: Could we do that again at the
break?

12 THE COURT: We can try, yes.

13 MS. WILKINSON: I think we might have moved it
before

14 she had a chance to print it out.

15 THE COURT: All right.

16 MR. TIGAR: I think we can remove the -- Ms.
Hasfjord,

17 could we remove the picture? Thank you very much.

18 CROSS-EXAMINATION

19 BY MR. TIGAR:

20 Q. Agent West, my name is Michael Tigar. I should
have
21 introduced myself to you before. I'm one of the
lawyers and
22 appointed to help Terry Nichols.

23 You -- what date was that that you were in
24 Mr. Nichols' house?

25 A. It was April 22.

6977

William West - Cross

1 Q. 22. And had you a search warrant. Correct?

2 A. Yes, we did.

3 Q. And in your warrant, what did it tell you to look
for?

4 A. Well, there were various items.

5 Q. Right. Well, what among the items that you were to
look

6 for there -- How would you classify having looked for
and taken

7 the items in the Quaker State box?

8 A. Those were documents. And if I recall right, Item
No. 6

9 speaks of documents, including, but not limited to,
documents

10 that would indicate affiliations, contact points.

11 Q. And that's why you took them?

12 A. Yes, sir.

13 Q. Okay.

14 A. And because we were investigating the bombing of
the
15 federal building.

16 Q. I understand that, sir.

17 Now, when is the first time that you saw the
materials
18 that were taken out of Mr. McVeigh's car?

19 A. First time I saw reprints of them, probably two
months ago.

20 Q. While you were preparing to testify in this case.
Is that
21 right?

22 A. Correct.

23 Q. That is, you hadn't made any investigative
connection
24 between what was in Mr. McVeigh's car and what was in
25 Mr. Nichols' house independently, had you?

6978

William West - Cross

1 A. No, sir.

2 Q. Who showed you the materials from Mr. McVeigh's car
and
3 asked you to read them?

4 A. Clerks at the command post of the Oklahoma bombing.

5 Q. And when did you become aware that you would be
asked to
6 come in here today and read out the things that were
found in
7 Mr. McVeigh's car?
8 A. I found out that that would probably be part of the
9 testimony a month ago.
10 Q. Now, the things that were found in Mr. McVeigh's
car had
11 yellow highlighting on them, didn't they?
12 A. Some -- some of the -- yeah -- correct. Some of
the things
13 from his car had yellow highlighting on them.
14 Q. Were you shown the copies that had the yellow
highlighting?
15 A. I reviewed the copies that had yellow highlighting.
16 Q. And the things in Mr. McVeigh's car had handwriting
on
17 them, didn't they?
18 A. Some of the items had handwriting; correct.
19 Q. And that was Mr. McVeigh's handwriting, wasn't it,
sir?
20 A. I assume so.
21 Q. And the things in Mr. McVeigh's car -- That was
sealed at
22 the time it was found; correct, sir?
23 A. It was in an envelope. I believe it was sealed. I
don't
24 know that for a fact when it was found.
25 Q. It was a standard envelope such as one would use to

fold

6979

William West - Cross

1 things up and mail them to others. Correct?

2 A. I saw a picture of the envelope. That's what it
appeared

3 to be, yes.

4 Q. A No. 10 envelope?

5 A. I don't know about that.

6 Q. Now, in Mr. Nichols' house, you say these items
were in a

7 storage room? Is that right?

8 A. That's what we referred to it as, a storage room.

9 Q. Well, Mr. Nichols' house is a modest frame house on
a quiet

10 street in Herington, Kansas; isn't that right, sir?

11 A. That's correct.

12 Q. And in his house he had some books; correct?

13 A. He had -- I've seen one or two books that came from
his

14 house, yes.

15 Q. And in his house, he had things about farming. Did
you see

16 any of those?

17 A. No, sir.

18 Q. All right. In the box that was labeled Quaker
State that

19 was there in the storage room, were these things
labeled in any

20 way, or were they just in there?

21 A. I believe some of them had dividers and some of
them were

22 labeled.

23 Q. Were they in file folders?

24 A. Some of the documents were in folders. Some were
not.

25 Q. Were the folders labeled?

6980

William West - Cross

1 A. Some of the folders are -- I can remember a folder
having a

2 label on it, yes.

3 Q. What did the label say?

4 A. I can't remember.

5 Q. So it didn't have enough significance for you to
take it

6 with you when you went; is that right?

7 A. Correct.

8 Q. So whatever it was in there, it didn't relate to
the

9 contents of these documents. Is that fair to say?

10 A. I'm not sure about that, no.

11 Q. Now, this box that had Quaker State on it: That
was next

some 12 to a box that had an old purse and some shackles and
13 hardware in it; right?
14 A. Appears so in that picture, yes.
way it was 15 Q. Well, not only did it appear so but that was the
16 so when you were there; correct, sir?
17 A. Correct.
coffee 18 Q. And these things weren't -- they weren't out on a
home? 19 table somewhere, were they, being exhibited in the
20 A. No. They were in a cardboard box on the floor.
21 Q. In a storage shed; right?
22 A. In the storage room. Yes.
23 Q. Storage room. Excuse me. I stand corrected.
I'm going 24 Let's take a look at some of these things.
Evokes 25 to put up on the machine here -- this is "Waco Shootout

6981

William West - Cross

1 Memory of Warsaw '43." Do you see that, sir?
2 A. Yes, sir.
3 Q. Why did you take that?
the 4 A. Because it -- we were investigating a bombing of

5 federal building.

6 Q. Yes, sir.

7 A. This equates federal agents with Nazi SS troops
8 exterminating Jews in World War II.

9 Q. I see. And so you thought that might be -- if you
had that
10 in your house, that might be evidence that you would
want to
11 shoot a federal agent or blow up a building. Is that
what you
12 thought, sir?

13 A. No, sir.

14 Q. Well, what did you think the significance of this
was when
15 you decided to take it out of Mr. Nichols' house?

16 A. I believed it might be one thing to consider.

17 Q. All right. Well, as you were considering it, did
you note
18 where this "Waco Shootout" -- where this main text in
here came
19 from?

20 A. I don't understand. No.

21 Q. Well, as a matter of fact, sir, it's a letter to
the editor
22 that originally appeared at page A13 of Monday, March
15, 1993
23 edition of The Wall Street Journal. Isn't that right,
sir?

24 A. It says that right on there, yes, sir.

25 Q. Yes, sir. Well, do you think The Wall Street
Journal is a

6982

William West - Cross

1 subversive publication, sir?

2 A. Of course not.

3 MS. WILKINSON: Objection, your Honor.

4 THE COURT: Sustained.

5 BY MR. TIGAR:

6 Q. Will you please look at the next paragraph
underneath and

7 let me read this aloud and see if I'm doing it right.
I'll

8 pull it out so we can see the text.

9 "In Germany, they first came for the
communists, and I

10 did not speak up because I wasn't a communist. Then
they came

11 for the Jews, and I did not speak up because I wasn't a
Jew.

12 Then they came for the trade unionists, and I didn't
speak up

13 because I wasn't a trade unionist. Then they came for
the

14 Catholics, and I did not speak up because I was a
Protestant.

15 Then they came for me, and by that time, no one was
left to

16 speak up."

had 17 Before seizing this document, did you know who
18 first said those words?
19 A. No, I didn't.
Martin 20 Q. Do you now understand that they were said by Pastor
21 Niemoller, a hero of the resistance?
didn't 22 A. I see he is the one that spoke those words, but I
23 know his history.
24 Q. Have you ever heard of Pastor Martin Niemoller?
25 A. No.

6983

William West - Cross

read out 1 Q. Now, there is one down here that says -- that you
2 loud: "The tree of liberty must be refreshed from time
to time 3 with the blood of patriots and tyrants," and is a quote
from 4 Thomas Jefferson.
5 A. Correct.
of 6 Q. Before you executed your search warrant on the 22d
7 April, 1995, had you ever heard that phrase before?
8 A. No, I hadn't.
9 Q. All right. Can you think of somebody else's house

and in

10 somebody else's papers where you might have found that
phrase,

11 if you had been looking for it?

12 A. No, I can't.

13 MS. WILKINSON: Objection, your Honor. I
think that

14 calls for speculation. I don't understand the
question.

15 THE COURT: Sustained.

16 BY MR. TIGAR:

17 Q. Now, then at the bottom, there is a -- well, you
don't know

18 to this day whether Thomas Jefferson actually wrote
that or

19 not. Is that right?

20 A. That's correct.

21 Q. And then there is another paragraph at the bottom
that

22 paraphrases what Martin Niemoller said. Correct?

23 A. That's correct.

24 Q. I'd like to put up what's been received as
Government's

25 Exhibit 1703: "Whatever Happened to Liberty Day." See
that,

6984

William West - Cross

1 sir?

2 A. Yes, sir.

3 Q. And you said in direct examination that the date
April 19
4 was also a date that appeared in some documents that
5 Mr. McVeigh had. Right?

6 A. Correct.

7 Q. Okay. Now -- and you mentioned -- then you talked
about
8 Paul Revere. Before you executed this search, did you
know
9 about what had happened on April 18 and April 19, 1775?

10 A. No, sir.

11 Q. Did you ever remember reading a poem about those
dates?
12 Would that refresh your recollection? "Hardly a man is
now
13 alive who remembers that fateful day and year." You
never
14 heard those lines?

15 A. I never heard those lines.

16 Q. Okay. Had you heard of Paul Revere?

17 A. Yes, I had heard of Paul Revere.

18 Q. All right. Now, then there is a reference here to
Waco,
19 Texas. You mentioned that. Right, sir?

20 A. Yes, sir.

21 Q. Now, where does this document come from? Can you
look at
22 it, all of it there, and help us to see where this

particular

23 page came from?

there 24 A. Well, possibly. I can't tell, but there is an ad

25 from the Arizona Libertarian.

6985

William West - Cross

called the 1 Q. So it would appear that it comes from something

2 Arizona Libertarian?

3 A. Possibly, yes.

4 Q. Do you know who the libertarians are?

5 A. Yes.

6 Q. Who are the libertarians?

7 A. I just know that they're for freedom.

8 Q. Uh-huh.

9 A. In the ultimate sense.

10 Q. Pardon me?

11 A. In an ultimate sense, just basically.

public 12 Q. They put candidates on the ballot and they run for

13 office and do things like that. Correct, sir?

14 A. That's correct.

article 15 Q. By the way, with respect to The Wall Street Journal

16 or Wall Street Journal letter, that's signed by someone

named

look to 17 John D. Dingell, III, of Wyandotte, Michigan. Did you

18 see who that was?

19 A. No, I didn't.

20 Q. So you never heard of that person?

21 A. No, sir.

you as to 22 Q. Now, in your investigation, did someone instruct

house? 23 what kinds of documents to look for in Mr. Nichols'

that's 24 A. We had a briefing concerning the warrant, and

25 basically the instructions we had.

6986

William West - Cross

1 Q. Who gave you the briefing?

I didn't 2 A. The principal legal advisor, I assume for Denver.

3 know the gentleman.

4 Q. And who was that?

5 A. I don't know his name.

6 Q. Was that by telephone or in person?

7 A. In person.

the legal 8 Q. And with respect specifically to papers, what did

9 advisor tell you that you should be looking for?

10 A. Just advised us to stick to the warrant.

11 Q. To stick to the warrant.

12 A. Correct.

13 Q. Nothing specific about papers; correct?

14 A. Correct.

15 Q. Now, you showed us earlier -- you testified about
having

16 reviewed a document that was found in Mr. McVeigh's
car. This

17 is Government's Exhibit 456 which has been received in
18 evidence.

19 A. That's correct.

20 Q. Thank you. Now -- and what document was it that
you said

21 that this -- that you found in Mr. Nichols' house that
you said

22 this reminded you of?

23 A. It's the three paragraphs at the end, the bottom
right of

24 the document, where the "U.S. Government Initiates Open
Warfare

25 Against American People."

6987

William West - Cross

--
1 Q. I see. Now, before the 19th of April -- excuse me

2 before the 22d of April, 1995, you knew that many, many

people

3 disagreed with what our government had done in Waco;
correct?

4 A. Correct.

5 Q. Pardon me?

6 A. Correct.

7 Q. And indeed, members of Congress had spoken out on
that

8 issue; correct?

9 A. Correct.

10 Q. And so the fact that somebody had in their house
material

11 that was critical of our government's actions in Waco:
You

12 don't regard that as a suspicious circumstance, do you?

13 A. No, sir.

14 MS. WILKINSON: Object, your Honor.
Objection.

15 THE COURT: Sustained.

16 BY MR. TIGAR:

17 Q. Now, in Mr. Nichols' house when you were searching,
you

18 said that you found -- you found that baseball cap?

19 A. Our search team found the baseball cap.

20 Q. I see. And --

21 A. I didn't personally find it.

22 Q. Okay. And you say it had a little sticker on it?

23 A. That's correct.

the 24 Q. Do you know -- did you recognize the handwriting on
25 sticker?

6988

William West - Cross

1 A. No, sir.

2 Q. In your subsequent investigation, have you come to
3 recognize the handwriting on the sticker?

4 A. I'm not aware of it, sir.

5 Q. Have you ever been to a gun show?

6 A. Yes, sir.

7 Q. And at gun shows, do you see a lot of political
literature?

8 MS. WILKINSON: Objection, your Honor.

9 THE COURT: Overruled.

10 THE WITNESS: I -- you know, when I've gone to
gun
11 shows, I've seen guns. I haven't seen that much
political

12 literature. Probably is some there.

13 BY MR. TIGAR:

14 Q. You don't have any doubt that there is some there,
do you?

15 A. No, I do not.

16 MR. TIGAR: May I have a moment, your Honor?

17 THE COURT: Yes.

18 BY MR. TIGAR:
19 Q. Now, looking back at that search, the things that
you
20 seized there from Mr. Nichols' house: They weren't
originals
21 torn out of a magazine, were they, any of them?
22 A. No -- I can't remember them as being originals torn
out of
23 a magazine.
24 Q. The items you've identified today for us, the
original
25 items that you seized: Every single one of those is a
Xerox

6989

William West - Cross

1 copy, isn't it?
2 A. The items that were presented today?
3 Q. Yes.
4 A. Yes.
5 Q. Pardon me?
6 A. Yes. Correct.
7 Q. Okay. And so you have no idea how those came into
that
8 box; right?
9 A. No, I don't.
10 Q. You don't have any idea who made the copies;
correct?

11 A. Correct.
12 Q. And you don't even know whether Mr. Nichols ever
read them,
13 do you?

14 A. No, I don't.

15 MR. TIGAR: Thank you very much, sir. I
appreciate
16 it.

17 THE COURT: Any redirect?

18 MS. WILKINSON: Yes, your Honor.

19 REDIRECT EXAMINATION

20 BY MS. WILKINSON:

21 Q. Agent West, you don't know any poems about Paul
Revere, do
22 you?

23 A. No, I don't.

24 Q. When you went in to search Mr. Nichols' house, you
knew the
25 date of the bombing, didn't you?

6990

William West - Redirect

1 A. Yes, I did.

2 Q. What was the date?

3 A. April 19, 1995.

4 Q. And did you know the date of the Waco incident?

5 A. Yes, I did.

6 Q. What was it?

7 A. April 19, 1993.

8 Q. That is one of reasons that you took the documents
that
9 you've introduced to the jury?

10 MR. TIGAR: I object to that, your Honor.

11 THE COURT: Sustained.

12 BY MS. WILKINSON:

13 Q. Mr. Tigar asked you about some of the dates that
were
14 listed on Government's Exhibit 1703: "Whatever
Happened to

15 Liberty Day." Do you recall that?

16 A. Yes, ma'am.

17 Q. And did you recognize those dates in that document?

18 A. Yes, ma'am.

19 Q. Agent West, when you were searching Mr. Nichols'
house with
20 other agents, did you seize other evidence from Mr.
Nichols'
21 house?

22 A. Yes, ma'am.

23 MS. WILKINSON: No further questions, your
Honor.

24 THE COURT: Anything further of this witness?

25 MR. TIGAR: Yes, your Honor. One I forgot to
ask.

William West - Recross

1 THE COURT: All right.

2 RE-CROSS-EXAMINATION

3 BY MR. TIGAR:

4 Q. You didn't see any of Mr. Nichols' handwriting on
any of
5 these things you've identified today, did you, sir?

6 A. No, I did not.

7 MR. TIGAR: Thank you. Thank you.

8 THE COURT: Is this witness going to be
excused?

9 MS. WILKINSON: Yes -- no, your Honor. He has
another
10 appearance.

11 THE COURT: He's coming back?

12 MS. WILKINSON: Yes.

13 THE COURT: You may step down for now.

14 We'll start the next witness.

15 MR. MACKEY: Thank you, your Honor. We call
Leslie
16 Earl, FBI Agent. Leslie Earl.

17 THE COURT: Thank you. Mr. Earl.

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

20 (Leslie Earl affirmed.)

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

22 Would you state your full name for the record
and

23 spell your last name.

24 THE WITNESS: My name is Leslie R. Earl, III,
E-A-R-L.

25 THE COURTROOM DEPUTY: Thank you.

6992

Leslie Earl - Direct

1 DIRECT EXAMINATION

2 BY MS. WILKINSON:

3 Q. Mr. Earl, good morning.

4 A. Good morning.

5 Q. Could you tell us where you work?

6 A. I'm a special agent for the FBI in Wichita, Kansas.

7 Q. How long have you been an agent?

8 A. Over eight years.

9 Q. How long have you been in Wichita?

10 A. Just over eight years.

11 Q. Were you there in April of 1995?

12 A. Yes, I was.

13 Q. Did there come a time when you were asked to
participate in

14 the investigation of the Oklahoma City bombing?

15 A. Yes, there did.

house? 16 Q. Were you involved with a search of Mr. Nichols'

17 A. Yes.

18 Q. Were you involved with a search on May 3 of 1995?

19 A. Yes, I was.

search? 20 Q. Did you have a search warrant to conduct that

21 A. Yes, I did.

22 Q. Did you read it?

23 A. Yes.

24 Q. Did it authorize you to search, among other things,

25 documents or correspondence?

6993

Leslie Earl - Direct

1 A. Yes, it did.

storage room 2 Q. As a part of your search, did you examine the

3 adjacent to the kitchen in Mr. Nichols' house?

4 A. Yes.

handed to 5 Q. Okay. Could you look in that envelope that was

Government's 6 you, or the folder, and see if you can find

7 Exhibit 158.

8 A. Yes.

9 Q. You can take it out of the plastic and look at it

yourself.

10 Do you recognize that book?

11 A. Yes, I do.

12 Q. How do you recognize it?

13 A. By my initials and the date on the back cover.

14 Q. And where did you find that book?

15 A. I found this book in a storage room adjacent to the
kitchen
16 in Mr. Nichols' house in what we call the lower cabinet
on the
17 south wall of that room.

18 Q. Did you see many other books in Mr. Nichols' house?

19 A. No.

20 Q. Did you ever see a library in Mr. Nichols' house?

21 A. No.

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

23 Exhibit 158.

24 MR. TIGAR: This, as with all other items, is
covered
25 by the Court's previous ruling, your Honor.

6994

Leslie Earl - Direct

1 THE COURT: Yes. So the record is preserved
with

2 respect to that, and 158 is now admitted.

the 3 MS. WILKINSON: Your Honor, may I publish just

4 front of that cover.

5 THE COURT: Yes.

6 BY MS. WILKINSON:

Agent 7 Q. Could you tell the jury what they're looking at,

8 Earl.

9 A. A book titled Hunter by Andrew Macdonald.

10 Q. And do you know the author, Andrew Macdonald?

11 A. I've heard of the author, Andrew Macdonald.

12 Q. Do you know of any other books he's written?

13 A. Yes. Turner Diaries.

14 Q. Do you see that marking up at the top of the book?

15 A. Yes.

16 Q. What is that?

17 A. It appears to be a price tag of \$7.

recognize 18 Q. Let me show you the back of the book. Do you

19 that?

20 A. Yes, I do.

21 Q. What's indicated at the bottom of the book?

book. 22 A. Those are my initials and the date I seized the

23 Q. Does that say 5-3-95?

24 A. Yes, it does.

Honor. 25 MS. WILKINSON: No further questions, your

Leslie Earl - Cross

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

2 MS. WILKINSON: Mr. Tigar, do you need this?

3 MR. TIGAR: No, I have a copy.

4 CROSS-EXAMINATION

5 BY MR. TIGAR:

6 Q. Yes -- good morning, Agent Earl.

7 A. Good morning.

8 Q. My name is Michael Tigar. I'm one of the lawyers
appointed
9 to help Terry Nichols in this case.

10 Do you know what this book is about?

11 A. Yes, I do.

12 Q. It is a work of fiction, is it not?

13 A. That's what I understand.

14 Q. And it has two protagonists, does it not?

15 A. I don't know what you mean by "protagonist."

16 Q. All right. It has one main character named Oscar
Yeager;
17 correct?

18 A. Correct.

19 Q. And another main character named Ryan, is that
correct --
20 William Ryan?

21 A. That is another character in the book.
22 Q. Yes. And it describes, does it not, a bombing? Is
that
23 correct?
24 A. It describes more than one bombing, if I recall.
25 Q. Yes, sir. It describes one bombing done with an
ANFO bomb;

6996

Leslie Earl - Cross

1 correct?
2 A. Yes.
3 Q. And in order to -- Mr. Yeager does the bombing? Is
that
4 right?
5 A. That's correct.
6 Q. And how does Mr. Yeager get the delivery van that
he uses
7 to deliver the ANFO?
8 A. I believe he stole it.
9 Q. Right. And who gave him the set of master keys
that he
10 used to steal it?
11 A. I don't recall.
12 MR. TIGAR: May he be shown a copy --
13 BY MR. TIGAR:
14 Q. Do you have a copy in front of you, sir?

15 A. Yes, I do.

16 Q. Would you turn, please, to page 179.

17 MS. WILKINSON: Your Honor, I'm going to
object unless

18 we're going to consider this an alteration of the
earlier

19 ruling and opening the door as to content of the book.

20 THE COURT: Well, the book is in evidence.
Portions

21 of it can be considered in the course of the receipt of
the

22 testimony.

23 MR. TIGAR: Yes, your Honor. That's what I'm
doing,

24 your Honor.

25 BY MR. TIGAR:

6997

Leslie Earl - Cross

1 Q. And would you look, please, at the second
paragraph, one,

2 two, three -- fourth line beginning with the sentence

3 "Leaving" -- "Leaving his own car." Do you see that,
sir?

4 A. Yes, I do.

5 Q. Does that refresh your recollection as to who gave
the keys

6 to Mr. Yeager?

7 A. Yes, it does.

8 Q. Who gave him the keys?

9 A. The character Ryan.

10 Q. Ryan. Okay. And in the book, who is William Ryan?

11 A. In the book, Ryan is an FBI employee.

12 Q. Yes. Senior official of the FBI. Correct?

13 A. Correct.

14 Q. And in fact, in the book it's Mr. Ryan, a senior
official

15 of the FBI, who directs that the ANFO bomb be placed
and

16 detonated. Is that correct, sir?

17 A. I don't recall that specifically.

18 Q. Well, do you remember that Mr. Yeager is recruited
by Ryan

19 to do some bombings?

20 A. Yes.

21 Q. Okay. But you just don't remember whether this is
one of

22 them; right?

23 A. I don't recall that the bombing was directed by
Ryan.

24 Q. You do remember that Mr. Ryan directed Mr. Yeager
to blow

25 up a car containing a television evangelist. Do you
remember

Leslie Earl – Cross

1 that?

2 A. Yes.

3 Q. All right. And then Yeager doesn't do it; correct?

He

4 blows up the car, but the guy isn't in it? Do you

remember

5 that?

6 A. Yes, I do.

7 Q. Now, it's clear from what we've said here that this

is a

8 work of fiction; correct?

9 A. Yes.

10 Q. That is to say, you have never had a senior

official of the

11 FBI who has authorized anyone to blow up anybody with

an ANFO

12 bomb?

13 A. Not that I'm aware of.

14 Q. All right. And you've never had a senior official

of the

15 FBI who has been authorized to blow up a television

evangelist.

16 Correct?

17 A. Correct.

18 Q. All right. Now, in looking at this work of

fiction, in the

19 end, Yeager kills Ryan, doesn't he?

20 A. Yes.

21 Q. And before he kills him, before Ryan gets killed,
he makes
22 a speech; correct? Makes a little talk about what he
thinks
23 about the FBI. Correct?
24 A. Yes.
25 Q. Would you turn to page 248, please.

6999

Leslie Earl - Cross

1 Would you just see if I'm reading this right.
This is
2 Ryan talking, isn't it? Can you check and see that
that's
3 right?
4 A. Which paragraph are we on?
5 Q. The first full paragraph that begins, "What you
have in
6 mind."
7 THE COURT: Do you have the reference?
8 THE WITNESS: Yes, I believe so.
9 I believe you're correct.
10 BY MR. TIGAR:
11 Q. Okay. And what Ryan says is, "What you have in
mind won't
12 work. The white people are too far gone. They don't
13 understand discipline, sacrifice, pulling together for
a common

14 goal. They're too weak, too timid, too spoiled, too
selfish,
15 too undisciplined. Hitler's SS legions were the last
white
16 force on earth which had a chance of doing what you
want to do,
17 and there just weren't enough of them to pull it off."

18 Do you see that there?

19 A. Yes, I do.

20 Q. Earlier in the book Ryan is introduced to us when
he
21 arrested Yeager. Do you remember that?

22 A. Yes.

23 Q. And would you turn, please, to page 63. And at the
bottom
24 paragraph -- all right. I'm going to start there.

"Ryan did

25 not respond directly to Oscar. He paused to gather his

7000

Leslie Earl - Cross

1 thoughts, then began again, speaking with more
emphasis,"

2 quote, "'I've watched the Bureau change from a first-
class

3 law-enforcement agency to a politicized, mongrelized,

4 third-rate secret-police bureaucracy, with the level of
morale

5 and efficiency you'd expect to find in Panama or
Nicaragua.'" "

6 And then he goes on; correct?

7 A. Yes.

8 Q. You have never had a senior official of the FBI who
admired

9 openly Hitler's SS. Have you?

10 A. No.

11 Q. And, in fact, the FBI today is committed to
combatting

12 racism, correct?

13 A. Yes, sir.

14 Q. And although there have been criticisms of the FBI,
it's

15 clear that this character line doesn't resemble any
modern day

16 FBI agent?

17 A. Correct.

18 Q. And all that goes to the same thing we started
with: This

19 is a work of fiction?

20 A. Yes.

21 Q. Are you aware that a lot of people in America have
read

22 this work of fiction?

23 A. I have no idea how many people have read it.

24 MR. TIGAR: Thank you, sir. I have no further
25 questions.

1 REDIRECT EXAMINATION

2 BY MS. WILKINSON:

3 Q. Counsel just asked you about the content of the
book, Agent

4 Earl. Can you tell the jury the motivation the
characters had

5 for bombing the building?

6 A. The character that carried out the bombing was
motivated by

7 his hate for mixed-race couples and Jews and
homosexuals.

8 Q. Could you turn to page 174 of the book. Do you
recall a

9 discussion of a bombing of a building?

10 A. Yes, I do.

11 Q. And do you see there in the middle of page 174 a
reference

12 to taking -- using a medium-sized truck? It's there in
the

13 middle. Starts with, "It was a large, modern store."

14 A. Yes.

15 Q. And what type of building was it that's described
there?

16 Could you read that first sentence for the jury?

17 A. "It was a large, modern store with lots of plate
glass."

18 Q. And then do you see the part that goes down where
it says

19 "engines idling"?

20 A. I'm sorry. Is that in the same paragraph?

21 Q. I believe so.

22 It -- down at the very bottom of the page.
See that?

23 It's the second-to-the-last sentence.

24 A. Okay.

25 Q. Can you read that, from "engines idling"?

7002

Leslie Earl - Redirect

1 A. Yes. ". . . engines idling, he found George's
delivery

2 entrance in a recess just large enough to accommodate a
3 medium-size truck."

4 Q. Do you recall that the book also discusses the use
of

5 ammonium nitrate fertilizer and Tovex?

6 A. Yes, I do.

7 Q. Could you turn to page 176. And then do you see
the

8 paragraph that begins, "Then he bought himself a used
Chevrolet

9 pickup"?

10 A. Yes.

11 Q. Could you read after that sentence, please.

12 A. "With the pickup he drove to a large feed and
fertilizer

13 store on the edge of town and bought 15 bags of
14 fertilizer-grade ammonium nitrate. He would have
bought more,
15 but 1,500 pounds was about as much as he estimated he
could
16 manage in one load without damaging his truck. After
unloading
17 that in the garage, he stopped at a hardware and farm-
supply
18 store and bought two 50-pound cases of Tovex cartridges
and a
19 box of electric detonators. Tovex was an aluminized
water-gel
20 dynamite commonly used by farmers and contractors for
blasting
21 stumps and boulders."

22 Q. Could you turn to page 179. Do you recall a
discussion of
23 using plastic trash barrels for the bomb?

24 A. Yes, I do.

25 Q. Do you see the paragraph that begins, "In his
rented

7003

Leslie Earl - Redirect

1 garage"?

2 A. Yes.

3 Q. Could you read that paragraph, please.

4 A. "In his rented garage he removed several five-

gallon cans

5 of wallpaper adhesive and dozens of rolls of wallpaper
from the
6 back of the van, replaced them with four 40-gallon
plastic
7 trash barrels he had purchased earlier in the day, and
spent
8 the next three hours emptying sacks of ammonium nitrate
into
9 the barrels and stirring a fuel-oil sensitizer into the
white
10 pellets. The barrels were closely grouped around one
of his
11 50-pound cases of Tovex. It was after four o'clock in
the
12 morning when he finally was ready to place a time-delay
13 detonator in the Tovex."

14 Q. Do you see the paragraph that in the middle of that
-- it
15 looks like the second-to-last paragraph -- that says,
"At
16 9:50 AM"?

17 A. Yes.

18 Q. Could you read that, please.

19 A. "At 9:50 AM he turned into the alley which ran
behind
20 George's Stationery. He pulled up as close to the
bricks as he
21 could, directly outside two of the tightly curtained
windows in
22 George's rear wall. He leaned back into the cargo area
just

start it 23 long enough to set the detonator for five minutes and
locked the 24 counting down. Then he stepped out into the alley,
sidewalk." 25 door of the van, and made his way back to the busy

7004

Leslie Earl - Redirect

about 1 Q. Okay. Now, do you recall a discussion in this book
2 the consequences of detonating a bomb like that?

3 A. Yes.

it 4 Q. Could you turn to page 179 or read from 179 where
transformed"? 5 starts, "George's plate-glass windows had been

6 A. "George's" --

7 Q. Go ahead.

into a 8 A. "George's plate-glass windows had been transformed
four 9 deadly hail of glittering shards, which had cut down

Dense smoke 10 pedestrians on the sidewalk in front of the store.

survive 11 poured from the interior of the building. No one could

had not 12 inside, he realized with a sinking heart; if the blast

13 killed them already, the smoke soon would. How many

were

14 there? If Monday had been typical, there would be
about a

15 dozen customers and clerks in the store."

16 Q. Now, can you see on page 180 a discussion of the
17 destruction, beginning with, "The smoke and dust were
still

18 heavy"?

19 A. Yes.

20 Q. Would you read that paragraph, please.

21 A. "The smoke and dust were still heavy in the air in
the

22 alley, and even with a handkerchief over his nose and
mouth he

23 coughed and gagged as he made his way back to the blast
site to

24 survey the damage. Where the van had been was a gaping
crater

25 a dozen feet across. Apparently there had been a
basement of

7005

Leslie Earl - Redirect

1 some sort under the store which had extended out
beneath the

2 alley. About 40 feet of the rear wall of the store was
gone,

3 and most of the interior walls of the Mossad offices
were gone

4 as well. He counted the remains of six, maybe seven,

persons

5 in the wreckage of the offices. Undoubtedly others
were buried

6 under the rubble."

7 Q. Now, in this book, Mr. Ryan, the character Mr.
Tigar asked

8 you about, directed these bombings. Is that right?

9 A. That's correct.

10 Q. But he wasn't there, was he, when the bombings
occurred?

11 A. That's correct.

12 MS. WILKINSON: No further questions.

13 THE COURT: How much more of this book are we
going to

14 be reading?

15 MR. TIGAR: Not very much, your Honor. As a
matter of

16 fact, no more. I just want to ask two questions.

17 THE COURT: All right.

18 RE-CROSS-EXAMINATION

19 BY MR. TIGAR:

20 Q. First, you did tell us there is what appears to be
a price

21 sticker on the one you found in Mr. Nichols' house;
right?

22 A. Yes.

23 Q. Did you check the handwriting on that?

24 A. No.

25 Q. Okay. And you're aware from your investigation

that

7006

Leslie Earl - Recross

1 Mr. and Mrs. Nichols are a mixed-race couple, aren't
you?

2 A. Yes.

3 MR. TIGAR: No further questions.

4 THE COURT: Is this witness to be excused?

5 MS. WILKINSON: He is, your Honor.

6 THE COURT: Agreed? Mr. Tigar, are we agreed
to
7 excuse the witness?

8 MR. TIGAR: Oh, yes, your Honor.

9 THE COURT: You may step down. You're
excused.

10 Members of the jury, we're going to excuse you
for the

11 noon recess, and we will recess till 1:35. During the
time of

12 this recess, once again -- and please, you know, bear
with me,

13 be patient with me as I repeat the cautions, because it
is

14 required of me to do so; and it is, of course, required
of you

15 to follow the cautions to continue to keep open minds
and avoid

16 discussion among yourselves and with other persons of
anything

17 connected with this trial, recognizing that it is not
until the
18 case has been completed and given to you for decision
that you
19 should be talking about what you hear in this
courtroom. And
20 of course, continue to avoid anything outside of our
evidence
21 which could in any respect influence your decision.

22 You're excused now till 1:35.

23 (Jury out at 12:08 p.m.)

24 MR. TIGAR: If your Honor please, I have not
been
25 objecting to each of these things from Mr. Nichols'
house as

7007

1 they came in.

2 THE COURT: Yes, we stipulated to your
continuing

3 objection.

4 MR. TIGAR: I wanted to make sure: We had
filed a

5 motion in limine with respect to certain things. I did
not
6 want my not standing up to be taken as a waiver of that
7 objection.

8 THE COURT: Yes.

If the 9 MR. TIGAR: I don't have track of the numbers.
I don't 10 Government will agree that our objection is preserved,
11 have a problem.

Honor. 12 MS. WILKINSON: That's fine with us, your

view 13 THE COURT: Yes. And there is some appellate
it's 14 that you have to renew that objection at the time, but
testimony 15 clear here that it will facilitate the taking of the
So the 16 if we stipulate that these objections are preserved.
17 Government has agreed.

18 MR. MACKEY: We'll do so.

19 THE COURT: All right. Thank you.

matter just 20 MR. MACKEY: Speaking of one housekeeping

terms of 21 for exhibits -- and this was our fault early on in

for the 22 Exhibit 952, the floor plan. I just want to clarify

floor 23 record 952 is a single exhibit that has nine different

Building. 24 plans for the nine different floors in the Murrah

witnesses, your 25 What we've done for each of the representative

1 Honor, is to designate a sub exhibit, 952A for the
first floor,
2 B for the second, and so on through 952I, so that the
record
3 would be complete and accurate as to how those exhibits
are
4 marked.

5 THE COURT: That's the way they're physically
marked.

6 MR. MACKEY: Yes, your Honor.

7 THE COURT: All right.

8 MR. MACKEY: As the Court may recall, we're
not
9 bringing those exhibits in with each witness. Prior to
coming
10 to court, they have placed the name tag on the floor
plan.

11 THE COURT: That's an acceptable procedure,
Mr. Tigar?

12 MR. TIGAR: Yes, your Honor. Subject to the
13 discussions we've had.

14 THE COURT: Yes. Of course.

15 All right. 1:35. I'm cheating you a little
on the
16 time here, but 1:35 is it.

17 (Recess at 12:11 p.m.)

18 * * * * *

19
20
21
22
23
24
25

7009

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7010

	1	PLAINTIFF'S EXHIBITS				
Withdrawn	2	Exhibit	Offered	Received	Refused	Reserved

3	158	6993	6994
4	318	6868	6868
5	410	6863	6863
6	414	6866	6866
7	418	6888	6888
8	418A	6888	6888
9	420	6897	6898
10	421	6902	6902
11	422-423	6897	6898
12	427	6896	6896
13	429	6903	6903
14	447	6926	6926
15	448A	6930	6930
16	453	6934	6934
17	453A	6934	6935
18	454	6939	6939
19	456	6939	6939
20	459-460	6939	6939
21	462	6931	6931
22	466	6881	6881
23	468	6880	6880
24	1701	6972	6973
25	1702	6964	6964

		PLAINTIFF'S EXHIBITS (continued)			
Withdrawn	Exhibit	Offered	Received	Refused	Reserved
	1703	6970	6971		
	1704	6967	6967		
	1704B	6968	6968		
	1707A	6954	6955		
	1707	6957			
	1707B	6957			
	1707	6957			
	1707B	6957		6960	
	1707		6961		
	1711	6975	6975		
	1773-4	6974	6974		
	1773-12	6952	6952		

15 * * * * *

16 REPORTERS' CERTIFICATE

17 We certify that the foregoing is a correct
transcript from

18 the record of proceedings in the above-entitled matter.

Dated

19 at Denver, Colorado, this 5th day of November, 1997.

20

21

Paul Zuckerman

22

23



24

25

Kara Spitler