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7828

1 APPEARANCES  
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JAMIE  
3 ORENSTEIN, and AITAN GOELMAN, Special Attorneys to the  
U.S.  
4 Attorney General, 1961 Stout Street, Suite 1200,  
Denver,  
5 Colorado, 80294, appearing for the plaintiff.  
6 MICHAEL TIGAR, RONALD WOODS, ADAM THURSCHELL,  
and  
7 REID NEUREITER, Attorneys at Law, 1120 Lincoln Street,  
Suite  
8 1308, Denver, Colorado, 80203, appearing for Defendant  
Nichols.

9 \* \* \* \* \*

10 PROCEEDINGS

11 (Reconvened at 1:35 p.m.)

12 THE COURT: Be seated, please.

13 (Jury in at 1:35 p.m.)  
14 THE COURT: Next witness, please.  
15 MR. MACKEY: Thank you, your Honor. We call  
Ronald  
16 Bain.  
17 THE COURTROOM DEPUTY: Raise your right hand,  
please.  
18 (Ronald Bain affirmed.)  
19 THE COURTROOM DEPUTY: Would you have a seat,  
please.  
20 State your full name for the record and spell  
your  
21 last name, please.  
22 THE WITNESS: My name is Ronald L. Bain, B-A-  
I-N.  
23 THE COURTROOM DEPUTY: Thank you.  
24 THE COURT: Please.  
25 MS. WILKINSON: Thank you, your Honor.

7829

Ronald Bain - Direct

1 DIRECT EXAMINATION  
2 BY MS. WILKINSON:  
3 Q. Good afternoon, sir.  
4 A. Good afternoon.  
5 Q. Could you tell us where you live.  
6 A. I live in Marengo, Ohio.

7 Q. And how long have you lived in Marengo, Ohio?

8 A. I've been there about the nine months now.

9 Q. Are you married?

10 A. Yes.

11 Q. Do you have any children?

12 A. Yes.

13 Q. How old are they?

14 A. Ten, seven, and three.

15 Q. Are you working --

16 A. Yes.

17 Q. -- near Marengo?

18 A. Yes, I've worked in Columbus, Ohio.

19 Q. What do you do in Columbus?

20 A. I'm a project manager for Ameritech.

21 Q. What is Ameritech?

22 A. Ameritech is a regional Bell operating company in  
that  
23 region.

24 Q. When did you start working for Ameritech?

25 A. November 11 of '96.

7830

Ronald Bain - Direct

1 Q. What had you been doing prior to that?

2 A. Prior to that I was a U.S. Army officer.

3 Q. Did you retire from the Army?

4 A. Yes.

5 Q. When did you retire?

6 A. September 30 of '96.

7 Q. What rank did you obtain before you retired?

8 A. I was a major in the Army.

9 Q. Did you have an MOS, area of specialty?

10 A. Yes, I was a Signal Corps officer, communications  
officer.

11 Q. How long were you in the Army before you retired?

12 A. I was on active duty for 16 years.

13 Q. Did you have any other service?

14 A. Yes, before that, I was in the National Guard for  
15 three-and-a-half years.

16 Q. What was your last assignment you had when you were  
in the  
17 Army?

18 A. My last assignment was as the executive officer of  
the U.S.  
19 Army Recruiting Battalion in Oklahoma City.

20 Q. What does an executive officer for a recruiting  
battalion  
21 do?

22 A. My responsibilities was to maintain and manage the  
23 day-to-day operations of the headquarters, to make sure  
that  
24 all the sections of the battalion headquarters provided  
support

25 to recruiters in the field.

7831

Ronald Bain - Direct

1 Q. You said "recruiters in the field." Could you  
describe for  
2 us the difference between the headquarters and the  
recruiters  
3 in the field?

4 A. We had recruiting stations in Oklahoma and in  
Arkansas and  
5 in northern Texas. And they did active recruiting out  
of the  
6 recruiting stations. At battalion headquarters we did  
not do  
7 active recruiting; we did processing of paperwork,  
processing  
8 of waivers, supply operations, personnel operations,  
those sort  
9 of things.

10 Q. When did you become the executive officer for the  
11 headquarters Army Recruiting Battalion?

12 A. In August of 1994.

13 Q. Were you the executive officer on April 19, 1995?

14 A. Yes, I was.

15 Q. Can you tell us prior to that date how often you  
were in  
16 the office.

17 A. I was in the office every day.

18 Q. Did you know everyone who worked in that office?

19 A. Yes, I did.

20 Q. Could you tell the jury where the office was  
located for

21 the U.S. Army Recruiting Battalion on April 19, 1995?

22 A. Our offices were on the fourth floor on the west  
end of the

23 building.

24 Q. Did you have officers in any other location?

25 A. We also had a company headquarters that occupied  
office

7832

Ronald Bain - Direct

1 space on the third floor.

2 Q. You said "the building." Which building was that?

3 A. The Alfred P. Murrah Building.

4 Q. Let me show you Government's Exhibit 952, which has  
5 previously been entered into evidence, the third floor.

Do you

6 recognize that floor plan?

7 A. Yes, I do.

8 Q. Could you circle the area where the Army had  
offices on the

9 third floor of the Murrah Building, please.

10 And how many people were located on the third  
floor

11 that worked for the Army?

12 A. At the time of the bombing, there were two people  
there.

13 Q. What did they do for the Army?

14 A. That was our company headquarters, so they were  
responsible

15 for the recruiting stations we had in Oklahoma City.

16 Q. Were the remaining personnel located on the fourth  
floor?

17 A. Yes.

18 Q. Let's take a look at that floor plan. Do you  
recognize

19 that?

20 A. Yes.

21 Q. Now, I take it the green area marked Army, that's  
the area

22 where you had your office and the rest of the offices?

23 A. That's correct.

24 Q. Could you start from the left-hand side where it  
says

25 "Public Affairs" and tell us what section were housed  
in which

7833

Ronald Bain - Direct

1 areas of this floor plan. You can use that pen, if  
you'd like.

2 A. Okay. The four offices -- there were actually four  
people

3 that occupied this area. There was an office here.

4 Q. "This area" meaning what's Public Affairs?

5 A. What I just circled.

6 Q. It's marked "Public Affairs"?

7 A. Yes, that was our Advertising and Public Affairs  
section.

8 There was four people, one in each of the smaller  
offices and

9 two in the larger office.

10 Q. If you could proceed to the right and tell us who  
was in

11 the office there.

12 A. The first circle I drew was there. That's the area  
where

13 our RA and reserve operations personnel were located.

14 Q. When you say "RA," what do you mean?

15 A. Regular Army.

16 Q. And if you could keep going toward the right.

17 A. And then in this area was our personnel section.  
This

18 office was the personnel officer's office, and then  
this area

19 where the NCOIC, the noncommissioned officer in charge,  
and the

20 other personnel that worked in the personnel section.

21 Q. Did you have both active-duty and civilian  
personnel

22 working in the Army office on April 19, 1995?

23 A. Yes, we did.

who had 24 Q. Let's proceed back, if we could, and tell the jury  
25 their offices back in that back space.

7834

Ronald Bain - Direct

1 A. In the Public Affairs space?

2 Q. No, back over to the right.

3 A. Here? I'm not sure I follow you.

4 Q. No, go further back.

5 A. Over in this area?

6 Q. I can't see your mark.

7 A. Okay.

8 Q. Can you do that again?

9 A. Right there.

10 Q. Yes, tell us who's located there.

and two 11 A. There we had -- at that time there were two NCOs  
12 civilian personnel that worked in that area.

13 Q. Which section were they assigned to?

14 A. In the Operations section.

that 15 Q. Okay. So that area was the Operations section; is  
16 correct?

17 A. That's correct.

south 18 Q. Now, go back behind that, straight back towards the

19 of the building.  
20 A. Over in this area?  
21 Q. Yes. Well, in that whole space that you haven't  
marked,  
22 tell us who's housed there.  
23 A. Okay. Right next to the personnel section, we had  
our  
24 Supply section, and they occupied this area here, those  
two  
25 offices. The battalion commander's office was in the  
corner.

7835

Ronald Bain - Direct

1 My office was next to his.  
2 Q. Could you put an X in your office?  
3 A. Yes. It was right there.  
4 Q. Did you have windows facing the south plaza?  
5 A. Yes.  
6 Q. Keep going, please.  
7 A. Next to me was the sergeant major's office. Next  
to him  
8 was our education services specialist that was assigned  
to the  
9 battalion. And then this office here was our Budget  
section.  
10 Then there's one other office in the middle of the  
complex

11 where the recruiter trainers were located. And then  
there was  
12 a secretary in the middle of the open area between the  
offices.  
13 Q. What rank was the battalion commander who sat there  
in the  
14 back corner?  
15 A. Lieutenant colonel.  
16 Q. Were you in your office on the fourth floor of the  
Murrah  
17 Building on the morning of April 19, 1995?  
18 A. Yes, I was.  
19 Q. When did you arrive that morning?  
20 A. I arrived there at approximately 8:25.  
21 Q. Could you click your pen a couple times and clear  
that  
22 screen. Just press the button on the side of the pen.  
23 A. Okay.  
24 Q. Keep going until you see all the marks go away.  
25 Now, you told us you entered the building at

7836

Ronald Bain - Direct

1 approximately what time?  
2 A. Approximately 8:25.  
3 Q. What did you do when you got there that day?  
4 A. I went to my office to start process -- 'cause the

5       battalion commander was out of the office and he'd be  
returning  
6       that day, so I started making a list of everything we  
needed to  
7       have squared away for him as he got back.

8       Q. Did you see anyone as you arrived that morning?

9       A. Yes, I talked to Jona Gert, the battalion  
secretary.

10      Q. Did anyone else come into your office at that time?

11      A. Yes, Sergeant Evans, our -- he was the  
noncommissioned

12      officer in charge of the personnel section, brought in  
Sergeant  
13      Titsworth to meet me.

14      Q. Why did Sergeant Evans bring in Sergeant Titsworth  
to meet  
15      you?

16      A. Sergeant Titsworth was a new soldier being assigned  
to our  
17      battalion. He had orders and was reporting for duty.

18      being assigned to the personnel section. And so  
Sergeant Evans  
19      brought him in to introduce me because as the executive  
20      officer, I supervised everyone in the headquarters, so  
he  
21      wanted me to get to know the soldier.

22      Q. Was that Sergeant Titsworth's first day on the job?

23      A. Yes, it was.

24      Q. Was he -- was Sergeant Titsworth alone in the  
office?

25 A. No, he was not.

7837

Ronald Bain – Direct

1 Q. Who was with him?

2 A. His wife and his two daughters.

3 Q. Do you know how old his daughters were?

4 A. Five and three.

5 Q. Do you know the name of his youngest daughter?

6 A. Kayla.

7 Q. After you met Sergeant Titsworth, did you leave the  
8 building that morning?

9 A. Yes.

10 Q. What did you do?

11 A. I had to return to my truck. I'd left some tax  
12 documentation there, and I went back to my vehicle to  
get that  
13 documentation.

14 Q. Where was your truck parked?

15 A. In the parking lot across the street from the front  
of the  
16 federal building.

17 Q. Is that the parking lot that is in between the  
Murrah  
18 Building and the Journal Record Building?

19 A. Yes, sir.

20 Q. That large parking lot there in front?

21 A. Yes.

22 Q. And did you return to the building before 9:00  
a.m.?

23 A. Yes, I did.

24 Q. Did you see anyone from the Army Recruiting office  
as you  
a.m.?  
25 were returning to the Murrah Building prior to 9:00

7838

Ronald Bain - Direct

1 A. As I got off the elevators on the fourth floor,  
Sergeant

2 Lola Bolden, I met her and also Sergeant Bernard Jones.  
They

3 were getting on the elevators as I was getting off.

4 Q. So you saw them on the fourth floor?

5 A. That's correct.

6 Q. Did you ask them where they were going?

7 A. I said -- I asked them where they were going. They  
said

8 they were going out to our warehouse to do some  
inventory.

9 Q. Where was the Army warehouse located in Oklahoma  
City?

10 A. It was in the GSA warehouse, which is on the east  
side of

11 the city.

it to 12 Q. Do you know whether Sergeants Bolden and Jones made  
13 the warehouse that day?  
14 A. I know for a fact they did not.  
day? 15 Q. Was Sergeant Lola Bolden killed in the blast that  
16 A. Yes, she was.  
17 Q. Do you know where they recovered her body?  
18 A. Her body was recovered in the parking garage.  
blast? 19 Q. Where was Sergeant Bernard Jones at the time of the  
the 20 A. He was with Sergeant Bolden on the first floor of  
21 building.  
22 Q. And he survived the blast?  
23 A. Yes, he did.  
after 24 Q. Let's go back to when you were on the fourth floor  
did you 25 you spoke to Sergeant Bolden and Sergeant Jones. What

7839

Ronald Bain - Direct

1 do?  
2 A. I returned to my office to make a phone call.  
3 Q. What happened next?  
noise, 4 A. Next thing I recall, I recall hearing a very loud

5 and I thought perhaps our Supply section was moving  
some boxes

6 on a handcart and it had crashed into the wall. I  
remember --

7 Q. Go ahead.

8 A. I remember reacting to that, just briefly; and then  
the

9 next thing I knew, I was getting up off my floor.

10 Q. Did you have any idea what had happened at that  
time?

11 A. No.

12 Q. What did you see when you got up from the floor?

13 A. The office -- the windows in my office, which  
overlooked

14 the plaza, were gone; and I looked out over the plaza,  
and the

15 ground was all buckled and the plaza was covered with  
debris.

16 Q. What did you do?

17 A. I turn the other way, to look towards the center of  
the

18 building, and I noticed I could look all the way  
through the

19 building. The walls were gone.

20 Q. Was part of the Army Recruiting office gone?

21 A. Yes.

22 Q. What did you do after you saw that?

23 A. My first reaction was to find out if Jona was okay,  
so I

24 called out her name; and I heard an answer, but I

couldn't find

25 her in the debris. And she told me she was under her  
desk.

7840

Ronald Bain - Direct

1 Q. What did you do for her?

2 A. I got down on my hands and knees and asked her to  
crawl out

3 to me, but there was glass everywhere; so I got  
something -- I

4 believe it was a ceiling tile -- and I cleaned it off  
and slid

5 it to her so she could get out.

6 Q. Were you concerned about her ability to get out  
from

7 underneath the desk?

8 A. Yes.

9 Q. Why?

10 A. She has multiple sclerosis; and she's able to walk,  
but

11 she's very frail.

12 Q. What happened?

13 A. She crawled out; and I said, "Jona, are you okay?"

14 And she said, "Yes."

15 And I said, "Wait here. I'll come back for  
you."

16 Q. Did you leave the area to look for others?

17 A. Yes.  
18 Q. Did you see anyone as you left?  
19 A. After I took care of Jona and as I made my way  
toward the  
20 other part -- or towards personnel section, there was a  
woman  
21 standing there and she was screaming, "Where's my  
baby?"  
22 Q. Did you know who she was at the time?  
23 A. No.  
24 Q. Did you later learn who she was?  
25 A. Yes.

7841

Ronald Bain - Direct

1 MR. TIGAR: Objection, your Honor.  
2 THE COURT: Overruled.  
3 BY MS. WILKINSON:  
4 Q. Who was she?  
5 A. Mrs. Titsworth.  
6 Q. Was she there with one of her children?  
7 A. Yes.  
8 Q. The older one or the younger one?  
9 A. The oldest one.  
10 Q. When you saw Mrs. Titsworth at that time, did you  
see her  
11 youngest daughter, Kayla?

12 A. No.

13 Q. What did you do next?

14 A. As I made my way through the debris to the  
personnel

15 section, I met Sergeant Davenport. He was the  
noncommissioned

16 officer in charge of our Operations section.

17 Q. That's the section that you told us was right here  
in the

18 center of the office?

19 A. Yes.

20 Q. What did he say to you?

21 A. He really didn't say anything to me. I told him to  
get

22 accountability of his people.

23 Q. Could you tell if he had any injury at that time?

24 A. Yeah. He didn't have any injuries.

25 Q. Did you see anyone else at that time?

7842

Ronald Bain - Direct

1 A. Then I made my way to the personnel section, and I  
saw

2 Sergeant Evans, the NCOIC of the personnel section.

3 Q. Did he have any injuries?

4 A. Yes.

5 Q. What injuries could you see?

his back. 6 A. He had -- his back was bloody and he had glass in

7 Q. Did you speak to him?

8 A. Yes.

9 Q. What did you instruct him to do?

10 A. I told him also to get accountability of his  
people.

11 Q. Did you continue to look for other personnel who  
may have  
12 survived?

13 A. Yes.

14 Q. Where did you go?

15 A. I went to -- the personnel officer was Captain  
Lawrence

16 Martin, and I went to his office, or what used to be  
his  
17 office.

18 Q. What did you find when you got there?

19 A. At that time he was sitting in a chair, and he had  
a bad

20 head wound and his right hand was nearly severed and  
blood was  
21 squirting out of his wrist.

22 MR. TIGAR: Your Honor, I object to this  
detail.

23 THE COURT: Overruled.

24 BY MS. WILKINSON:

25 Q. What did you do?

7843

Ronald Bain - Direct

1 A. I knew at that time that we had to provide some  
sort of  
2 emergency medical care. And we had a first-aid kit in  
the  
3 supply room, but looking for it was pointless. And I  
knew we  
4 had to have a tourniquet to stop the bleeding, so I  
took my tie  
5 off. I was wearing a tie that day, and I don't recall  
6 specifically if I handed it to someone else and they  
put it on  
7 his wrist, but the tie was on his wrist to stop the  
bleeding.

8 Q. Did you do anything about his head injury?

9 A. Yes. I knew he needed to have some sort of  
bandage, and  
10 the cleanest thing I could think of was the white,  
cotton  
11 T-shirt I had on --

12 Q. So what did you do?

13 A. -- so I took off my uniform shirt and used my T-  
shirt to  
14 bandage his head.

15 Q. Did Sergeant Davenport come back into the area at  
that  
16 time?

17 A. Yes.

18 Q. What happened?

19 A. He told me he couldn't find any of his people.

20 Q. And those were the folks in the operations center?

21 A. Yes.

22 Q. Closest to the windows of the Murrah Building?

23 A. Yes.

24 Q. What did you do?

25 A. One of the other soldiers -- made my way to another  
soldier

7844

Ronald Bain - Direct

Travis. She 1 who was badly injured. That was Sergeant Marilyn

she 2 was bent over her desk, and she was in extreme pain and

bandage her 3 also was covered with blood. And I knew we had to

4 as well.

5 Q. So what did you do?

T-shirt 6 A. I got another -- I asked Sergeant Davenport for his

7 and bandaged her as well.

for 8 Q. Did you try to get these people out of the building

9 medical attention after giving them the bandages?

10 A. Yes.

11 Q. What did you do?

12 A. We started pairing up who was ambulatory, who  
wasn't and  
13 who could help each other out, and so we started just  
pairing  
14 up and making our way out of the building toward the  
stairwell.  
15 Q. How did you get Captain Martin out of the building?  
16 A. I asked Anthony Scott, who worked in our Supply  
section who  
17 was there -- and I asked him and Captain Martin if they  
could  
18 both get out together, and they said they could, so  
they made  
19 their way out.  
20 Q. Was Sergeant Travis able to get herself out of the  
21 building?  
22 A. No, she was not.  
23 Q. What did you do?  
24 A. We had a bulletin board in the office that had all  
of our  
25 names on it, the commander, executive officer, etc.  
And that

7845

Ronald Bain - Direct

1 of course had fallen off the wall. It was off the  
wall, so I  
2 turned it over, cleaned it off, and then I didn't help  
carry

the 3 her out, but four other individuals carried her out to  
4 stairwell.

5 Q. Did you help anyone get out of the building,  
yourself?

6 A. Yes, I went back to Jona and helped her out.

7 Q. What did you do with those folks after you got them  
out of  
8 the building?

9 A. We took them to the curb, which -- along the  
building which

10 ran behind the building. And there were already  
ambulances

11 there, so some of them started -- got loaded up right  
away; and

12 the rest of them either laid down or sat down and  
waited.

13 Q. Did you speak to them?

14 A. Yes.

15 Q. What did you say?

16 A. I said, "Hang in. Help's on its way."

17 Q. Did you go back in the building?

18 A. Yes.

19 Q. Where did you go?

20 A. I went back to the fourth floor. There was -- when  
we went

21 out, there was some people who were -- weren't injured  
and

22 stayed behind to look for the people we couldn't find,  
so I

23 went back to assist.

24 Q. Did you find anyone else?

25 A. I did not personally.

7846

Ronald Bain - Direct

car in 1 Q. At sometime during this, were you able to see your

2 the parking lot across the street?

3 A. Yes.

4 Q. Could you see it from the fourth floor?

5 A. Yes.

6 Q. What did you notice?

7 A. It was engulfed in flames.

flames? 8 Q. Were all the cars in that parking lot engulfed in

9 A. No.

10 Q. Were some of them?

11 A. Yes.

anyone 12 Q. Now, after you determined that you couldn't find

the 13 else in the building, did you see any rescue workers in

14 building?

15 A. Yes.

16 Q. Who did you see?

17 A. A fireman was -- firemen had already been in the

building,

18 but there was one on the fourth floor with us.

19 Q. Did you tell him about the people you could not  
account

20 for?

21 A. Yes.

22 Q. What did you say?

23 A. I said -- well, he told us we needed to leave the  
building.

24 And I said, "There are five people here I can't find, a  
man and

25 four women."

7847

Ronald Bain - Direct

1 Q. And when you got outside of the building that  
second time,

2 did you try and account for all your people?

3 A. Yes.

4 Q. Had any one of your personnel or people located any  
of the

5 missing?

6 A. Yes.

7 Q. What happened?

8 A. When I went back into the building to look for  
people,

9 Sergeant Evans found Kayla Titsworth.

10 Q. And what was her condition when he --

11 A. She was dead.

12 Q. Did he bring her out of the building?

13 A. Yes.

14 Q. Were you able to find the others that were missing  
that

15 day?

16 A. No.

17 Q. Did they all die in the bombing?

18 A. Yes.

19 Q. Did you learn that several days later?

20 A. Yes.

21 Q. Where were they found?

22 A. They were found in the rubble at the base of the  
building.

23 Q. Now, after April 19, 1995, was the Army Recruiting  
office

24 headquarters able to resume operations immediately?

25 A. No.

7848

Ronald Bain - Direct

1 Q. Why not?

2 A. All of our computer systems and files in -- on the  
fourth

3 floor, part of those had fallen with the rest of the  
building;

4 and the rest were destroyed, and we weren't able to

recover

5 them.

6 Q. Did the Army send in additional personnel to help  
you begin

7 operations again?

8 A. Yes.

9 Q. Now, if I show you Government's Exhibit 1039, a  
chart with

10 the personnel from the Army Recruiting office who died  
that

11 day, could you identify them for the jury and tell them  
what

12 they did for the Army Recruiting office?

13 A. Yes.

14 MS. WILKINSON: Your Honor, we'd move in  
Government's

15 Exhibit 1039 and ask that Mr. Tongate put it in front  
of the

16 jury.

17 MR. TIGAR: Subject to our earlier discussion.

18 THE COURT: All right. It's received.

19 Yes, you may display it.

20 BY MS. WILKINSON:

21 Q. Major Bain, before we begin, you told the jury  
earlier that

22 when you spoke to the firefighter, you said you were  
missing

23 five people; is that right?

24 A. Yes.

Exhibit 25 Q. And there are seven people up on that chart that is

7849

Ronald Bain - Direct

1 1039. Can you explain the discrepancy?

one man 2 A. When I told the firefighter, I told him it was six,  
3 and four women -- correction, one man and five women.

4 Q. Why do we have a discrepancy of one person here?

elevator, I 5 A. I saw Sergeant Bolden and Sergeant Jones at the  
6 wasn't sure, I hoped that they had gotten out of the  
building.

7 Q. You were wrong about whether they had survived?

8 A. That's correct.

the 9 Q. Could you step down and keep your voice up and tell  
10 jury the name of each individual and what they did for  
the 11 Army.

was our 12 A. Lola Renee Bolden was a sergeant first class. She  
13 supply sergeant.

Public 14 Karen Gist Carr worked in our Advertising and  
15 Affairs section. She was an advertising assistant.

Public 16 Peggy Holland worked in our Advertising and

17 Affairs section, also. She had recently changed jobs  
to be our  
18 information management officer.

19 John Moss was the chief of our Advertising and  
Public  
20 Affairs section.

21 Victoria Lee Sohn was sergeant first class,  
worked for  
22 our Operations section.

23 Delores Stratton worked in our Operations  
section.

24 She was a personnel clerk.

25 And Wanda Lee Watkins worked in our personnel  
section.

7850

Ronald Bain - Direct

1 She was a personnel clerk, also.

2 Q. You can take your seat.

3 MS. WILKINSON: We have no other questions,  
your

4 Honor.

5 THE COURT: Mr. Tigar.

6 CROSS-EXAMINATION

7 BY MR. TIGAR:

8 Q. Major Bain.

9 A. Sir.

10 Q. My name is Michael Tigar. I'm one of the lawyers

appointed

11 to help out Terry Nichols.

12 I wanted to ask you a few questions, sir,  
about what

13 you saw on the north side of the building during the  
time you

14 were working there. I understand that your first --  
your first

15 duty that day was to your fellow soldiers --

16 A. Yes, sir.

17 Q. -- and the others; correct?

18 A. Yes, sir.

19 Q. And that's what you were principally engaged in was  
trying

20 to help them; right?

21 A. Yes, sir.

22 Q. But were you able to see some of the things out on  
the

23 north side of the building having to do with the damage  
that

24 was wrought by the blast?

25 A. Yes, sir.

7851

Ronald Bain - Cross

1 Q. Now, the first thing, sir, that you remember seeing  
-- or

2 one thing you remember seeing is your car on fire; is  
that

3 right?

4 A. Yes, sir.

lot 5 Q. Was it your -- did you usually park on that parking

Record 6 that's between the Murrah Building and the Journal

7 Building?

8 A. Yes, sir.

9 Q. And at the time that you saw your car on fire  
there, could

10 you see firemen attempting to put out those blazes?

11 A. I didn't -- it was not a high priority to me. I  
didn't

12 notice.

13 Q. I understand.

14 A. I did not notice anyone out there at the time.

15 Q. Okay. And after you finished doing the rescue work  
and the

16 helping work that you described for us here, did you  
leave the

17 scene of the Murrah Building?

18 A. Yes, sir.

19 Q. Okay. And when was the first time that you came  
back to

20 the Murrah Building after the 19th?

21 A. I'm not really sure how soon it was after that. It  
must

22 have been four or five days. I really don't recall.

23 Q. So by that time -- by the time you came back, the

rescue

24 workers and the work that they were doing was very far  
along,

25 the situation --

7852

Ronald Bain - Cross

1 A. Yes.

2 Q. The situation had changed a great deal from the way  
it was

3 when you first left there; is that fair to say?

4 A. The rescue operation was well under way. The  
landscape had

5 not changed that significantly.

6 Q. All right. And did you ever get your car back?  
Did you

7 ever go look for it?

8 A. We were told we needed to go to a salvage yard  
there in

9 Oklahoma City and take our title with us. If we did  
so, we

10 could sign it over.

11 Q. Okay. When you went back there on the -- that four  
or five

12 days later, whatever it was, had the cars in that  
parking lot

13 been moved?

14 A. I believe so, sir; yes, sir.

15 Q. And you don't -- you don't know today exactly when

that was

16 done or how; is that fair?

17 A. I know how it was done. I don't know when it was  
done, no.

18 Q. The when is the part I was asking, but all right.

19 MR. TIGAR: Thank you, very much; I appreciate  
your

20 answering my questions.

21 No further questions.

22 MS. WILKINSON: There's one thing I forgot,  
your

23 Honor, make a record.

24 REDIRECT EXAMINATION

25 BY MS. WILKINSON:

7853

Ronald Bain - Redirect

1 Q. Major Bain, before you came to court today, did I  
ask you

2 to place the names of the individuals who had died for  
the Army

3 on the floor plan where they had been at the time of  
the

4 bombing?

5 A. Yes, ma'am.

6 MS. WILKINSON: Your Honor, we would move in  
952D and

7 952C, although we don't want to display them at this  
time.

8 MR. TIGAR: No objection.  
9 THE COURT: All right. Received.  
10 MS. WILKINSON: The witness is excused, your  
Honor.  
11 THE COURT: Excused?  
12 MR. TIGAR: Yes, your Honor.  
13 THE COURT: You may step down. You're  
excused.  
14 THE WITNESS: Yes, your Honor.  
15 MR. MACKEY: Your Honor, we would call Gregory  
Pfaff.  
16 THE COURT: All right. Mr. Pfaff.  
17 THE COURTROOM DEPUTY: Raise your right hand,  
please.  
18 (Gregory Pfaff affirmed.)  
19 THE COURTROOM DEPUTY: Would you have a seat,  
please.  
20 Would you state your full name for the record  
and  
21 spell your last name.  
22 THE WITNESS: Gregory Michael Pfaff, P-F-A-F-  
F.  
23 THE COURTROOM DEPUTY: Thank you.  
24 MR. GOELMAN: Thank you, your Honor.  
25 DIRECT EXAMINATION

1 BY MR. GOELMAN:

2 Q. Mr. Pfaff, where do you live?

3 A. Harrisonburg, Virginia.

4 Q. Are you married?

5 A. Yes.

6 Q. Do you have any kids?

7 A. Yes.

8 Q. How many?

9 A. I have one daughter that's five and a half.

10 Q. And what do you do out there in Harrisonburg?

11 A. I own a delicatessen.

12 Q. What did you do before you owned a delicatessen?

13 A. I owned a business, Lock & Load Distributors.

14 Q. What kind of business was Lock & Load Distributors?

15 A. Sold special-application ammunitions.

16 Q. What exactly are special-application ammunitions?

17 A. Special-application ammunitions are ammunitions  
that aren't

18 used for target shooting or hunting. It's more of a  
tracers,

19 incendiaries, armor-piercing bullets, things of that  
nature.

20 Q. Self-defense and military-type ammunitions?

21 A. Yes.

22 Q. Where did you sell this ammunition?

23 A. At gun shows.

24 Q. And what exactly are gun shows?

for 25 A. In a layman's terms, gun shows are a flea market

7855

Gregory Pfaff – Direct

1 firearms, ammunition, and supplies of that nature.

you were 2 Q. And how many gun shows did you go to a year when

3 in the Lock & Load business?

4 A. I would do approximately 45 to 48 gun shows a year.

weekends? 5 Q. Were those shows held during the week or on

6 A. They were all on the weekends, that I know of.

7 Q. Mr. Pfaff, do you know Tim McVeigh?

8 A. Yes.

9 Q. When did you first meet him?

10 A. It was the early part of 1992.

11 Q. And where did you meet him?

12 A. Monroeville, Pennsylvania.

13 Q. How many times have you seen Tim McVeigh?

14 A. Counting the trial, it was five.

15 Q. So before the trial, you saw him four times?

16 A. Yes, sir.

17 Q. And were all those times at different gun shows?

18 A. Yes, sir.

show? 19 Q. Did you ever see Mr. McVeigh except for at a gun

20 A. No, sir.

McVeigh, 21 Q. Do you remember the last time that you saw Tim

22 Mr. Pfaff?

23 A. Last time was in 1993.

24 Q. When about in 1993?

start of 25 A. I don't know exactly when, but it was after the

7856

Gregory Pfaff - Direct

1 Waco.

Waco 2 Q. How do you remember that it was after the start of  
3 when you last saw Mr. McVeigh?

going 4 A. He had a conversation with me about Waco and about  
on. 5 down to the siege and being there while the siege was

what was 6 Q. Did Mr. McVeigh express any opinion to you about  
7 going on at Waco?

8 A. Yes. He stated that it was -- the government was  
9 infringing on civilians' rights and that this shouldn't  
be

government 10 happening and that this could be the start of the

11 coming door to door, collecting weapons from the  
citizens.

12 Q. And did he predict civil unrest as a result of  
Waco?

13 A. Yes.

14 Q. Describe the last time that you physically saw Mr.  
McVeigh.

15 Did you speak to him on the phone after that point?

16 A. Yes.

17 Q. About when was that?

18 A. That was around the fall of 1994.

19 Q. Where did you speak to Mr. McVeigh on the phone?

20 A. I was at my delicatessen.

21 Q. How many phone lines do you have at your  
delicatessen?

22 A. Two.

23 Q. Were you still in the gun show business back in the  
fall of

24 1994?

25 A. I was somewhat phasing it out.

7857

Gregory Pfaff – Direct

1 Q. What does that mean, "somewhat phasing it out"?

2 A. I still had a certain amount of inventory left that  
I was

3 willing to get rid of. I no longer really went to gun  
shows at

4 that time and no longer took out advertisements to sell  
wares;

5 but clients that knew where I was, I was willing to  
sell what I

6 had.

7 Q. Tell us about that conversation you had with Mr.  
McVeigh on

8 the telephone.

9 A. Went through the normal pleasantries of "Hi, how  
you doing"

10 type of things, hadn't talked to him in a while, asked  
him how

11 he was doing. And he told me he was living in Arizona.

12 Q. Okay.

13 A. Went on further, just regular type of conversation;  
and

14 then he asked me if I was still in the gun business.  
And I

15 stated to him that I was somewhat phasing it out, that  
the

16 delicatessen was becoming a, you know -- a viable way  
of life.

17 And he asked me if I can get him any det cord.

18 Q. Now, what is det cord?

19 A. Det cord is -- detonation cord is a high-explosive  
primary

20 charge used to set off a huge explosive charge or  
multiple

21 explosive charges simultaneously. It's the primary  
source to

22 set that off.

could 23 Q. What did you tell Mr. McVeigh when he asked if you

24 get him det cord?

in the 25 A. I told him I didn't have it and I couldn't ship it

7858

Gregory Pfaff - Direct

1 United States.

2 Q. What was his response?

locate 3 A. See if I could -- he asked me if I could try to

and to 4 some. And I told him that I would see what I could do

5 give me a call in about seven or ten days or so.

for det 6 Q. Did Mr. McVeigh indicate to you why he was looking

7 cord?

8 A. No.

did you 9 Q. When you told Mr. McVeigh to give you a call back,

10 intend to make any efforts to acquire det cord?

11 A. No.

12 Q. Why didn't you tell him that?

customer. 13 A. Because I never wanted to turn off a potential

inventory 14 He bought things from me before, and I still had this

15 that I thought someday he might be interested in

purchasing

16 some of.

17 Q. Did you make any efforts to try to locate det cord?

18 A. No.

19 Q. And did you hear from Mr. McVeigh again?

20 A. Yes.

21 Q. When was that?

22 A. It was about seven to ten days later.

23 Q. Where were you at that time?

24 A. I was at the delicatessen.

25 Q. Can you tell us about that conversation.

7859

Gregory Pfaff – Direct

1 A. There was again normal beginning telephone  
pleasantries,

2 "Hi, how you doing." He asked me if I had gotten him  
any det

3 cord, and I replied that I did not. The conversation  
somewhat

4 ended after that.

5 Q. And during these two phone calls, did Mr. McVeigh  
ever talk

6 to you in any kind of code?

7 A. No, sir. It was normal tones as we're speaking  
now.

8 Q. Mr. McVeigh never whispered to you during this  
conversation

9 or anything?

10 A. No, sir.

11 Q. Did you ever supply Tim McVeigh with det cord?

12 A. No, sir.

13 Q. Did you ever refer him to anyone else or anyplace  
else

14 where he might be able to acquire det cord?

15 A. No, sir.

16 Q. And after it became clear that you were not going  
to be a

17 source of det cord for Mr. McVeigh, did he ever contact  
you

18 again?

19 A. No, sir.

20 Q. Mr. Pfaff, what's the name of your delicatessen in  
21 Harrisonburg, Virginia?

22 A. Brooklyn's Delicatessen.

23 Q. And was that its name back in September, October of  
1994?

24 A. Yes, sir.

25 Q. Could you look inside -- do you have a folder up  
there?

7860

Gregory Pfaff - Direct

1 A. No, sir.

2 MR. GOELMAN: One moment, please.

3 BY MR. GOELMAN:

Exhibit

4 Q. Can you look and see if you can find Government

5 1888. What's been marked Government's Exhibit 1888 for  
6 identification, you find that?

7 A. No, sir.

the lower

8 Q. I think -- does that have a number on the tag in  
9 right-hand corner, Mr. Pfaff?

10 A. 555.

11 Q. Okay. There should be another one in there that  
says 1888.

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

13 THE COURT: Yes.

14 THE WITNESS: Yes, sir.

15 BY MR. GOELMAN:

Without

16 Q. Could you turn to the second page of that, please.

evidence,

17 reading from that document, 'cause it's not yet in

the

18 can you see if you recognize the secondary number for

19 Brooklyn Delicatessen.

20 A. Yes, sir.

21 Q. And what is that telephone number?

22 A. (703) 433-3978.

fall of

23 Q. Do you also see what your home number was in the

Exhibit 24 1994 on the right-hand column on page 2 of Government  
25 1888?

7861

Gregory Pfaff - Direct

1 A. Yes, sir.

of 2 Q. And what was your home telephone number in the fall

3 1994?

4 A. (703) 289-6958.

indicated that 5 Q. Mr. Pfaff, when Tim McVeigh called you and

6 he was living in Arizona, did you have any way of  
verifying

7 that he was indeed calling from Arizona?

8 A. No, sir.

from 9 Q. So for all you know, he could have been calling

10 anywhere?

11 A. Correct.

was in 12 Q. Do you know what Terry Nichols' home phone number

13 the fall of 1994, Mr. Pfaff?

14 A. No, sir.

15 Q. Do you know Terry Nichols?

16 A. No, sir.

17 Q. Do you know anyone named Daryl Bridges?

18 A. No, sir.  
19 Q. Now, you mentioned that you used to do about 45 to  
48 gun  
20 shows every year; is that right?  
21 A. Yes, sir.  
22 Q. Were you also a customer of gun shows during  
various  
23 periods of your life?  
24 A. Yes, sir.  
25 Q. And at any of these gun shows, did you ever buy or  
sell det

7862

Gregory Pfaff – Direct

1 cord?  
2 A. No, sir.  
3 Q. At any of these gun shows, did you ever see anyone  
selling  
4 det cord?  
5 A. No, sir.  
6 Q. Did you ever see Primadet for sale at any of these  
gun  
7 shows?  
8 A. No, sir.  
9 Q. You ever seen any kind of electric or non-electric  
blasting  
10 cap for sale at any of these gun shows?

11 A. No, sir.

12 Q. And in all your years of selling and shopping at  
gun shows,  
13 have you ever seen ammonium nitrate for sale?

14 A. No, sir.

15 Q. Now, you described gun shows as kind of a flea  
market for  
16 guns and ammunition; is that right?

17 A. Yes, sir.

18 Q. Have you ever seen anyone selling any kind of plant  
food at  
19 a gun show?

20 A. No, sir. Most of those shows were regulated to  
just  
21 gun-type of items that people can bring there to sell.

22 Q. Have you ever heard of anyone selling any kind of  
23 horticultural product at all at a gun show?

24 A. No, sir.

25 MR. GOELMAN: Court's indulgence?

7863

Gregory Pfaff - Direct

1 THE COURT: Yes.

2 MR. GOELMAN: Nothing further, your Honor.

3 THE COURT: Mr. Tigar.

4 CROSS-EXAMINATION

5 BY MR. TIGAR:

6 Q. Good afternoon, Mr. Pfaff.

7 A. Good afternoon.

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

10 When's the first time that you ever worked at  
a gun  
11 show?

12 A. First time I worked one was in 1990.

13 Q. And you began phasing out of the gun show business  
when?

14 A. In the latter part of '93. I actually kept the  
business in

15 operation. I just stopped going to gun shows in around  
June of  
16 '93.

17 Q. Now, did you attend gun shows all over the country?

18 A. On the East Coast.

19 Q. Did you ever work any gun shows in the Midwest?

20 A. No, sir.

21 Q. Not in the West?

22 A. No, sir.

23 Q. And did you ever work any in Florida?

24 A. No, I have not.

25 Q. Now, you described the gun shows as a kind of a  
flea

## Gregory Pfaff – Cross

1 market; is that right?

2 A. Yes, sir.

3 Q. Did you ever see books for sale at gun shows?

4 A. Yes, sir.

5 Q. Did you see political literature at gun shows?

6 A. Yes, sir.

7 Q. Did you see people walking around in uniforms at  
gun shows?

8 A. Can you clarify?

9 Q. Military-style clothing?

10 A. Some folks did, yes.

11 Q. And were some of these folks not obviously members  
of the

12 military, just folks that liked to dress up that way?

13 A. I could not answer that.

14 Q. Could not. Now, you sold ammunition?

15 A. Yes, sir.

16 Q. What kind of ammunition did you sell?

17 A. Special-application ammunition.

18 Q. And what is that? What kind did you sell?

19 A. That is tracer, incendiaries, pre-fragmented-core  
bullets,

20 things of that nature.

21 Q. Now, are these things that you'd use for target  
practice?

22 A. No, sir.

23 Q. What do you use them for?

24 A. Self-defense.

25 Q. All right. And, now, you mentioned to us that you  
-- well,

7865

Gregory Pfaff - Cross

1 at gun shows, you've seen military surplus items for  
sale;

2 correct?

3 A. Yes, sir.

4 Q. You see ammo cans, empty ammo cans?

5 A. Yes, sir.

6 Q. See other military surplus things? Ever see picks  
and

7 shovels?

8 A. I can't specifically say that I have, but I'm sure  
that

9 they were there.

10 Q. Did you see clothing for sale?

11 A. Yes, sir.

12 Q. By the way, you've never met Terry Nichols; right?

13 A. No, sir.

14 Q. And to your knowledge, you've never spoken to him  
in your

15 life; is that right?

16 A. To my knowledge, I've never spoken to him.

17 Q. You've seen his pictures in the paper; correct?

18 A. Yes, sir.

19 Q. And he's sitting right there?

20 A. Yes, sir.

21 Q. And so you're looking at him; you're sure you've  
never seen

22 him; correct?

23 A. As far as I can recall, I've never met the man.

24 Q. Okay. Now, you mentioned that you had discussed  
with

25 Timothy McVeigh Waco; correct?

7866

Gregory Pfaff – Cross

1 A. Correct.

2 Q. Mr. McVeigh told you that he had crawled up to the  
3 perimeter fence around Waco and crawled back without  
being seen

4 by the federal agents; correct?

5 A. That's what he stated.

6 Q. He stated that he sat in his car in Waco selling  
bumper

7 stickers; correct?

8 A. I'm not sure if that's the exact terminology; but,  
yes, he

9 was selling bumper stickers at Waco, yes.

10 Q. And he stated that he -- that this could be the  
start of

11 the government coming house to house to retrieve  
weapons; is

12 that correct?

13 A. Correct.

14 Q. And when he said this, he was very angry, wasn't  
he?

15 A. Yes, sir.

16 Q. And did he appear serious about his attitude  
towards Waco?

17 A. Yes, sir.

18 Q. Then you told us about a telephone call that you  
had with

19 Mr. McVeigh; correct?

20 A. Yes, sir.

21 Q. Now, when he called you up, you have no way of  
knowing

22 where he called from; correct?

23 A. That is correct.

24 Q. And if -- wherever it was that he called from,  
whoever the

25 subscriber was -- you do not know who the subscriber  
was to the

7867

Gregory Pfaff - Cross

1 telephone; right?

2 A. I don't know.

3 Q. To find out who called you and what was said,  
you're the  
4 logical person to ask; would you agree with that?  
5 A. Excuse me?  
6 Q. To find out who it was that called you and what was  
said,  
7 you're the logical person to ask; right?  
8 A. Yes, sir.  
9 Q. Now, you said that he wanted det cord; correct?  
10 A. Correct.  
11 Q. Did you know that Mr. McVeigh had been to gun shows  
in the  
12 past?  
13 A. I've only seen him at the gun shows that I  
attended.  
14 Q. So, then, that's the only time you've seen him?  
15 A. Correct.  
16 Q. Did he say why it was that he would be calling you,  
a gun  
17 show person, to obtain det cord?  
18 A. No, he did not state why he called me.  
19 Q. Did you tell him, "Mr. McVeigh, if you're looking  
for det  
20 cord, don't call me because you can't buy it at gun  
shows" ?  
21 A. He did not call me at a gun show, sir. He called  
me at the  
22 delicatessen.  
23 Q. No, no, I understand. When Mr. McVeigh called you,

did you

24 say to him, in words or substance, "Don't call me about  
det

25 cord, Mr. McVeigh, that sort of thing isn't sold at gun  
shows"?

7868

Gregory Pfaff – Cross

1 A. No, sir. I'm running a business, and I didn't have  
time to

2 explain everything to Mr. McVeigh. He asked me if I  
could get

3 the det cord. I told him that I would see what I could  
do.

4 Q. Right.

5 A. Uh-huh.

6 Q. And you told him that you would see what you could  
do, but

7 you didn't intend to do anything; right?

8 A. No, sir.

9 Q. So you -- what would you call it, you exaggerated?

10 A. No, sir.

11 Q. You puffed?

12 A. No, sir. I don't understand what you mean by  
"puffed."

13 Q. Well, you told him you intended to do something  
that you

14 didn't intend to do. How would you describe it?

15 A. I described it as not turning off a potential

customer.

16 Q. Now, when he called you, he told you he was living  
in

17 Arizona; correct?

18 A. Yes.

19 Q. And he said -- what did he say, "I want det cord"?

20 A. No, sir. He -- we had the normal pleasantries of a  
normal

21 conversation. I asked him how he was doing. He told  
me he was

22 living in Arizona. Then he asked me if I was still in  
the gun

23 business. I told him that I was somewhat phasing that  
out.

24 Then he asked me if I could get him any det cord.

25 Q. He said, "Can you get me det cord"; is that what  
you said?

7869

Gregory Pfaff - Cross

1 A. I don't know if that's the exact words from what  
you're

2 saying; but, yes, he told me could I get him det cord.

3 Q. You told him it could not be shipped in interstate  
4 commerce; correct?

5 A. I said it could not be shipped in the United  
States.

6 Q. And then he said, "I'll drive there and get it";  
right?

7 A. Yes, sir.

8 Q. Now, this was the first conversation you had with  
him --

9 right -- about the det cord, the one you're talking  
about now?

10 A. Yes, sir.

11 Q. And he called seven to ten days later; correct?

12 A. Yes, sir.

13 Q. And he was still looking for det cord; right?

14 A. Yes, sir.

15 Q. Did he offer to drive across the country in that  
connection

16 again?

17 A. No, sir.

18 Q. And what did you tell him, that you hadn't been  
able to get

19 any?

20 A. Correct.

21 Q. Now, the first time that you did business with Mr.  
McVeigh,

22 did you buy something from him?

23 A. No, sir.

24 Q. Did you ever buy something from him?

25 A. Yes, sir.

7870

Gregory Pfaff - Cross

1 Q. Did you buy blast simulators from him?

2 A. Yes, sir.

3 Q. And what are blast simulators?

4 A. It's pretty much the size of an M-80. It makes a  
loud  
5 bang. It's to simulate a blast.

6 Q. Did you buy atropine from him?

7 A. No, sir.

8 Q. Did you take atropine from him on consignment?

9 A. Yes, sir.

10 Q. What is atropine?

11 A. Atropine is a reimpregnation compound to thwart  
chemical  
12 warfare.

13 Q. That's a chemical substance?

14 A. I believe so.

15 Q. How do you use it?

16 A. You inject it into your leg, from what I  
understand.

17 Q. Pardon me?

18 A. From what I understand, if you're ever hit with  
chemical  
19 warfare, you would to be to inject this into your leg.

20 Q. Did you sell the atropine?

21 A. Yes, sir.

22 Q. Was it in injectable form?

23 A. Yes, sir.

24 Q. In little injection bottles like you see in a  
doctor's  
25 office?

7871

Gregory Pfaff – Cross

1 A. It was in a syringe.

2 Q. In syringes. So Mr. McVeigh gave you these  
syringes on

3 consignment, and you sold them; is that right?

4 A. Yes, sir.

5 Q. Where did you sell them?

6 A. At a gun show.

7 Q. And after you sold the syringes that Mr. McVeigh  
had given

8 you -- excuse me, containing this substance, what did  
do you

9 with the money?

10 A. Well, I kept the profit that was mine, and then I  
sent him

11 a check.

12 Q. Did you sell anything else -- did you have any  
other

13 business transactions with Mr. McVeigh?

14 A. I sold him armor-piercing incendiary bullets.

15 Q. I'm sorry, armor piercing?

16 A. Incendiary bullets.

17 Q. I see. Did he once show you a piece of steel at a

gun

18 show?

19 A. Yes, sir.

what an

20 Q. And that was to demonstrate the difference between

correct?

21 armor-piercing round would do and a standard round;

22 A. Correct.

and the

23 Q. Now, other than the blast simulators that you got

other

24 atropine that you had on consignment, is there any

25 business that you had with Mr. McVeigh?

7872

Gregory Pfaff – Cross

me some

1 A. He gave me 25-millimeter training round. He gave

bought some

2 of his training manuals, and I believe I might have

3 smoke grenades from him.

4 Q. Did he ever give you any political literature?

5 A. No, sir.

discuss

6 Q. And other than the Waco situation, did you ever

7 politics with him?

8 A. Not that I can recall.

that's

9 Q. And after Mr. McVeigh called you that second time,

10 the last you ever saw him until you came to be a  
witness in his

11 trial; is that correct?

12 A. The last I saw him was in 1993.

13 Q. 1993?

14 A. Correct, sir.

15 Q. Excuse me. After the telephone conversation in  
1994,

16 that's the last you spoke to him?

17 A. Correct.

18 Q. That's the last time you ever spoke to him?

19 A. Correct.

20 Q. And you never saw him after 1993?

21 A. Correct.

22 Q. And you've never seen or spoken to Mr. Nichols?

23 A. Correct.

24 MR. TIGAR: I have no further questions.  
Thank you.

25 MR. GOELMAN: No questions.

7873

1 THE COURT: Do you have any redirect?

2 The witness is excused, then, I trust.

3 MR. GOELMAN: Yes, your Honor.

4 THE COURT: Agreed? Agree to excuse the

witness?

5 MR. TIGAR: Yes, your Honor.

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

7 Next, please.

8 MR. MACKEY: Your Honor, we would recall  
Joanne

9 Thomas.

10 THE COURT: Miss Thomas has already been sworn  
before.

11 When she came before.

12 If you'll resume the stand under the oath you  
took

13 earlier.

14 THE WITNESS: Yes, I did.

15 (Joanne Thomas was recalled to the stand.)

16 MR. ORENSTEIN: May I proceed, your Honor?

17 THE COURT: Yes.

18 MR. ORENSTEIN: Thank you, sir.

19 DIRECT EXAMINATION

20 BY MR. ORENSTEIN:

21 Q. Welcome back, Miss Thomas.

22 A. Thank you.

23 Q. I know you were here last week, but if you would  
just

24 remind the jury where you're from and what you do.

25 A. My name is Joanne Thomas. I'm from the Omaha  
division,

7874

Joanne Thomas - Direct

1 Omaha, Nebraska. I'm a financial analyst there.

FBI. 2 Q. And the jury has seen a number of people from the

3 You're not a special agent; is that correct?

4 A. That's correct.

5 Q. Now, when you were here last week with us, you  
showed us

6 one of the items that you found in the living room  
closet of

7 Mr. Nichols' home when you helped execute that search  
warrant.

8 That was Government Exhibit 250; correct?

9 A. Right.

10 Q. And you told us that you placed that notebook in a  
plastic

11 bag which was received in evidence as Exhibit 250B; is  
that

12 correct?

13 A. Right.

14 Q. Did you also find other items in that same closet  
which you

15 put in the same evidence bag?

16 A. Yes, I did.

17 Q. And were they all given Q numbers that started with  
Q156 to

18 indicate they came out of that same bag?

19 A. Yes.

and 20 Q. I'd like to ask you to find Government Exhibit 1818

21 2000 in the folder that's been handed to you.

22 A. Yes, I have them.

23 Q. Do you recognize those items?

24 A. Yes, I do.

in the 25 Q. And were those among the items that you also found

7875

Joanne Thomas - Direct

admitted as 1 living room closet and put into that evidence bag

2 250B?

3 A. Yes.

that, 4 Q. Let's start with Government Exhibit 1818. What is

5 please.

6 A. That's a Michigan driver's license application.

7 Q. And it's got some pieces of paper there, as well as  
8 something else?

license with 9 A. Yes. There is a driver's -- Michigan driver's

it. 10 a photo attached to the back -- with a photograph on

11 MR. ORENSTEIN: Pardon me.

12 BY MR. ORENSTEIN:  
13 Q. And does it have a Q number on the particular item  
that  
14 starts with Q156?  
15 A. Yes, it does, 156-7.  
16 Q. What's the number for the record?  
17 A. Q156-7.  
18 Q. And that's among the items that you found in Mr.  
Nichols'  
19 closet?  
20 A. Yes.  
21 MR. ORENSTEIN: Government offers Exhibit  
1818.  
22 MR. TIGAR: Your Honor, I'm having trouble  
finding it  
23 here. May I just look at it, please.  
24 THE COURT: Yes, you may.  
25 MR. TIGAR: Thank you. 1818.

7876

Joanne Thomas - Direct

1 Okay.  
2 No objection, your Honor.  
3 THE COURT: 1818 is received.  
4 MR. ORENSTEIN: Judge, may I retrieve the  
exhibit,  
5 just to display part of it on the ELMO?

6 THE COURT: Yes.

7 MR. ORENSTEIN: Thank you.

8 Thank you, ma'am.

9 BY MR. ORENSTEIN:

10 Q. Ma'am, just focusing for a moment on the left side  
of that,

11 this is a Michigan driver's license application for  
Terry Lynn

12 Nichols; is that correct?

13 A. That's correct.

14 MR. ORENSTEIN: I'm sorry. Could we have the  
display,

15 please.

16 Thank you.

17 BY MR. ORENSTEIN:

18 Q. Just to show the title there, it says, "Michigan  
Driver's

19 License Application"; correct?

20 A. Yes.

21 Q. And on the left side, it shows it's for Mr. Terry  
Lynn

22 Nichols; is that right?

23 A. That's true.

24 Q. And attached on the right side, there's a corner of  
a

25 Michigan driver's license; is that true?

Joanne Thomas – Direct

1 A. Yes. Yes.

2 Q. Now, it's a little difficult to read from this. Is  
that

3 also in the name of Terry Lynn Nichols?

4 A. Yes, sir, it is.

5 Q. And there is a photograph of Mr. Nichols in the  
corner?

6 A. Yes.

7 Q. Now, if I could ask you to turn to Exhibit 2000.  
Do you

8 have that?

9 A. Yes, I do.

10 Q. What's that?

11 A. It's a receipt from Wal-Mart in Manhattan, Kansas.

12 Q. Is that among the items that you found in the  
closet in

13 Mr. Nichols' living room on April 22?

14 A. Yes, it is.

15 Q. Do you know if there were other receipts found in  
different

16 parts of the house?

17 A. Yes, there were.

18 Q. And you don't know specifically what all those  
items were?

19 A. No, I don't.

20 Q. But this one came from the closet?

21 A. Yes, it does.

other 22 Q. Does it have a Q number starting with 156 like the  
23 items from the bag?  
24 A. Yes, it does.  
25 Q. For the record, what number is that?

7878

Joanne Thomas - Direct

1 A. Q156-4.  
2 MR. ORENSTEIN: Government offers Exhibit  
2000.  
3 MR. TIGAR: No objection.  
4 THE COURT: 2000 is received.  
5 MR. ORENSTEIN: And if I may turn to the  
computer to  
6 display that, please.  
7 BY MR. ORENSTEIN:  
8 Q. Miss Thomas, did you examine this item and find if  
there's  
9 a date on it?  
10 A. Yes, there is.  
11 Q. And perhaps we could focus in on that.  
12 A. April 15, 1995.  
13 Q. That's what we're seeing at the very bottom of the  
receipt?  
14 A. Yes.  
15 Q. And is there a time stamp on it as well?

16 A. Yes, 1440.

17 Q. And that's military time; is that correct?

18 A. That's right. It would be 2:40 in the afternoon.

19 Q. All right. Now, in addition to recovering items

from the

20 closet in the living room, did you also recover various

items

21 from the dining table that was in the living room?

22 A. Yes.

23 Q. Let me ask you first to turn to Exhibits 1957 and  
1958 from

24 your folder.

25 A. Yes, I have them.

7879

Joanne Thomas - Direct

1 Q. Are those among the items that you found on the top

of the

2 dining room -- the dining table in Mr. Nichols' living

room on

3 April 22?

4 A. Yes, they are.

5 MR. ORENSTEIN: Government offers Exhibits  
1957 and

6 1958.

7 MR. TIGAR: No objection, your Honor.

8 THE COURT: They are received.

9 BY MR. ORENSTEIN:

10 Q. Let me turn now to Exhibits 1716 and 1717.

11 A. I have those.

12 Q. Now, do you recognize both of those as items that  
you also  
13 recovered from the dining table in Mr. Nichols' living  
room?

14 A. Yes, I do.

15 Q. And what is Exhibit 1716?

16 A. It's a Executive Weekly Minder.

17 Q. When you say "Executive Weekly Minder," that's the  
title of  
18 the item?

19 A. Of the outside cover of the item, yes.

20 Q. And what kind of cover is it?

21 A. It's a telephone address book with paper in it as  
well.

22 Q. It's one of these things that have a number of  
things that  
23 come within it?

24 A. Right.

25 Q. When you found it, did it have other items tucked  
within

7880

Joanne Thomas - Direct

1 it?

2 A. Yes, it did.

items? 3 Q. Was Exhibit 1717, the next exhibit, one of those

4 A. Yes, it is.

5 Q. And what is 1717?

Minder. 6 A. It's the telephone address part of that Weekly

1716 and 7 MR. ORENSTEIN: Government offers Exhibits

8 1717.

9 MR. TIGAR: No objection, your Honor.

10 THE COURT: They are received.

11 BY MR. ORENSTEIN:

12 Q. Now, if I could turn your attention to 1717, the  
telephone

13 address book --

14 A. Yes.

15 Q. -- that you found there. Does that have pages that  
are

16 within it that are labeled as a telephone book with  
different

17 pages of the -- different letters of the alphabet?

18 A. Yes, it is.

19 MR. ORENSTEIN: Your Honor, at this point I'd  
offer a

20 stipulation that we reached with the defense that the

21 handwriting on pages marked B, F, and M are in the  
handwriting

22 of Mr. Nichols.

23 MR. TIGAR: That's correct, your Honor.

say? 24 THE COURT: All right. B, F, and N did you

25 MR. ORENSTEIN: I'm sorry. M.

7881

Joanne Thomas - Direct

1 THE COURT: M.

2 MR. ORENSTEIN: Yes, the letter M.

Nichols' 3 THE COURT: And it is stipulated that is Mr.

4 handwriting.

5 MR. TIGAR: Yes, your Honor.

6 THE COURT: All right.

7 BY MR. ORENSTEIN:

You 8 Q. Now, last week we also heard from Agent Jasnowski.

9 know her?

10 A. Yes, I do.

11 Q. And she was the team leader of the search?

12 A. That's right.

documentary 13 Q. And she told us about making photocopies of the

lab for 14 items in the search before they were sent off to the

15 fingerprinting. Are you familiar with that?

16 A. I was not involved in that.

17 Q. You weren't in the court, but you're aware that

that was

18 done; right?

19 A. Yes, I was.

20 Q. And have you looked at photocopies of some of these  
pages?

21 A. Yes, I have.

22 MR. ORENSTEIN: The -- just for the record,  
Judge,

23 we've marked the B page copy as 1717A, and the copy of  
1717 --

24 I'm sorry -- the copy of the F page as 1717B, and we  
would

25 offer those.

7882

Joanne Thomas - Direct

1 MR. TIGAR: No objection for demonstrative  
purposes,

2 your Honor.

3 THE COURT: All right.

4 MR. ORENSTEIN: That's all.

5 THE COURT: 1717A and 1717B received for  
demonstrative

6 purposes.

7 MR. ORENSTEIN: Right.

8 BY MR. ORENSTEIN:

9 Q. Let's start with 1717B. And if you can see on your  
screen,

10 there's a portion of that showing.

11 A. Yes.

12 Q. And that shows not the only entry on the F page,  
but one of

13 them; correct?

14 A. That is correct.

15 Q. What is the name of that entry?

16 A. It says, "Fortier, Mike."

17 Q. And underneath the name, "Fortier, Mike," is there  
another

18 first name?

19 A. Yes, "Lori."

20 Q. And is there an address --

21 A. Kingman.

22 Q. Kingman, Arizona?

23 A. Kingman, Arizona.

24 Q. If we could turn now to 1717A. If I could show you  
a

25 portion of that page. Let me focus in on part of it  
there.

7883

Joanne Thomas - Direct

1 There's only one entry on that page; is that correct?

2 A. That's right.

3 Q. All right. And can you read the name that is the  
only

book? 4 entry on the B page of Mr. Nichols' telephone address

5 A. "Bridges, Daryl."

name; 6 Q. And there's other information connected with that

7 correct?

8 A. Yes.

the 9 Q. Now, in addition to the telephone address book, did

have 10 Executive Weekly Minder that you found, Exhibit 1716,

11 anything else inside of it when you found it?

12 A. Yes, it did.

13 Q. Let me direct your attention to Exhibit 484.

14 A. I have that.

15 Q. What is that, please.

name on 16 A. It's a Spotlight prepaid telephone card. And the

17 the front is Daryl Bridges, and --

18 Q. That was one of the items that you found inside of

the 19 Executive Weekly Minder?

20 A. Yes, sir, it is.

21 Q. On top of the dining table from Mr. Nichols' home?

22 A. Yes, it is.

23 MR. ORENSTEIN: Government offers 484.

24 MR. TIGAR: No objection, your Honor.

25 THE COURT: 484 is received.

Joanne Thomas - Direct

1 MR. ORENSTEIN: And if we could just display  
the cover 2 of it.

3 THE COURT: All right.

4 BY MR. ORENSTEIN:

5 Q. Is that it there?

6 A. That's it.

7 MR. ORENSTEIN: Thank you, Miss Thomas.

8 Nothing further, your Honor.

9 THE COURT: Any questions?

10 MR. TIGAR: May I retrieve the exhibits from  
the 11 witness, your Honor?

12 THE COURT: Yes.

13 MR. TIGAR: Thank you.

14 THE WITNESS: Uh-huh.

15 CROSS-EXAMINATION

16 BY MR. TIGAR:

17 Q. Hello again, Miss Thomas.

18 A. Hello.

19 Q. You were of course one of a number of people that  
was 20 involved in that search; correct?

21 A. That's right.

22 Q. And you went to the briefing before it happened?

23 A. Yes, I did.

24 Q. Was Agent Crabtree at that briefing?

25 A. I'm sorry. I don't know Crabtree -- Agent Crabtree  
by his

7885

Joanne Thomas -- Cross

1 name.

2 Q. So you wouldn't know whether he was or not? Okay.

3 Now, do you happen to know how Mrs. Fortier  
spells her

4 first name?

5 A. No, I do not.

6 Q. Lori. You don't.

7 Now, you told us about the DRMO materials;  
right?

8 And are those Exhibits 1957 and '58?

9 A. Are those the sealed bids, sir? Two.

10 Q. Yes, the sealed bids.

11 A. Yes.

12 Q. And do you know how -- do you have any information  
about

13 how that sealed-bid material works, how that -- sealed-  
bid

14 auctions work?

15 A. No, I don't.

16 Q. Let me just put up a page here. I'll zoom out.

17 And so that when the jurors come to look at  
this, are

18 these pages just lists and lists of things that the  
Army is

19 trying to get rid of?

20 A. I don't know, sir.

21 Q. Oh. All right.

22 MR. ORENSTEIN: For the record, could we just  
have it

23 read into -- the items, which of the items is being  
displayed.

24 MR. TIGAR: This is Exhibit 1957, and I'm on  
page 3.

25 THE COURT: Thank you.

7886

Joanne Thomas - Cross

1 BY MR. TIGAR:

2 Q. Now, with respect to this, did you read this  
material?

3 A. Did I read it inside?

4 Q. Yes, did you read the inside?

5 A. No, I didn't.

6 Q. Oh, okay. Well, then I won't tax your patience by  
reading

7 it to you now.

8 A. Okay.

9 MR. TIGAR: I thank you very much. I don't  
have any

10 other questions.

11 MR. ORENSTEIN: No further questions. The  
witness is

12 excused.

13 THE COURT: Excused this time?

14 MR. ORENSTEIN: We don't anticipate calling  
her again.

15 THE COURT: Agreed?

16 MR. TIGAR: Agreed, your Honor, we don't  
anticipate

17 calling Miss Thomas.

18 THE COURT: All right. You may step down.  
You're

19 excused now.

20 THE WITNESS: Thank you.

21 MR. MACKEY: Call William Sweet.

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

23 (William Sweet affirmed.)

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

25 Would you state your full name for the record  
and

1 spell your last name.

2 THE WITNESS: William Glen Sweet, S-W-E-E-T.

3 THE COURTROOM DEPUTY: Thank you.

4 DIRECT EXAMINATION

5 BY MR. MACKEY:

6 Q. Good afternoon, Mr. Sweet. How are you?

7 A. Good afternoon. Fine.

8 Q. In April of 1995, sir, did you work for a company  
in

9 Washington, D.C., area known as Liberty Lobby?

10 A. Yes, I did.

11 Q. And after the bombing, did it fall to you to gather  
12 whatever records were on hand at that business  
concerning the

13 sale of a debit calling card in the name of Daryl  
Bridges?

14 A. Yes, it did.

15 Q. And did you do so?

16 A. Yes, I did.

17 MR. MACKEY: Your Honor, at this time,  
pursuant to

18 agreement by the parties, we would move to admit  
Government's

19 exhibits I would expect this witness to testify about  
including

20 480 through 483, 485 through 488 -- excuse me -- 488,  
490

21 through 503, and 1835. And in addition Exhibits 486A,  
488A,

22 490A, 493A, 496A, 499A, and 502A.

23 MR. TIGAR: That's correct, your Honor. We  
have no  
24 objection to the introduction of those exhibits.

25 THE COURT: All right. They're received.

7888

William Sweet - Direct

1 BY MR. MACKEY:

2 Q. Mr. Sweet, tell the jury a little bit about  
yourself. How

3 old are you, please.

4 A. I'm 50 years old.

5 Q. And where do you currently reside?

6 A. At 10141 Wavell Road, Fairfax, Virginia, 22032.

7 Q. Is that in Washington, D.C., metro area?

8 A. Yes, it is.

9 Q. How long have you lived in the Washington, D.C.  
area?

10 A. Approximately 20 years.

11 Q. And what is your educational background?

12 A. I have a B.S. degree in accounting from Ithaca  
College in

13 Ithaca, New York.

14 Q. You may need to raise your voice just a little bit.

15 A. Okay.

16 Q. What is your current line of work?

17 A. I am a direct-response marketing consultant.

18 Q. What do you do in that kind of job?

19 A. I'm in marketing, and it is a direct response. By  
20 definition, it's quantifiable. You do something and  
you can

21 quantify the reaction of the results you get  
immediately, very

22 quickly.

23 Q. Do you assist business clients in selling products?

24 A. Yes, I do.

25 Q. Did you once upon a time work for Liberty Lobby?

7889

William Sweet - Direct

1 A. Yes, I did.

2 Q. And what time period?

3 A. It was from 1985 to 1995.

4 Q. And what position did you start with at Liberty  
Lobby?

5 A. I was initially hired as a controller for one of  
their

6 subsidiaries.

7 Q. And what different jobs after starting did you hold  
for

8 Liberty Lobby?

9 A. I was responsible for circulation, management,  
operations,

10 marketing and then eventually marketing director.

11 Q. Did Liberty Lobby during the time of your  
employment

12 publish a newspaper by any name?

13 A. Published a newspaper called Spotlight.

14 Q. Is that a single word?

15 A. It's The Spotlight. Spotlight is one word.

16 Q. And could you tell the jury the period of  
publication, how

17 often was it issued?

18 A. It's published weekly.

19 Q. And when is it printed in relation to when it's

20 distributed?

21 A. It's printed on Friday, with the date being ten  
days hence,

22 for the ten days to the Monday.

23 Q. In the fall of 1994, in the spring of '95,  
approximately

24 how large was The Spotlight readership?

25 A. The readership was estimated at that time at around

7890

William Sweet - Direct

1 200,000.

2 Q. In 1993, sir, did you use the list of readers,  
Spotlight

3 subscribers, to launch a program to sell a debit

calling card?

4 A. Yes, we did.

5 Q. Tell the jury about that, please.

6 A. We prepared a -- we had reviewed the product, and  
we

7 prepared a wrap that would go around the newspaper  
promoting

8 the advantages of having a card you so you don't have  
to use

9 coins to make phone calls. It was good for people who  
would be

10 in college or if you were on the road.

11 Q. Is it oftentimes referred to as a debit calling  
card?

12 A. Yes, it is a debit calling card by definition.

13 Q. What does that mean?

14 A. By definition you have to prepay the amount.  
There's no

15 credit involved. You prepay a certain amount.

16 Q. And were accounts set -- kept separately; that is,  
by

17 individual?

18 A. We sold them to individuals. The accounts each had  
what we

19 called a PIN number, a unique PIN number to each card  
that was

20 sold.

21 Q. And was that PIN number, then, issued to each  
person who

22 held a Spotlight calling card?

23 A. Yes, it was.

24 Q. Were any records or summaries or recaps of phone  
usages on

25 any card sent to the cardholder?

7891

William Sweet - Direct

1 A. No, there were not. That was one of the  
advantages. You

2 didn't have to worry about it. You just used up the  
time, and

3 that was it.

4 Q. Now, based on the program that began in 1993, did  
Spotlight

5 provide any means for recharging or refunding a  
particular

6 calling card?

7 A. Yes. When you originally received your calling  
card in the

8 mail, you got a booklet that came with it of eight  
coupons

9 where you could send back with money from 30, 50, or a  
hundred

10 dollars.

11 Q. Take a look, please, Mr. Sweet, in your folder  
before you.

12 You should find Government Exhibit 480, 480.

13 Can you pull that out of the plastic and first

14 identify it for the record.

Spotlight 15 A. This is the original wrap that was put on The  
prepaid 16 newspaper that launched the marketing effort for the  
17 debit calling card.  
show it 18 Q. Could you pull that out of the plastic and simply  
19 to the jury, please.  
some of 20 And does that exhibit describe the features,  
21 which you've described here --  
22 A. Yes, it does.  
23 Q. -- about the debit calling card?  
24 A. It goes into a lot of detail.  
25 Q. That was included in each one of The Spotlight  
newspapers?

7892

William Sweet - Direct

1 A. For this issue, yes.  
2 Q. And when was that issue?  
3 A. The issue date on this was November 1, 1993.  
card? 4 Q. Mr. Sweet, did you come to own a Spotlight calling  
5 A. Yes, I have.  
6 Q. And have you used it over the years?  
7 A. Yes, I have.  
8 Q. Would you describe to the jury how it works.

that you 9 A. The original cards, we were given an 800 number

10 would dial into.

11 Q. You remember that 800 number?

12 A. It's 1 (800) 793-3377.

13 You would be prompted to -- it would say,  
"Welcome to

14 The Spotlight calling card," and it would ask you for  
your PIN

15 number. You would enter your PIN number. It would  
tell you

16 how much money you had remaining on the card. You  
would then

17 dial the number that you wanted to get to. It would --  
just

18 before it made your connection, it would tell you how  
many

19 minutes you had remaining on that card, and you talked.

20 Q. All right. And the balance would go down as you  
used the

21 card?

22 A. Correct.

23 Q. Let's turn now to what you found in your search of  
records

24 for Daryl Bridges. Let me start with Government  
Exhibit 1835.

25 A. Government Exhibit what?

William Sweet - Direct

1 Q. 1835. It should be towards the end of your folder.

2 A. 1835. Oh, yes.

3 Q. Mr. Sweet, with benefit of that document and your  
own

4 research, could you tell the jury when Daryl Bridges  
was issued

5 his Spotlight calling card?

6 A. The original date was 11-7, 1993. November 7,  
1993. That

7 was the application that he sent to us to -- for the --  
in the

8 amount of \$50.

9 Q. Did you find records to show that he re-funded or  
10 recharged, made more payments on that card after that  
date?

11 A. Yes; we received an additional six recharges with  
coupons.

12 Q. What was the total amount that Daryl Bridges sent  
to

13 Spotlight to recharge that card?

14 A. The total -- the overall amount was \$480. The  
recharges

15 were \$430.

16 Q. What did a Spotlight customer pay for each minute  
of phone

17 usage?

18 A. They paid 25 cents a minute. So you were actually  
looking

19 the 1,920 minutes at the time, About 32 hours.

20 Q. On the Bridges account?

21 A. Yes, on that account alone. 32 hours.

22 MR. MACKEY: Can we display 1835 to the jury,  
please.

23 THE COURTROOM DEPUTY: 1835 hasn't been  
admitted.

24 MR. MACKEY: Yes, it was.

25 THE COURT: Yes, it is.

7894

William Sweet - Direct

1 MR. TIGAR: Yes, your Honor, we did consent  
that it be

2 admitted; I think it was.

3 THE COURT: Yes.

4 MR. MACKEY: Thank you.

5 It's on the computer.

6 Thanks, Kathi.

7 BY MR. MACKEY:

8 Q. Mr. Sweet, tell the jury what they're looking at.

9 A. This is the listing of the history, payment history  
on the

10 Daryl Bridges phone card. The first entry is the

11 application -- was the application, and the following  
six

12 entries represent recharges, money that was sent in to  
The

13 Spotlight to add more time to the card.

was a  
14 Q. Each of the seven payments received at Spotlight  
15 money order; is that correct?  
16 A. Yes, it was.  
paid  
17 Q. And according to this exhibit, 300 of the \$480 was  
18 after -- on or after November 7, 1994; is that correct?  
19 A. Correct.  
that  
20 Q. Let me show a few of the other exhibits, Mr. Sweet,  
please,  
21 you've alluded to. Let's start with the application,  
22 Government Exhibit 481, if you can find that.  
23 And for the record, tell us what that is.  
24 A. This is the original application that we received  
from a  
25 Daryl Bridges at 3616 North Van Dyke Road in Decker,  
Michigan.

7895

William Sweet - Direct

1 It was --  
2 Q. Let me zoom in, Mr. Sweet, on the handwriting.  
3 A. Okay.  
address  
4 Q. Go ahead and finish reading into the record the  
5 that was listed on that application?  
6 A. That was Decker, Michigan, 48426/TDC.

7 Q. Do you know what TDC stands for?

8 A. I believe it is threat, derision, and coercion.

9 MR. MACKEY: Your Honor, pursuant to agreement  
of the

10 parties, it is agreed that the handwriting now  
displayed to the

11 jury was authored by Terry Lynn Nichols.

12 MR. TIGAR: Yes, your Honor. That's agreed.

13 THE COURT: All right.

14 And of course, members of the jury, we accept  
that

15 agreement.

16 BY MR. MACKEY:

17 Q. Mr. Sweet, let's turn now to the money order that  
18 accompanied that first payment, Government Exhibit 482;  
and I

19 show that to you, please.

20 And for the record, what is 482?

21 A. This is a United States postal money order dated  
the 11th

22 of November, 1993. It is made payable to The  
Spotlight, at 300

23 Independence Avenue, S.E., Washington, D.C., 20003.

24 Q. All right. Let me interrupt, Mr. Sweet. And let's  
go back

25 to the top portion of the money order. You see some  
printing

William Sweet - Direct

1 on there that says year, month, and day?

2 A. Correct.

3 Q. What would the year be?

4 A. 1993.

5 Q. What would the month be?

6 A. November.

7 Q. What would the day be?

8 A. The 7th.

9 Q. The 7th?

10 A. The 7th.

11 Q. All right. Thank you. And was this the money  
order that

12 was received with the first application in the name of  
Daryl

13 Bridges?

14 A. Yes, it is.

15 Q. Let me show the enlargement on the left-hand side,  
please.

16 And how was this made payable?

17 A. This was made payable to The Spotlight.

18 Q. And in the notation at the bottom, below the  
listing of the

19 name "Washington, D.C," there are some initials. Would  
you

20 read those?

21 A. DGATT.

22 Q. Could it be DBATT?

23 A. Yes, it could.

24 Q. All right. Do you know what those initials,  
whatever they

25 are, represent?

7897

William Sweet - Direct

1 A. I can't tell, no.

2 Q. Let's look at the other side of that same money  
order.

3 And is that the same name and address that you  
read in

4 earlier from the application itself?

5 A. On the reverse side? Are we looking at that?

6 Q. Yes, on the right-hand side, the other side.

7 A. The right-hand side. We have the "from Daryl  
Bridges, care

8 of 3616 North Van Dyke Road, Decker, Michigan, 48426/  
TDC."

9 Q. Let me show you again the entire document.

10 MR. MACKEY: Your Honor, it's the agreement of  
the

11 parties that the handwriting that appears on this  
exhibit, 482,

12 was authored by Timothy James McVeigh.

13 MR. TIGAR: That's correct, your Honor.

14 THE COURT: All right. It's agreed the

handwriting is

15 Timothy James McVeigh's.

16 BY MR. MACKEY:

17 Q. Mr. Sweet, did you find the envelope that that  
payment and

18 application came in to The Spotlight?

19 A. Yes, we did. Yes, we did.

20 Q. Take a look at 483, please.

21 And for the record again, tell us what that  
exhibit

22 is.

23 A. This is the original envelope that contained the  
money

24 order and the original application.

25 Q. I want to focus in now on the return address, Mr.  
Sweet.

7898

William Sweet - Direct

1 And simply read that into the record, please.

2 A. "Daryl Bridges, Care of 3616 North Van Dyke Road,  
Decker,

3 Michigan, 48426/TDC."

4 Q. And again, this was the envelope that carried the  
money

5 order that you've just previously identified?

6 A. That's correct.

7 MR. MACKEY: Your Honor, we'd advise the Court

and the

8 jury that pursuant to agreement, the handwriting that  
appears  
9 on the face of this exhibit, 483, was that of Terry  
Lynn  
10 Nichols.

11 MR. TIGAR: That's correct, your Honor.

12 THE COURT: All right. So agreed.

13 BY MR. MACKEY:

14 Q. Mr. Sweet, now let's turn to the records you found  
15 concerning the second payment on the Bridges account.  
Let's  
16 start with 485, please.

17 What is that?

18 A. This is another United States postal money order.

19 Q. And was it the payment received on or about what  
date, if  
20 you can read from the money order?

21 A. The money order date is February 16, 1994.

22 Q. Let me zoom in on the right-hand side of that  
exhibit. And

23 is that the same name and address and notation of TDC  
that you  
24 found on previous exhibits?

25 A. Yes, it is.

1 MR. MACKEY: And let me zoom back out, please.  
2 And I'll report to the Court and jury, please,  
your  
3 Honor, that it is the agreement that the handwriting  
that  
4 appears on 485 was that of Mr. Terry Lynn Nichols.

5 THE COURT: That is agreed?

6 MR. TIGAR: I'm sorry.

7 THE COURT: 48- --

8 MR. TIGAR: Yes, your Honor. I was getting a  
note  
9 here. Yes, your Honor, we agree to that.

10 THE COURT: All right.

11 BY MR. MACKEY:

12 Q. Mr. Sweet, you mentioned earlier that as a service  
to the  
13 customer, you sent coupons for future payments to  
cardholder?

14 A. Yes, we did.

15 Q. What purpose did those coupons serve?

16 A. It was usually designed to facilitate payments for  
the  
17 card, to recharge the card.

18 Q. And on this and other Daryl Bridges payments, did  
you find  
19 that those money orders were accompanied by coupons?

20 A. Yes, they were.

21 Q. Let me show you just for illustration one such  
coupon,

22 Government Exhibit 486A.

23 Do you find that?

24 A. Yes, I did.

25 Q. What is that, please?

7900

William Sweet - Direct

1 A. This is a coupon to recharge The Spotlight calling  
card.

2 Q. Was that the coupon that accompanied the money  
order you

3 just previously identified?

4 A. Yes, it was.

5 MR. MACKEY: Your Honor, again pursuant to  
agreement,

6 the handwriting that appears on this coupon is that of

7 Mr. Terry Lynn Nichols.

8 MR. TIGAR: Yes, your Honor.

9 THE COURT: All right. So agreed.

10 BY MR. MACKEY:

11 Q. For the record, Mr. Sweet, can you identify  
Government

12 Exhibit 487? It should be right behind that.

13 A. This is --

14 Q. Yes, what is that?

15 A. This is an envelope which was opened in our -- in  
the mail

16 room. And it contained additional payment.  
17 Q. Did your staff routinely make notations on the  
envelopes as  
18 part of their record keeping at Spotlight?  
19 A. Yes, they did.  
20 Q. Do you see such notation on Exhibit 487?  
21 A. Yes.  
22 Q. Show the jury what you're referring to.  
23 A. The notations of the date that it was opened in the  
mail  
24 room of February 24, 1994, and the amount of \$50 was  
received,  
25 and the "TC," which represents telephone card, were  
noted.

7901

William Sweet - Direct

1 Q. Thank you.  
2 Let's turn now to the third payment,  
previously  
3 identified as a money order dated 8 -- August 21, 1994.  
Take a  
4 look at 488.  
5 And if you can find 488A, see if that's a more  
legible  
6 copy of the same money order.  
7 A. Yes, it is.  
8 Q. All right. Let's focus on 488A. And what is that,

please,

9 for the record.

10 A. This is a Traveler's Express International money  
order for  
11 the amount of \$50.

12 Q. And in the upper right-hand corner, do you see a  
date?

13 A. August 21st, 1994.

14 MR. MACKEY: Your Honor, again pursuant to  
agreement,  
15 the handwriting that appears on this exhibit, 488 and  
488A, was  
16 authored by Terry Nichols.

17 MR. TIGAR: Yes, your Honor, we agree to that.

18 THE COURT: So agreed. All right.

19 BY MR. MACKEY:

20 Q. Mr. Sweet, take a look now, please, at 491.

21 Tell his Honor and the jury what that is,  
please.

22 A. This is an envelope that contained a payment from  
Daryl  
23 Bridges.

24 Q. Let me zoom in on the return address.

25 Is that the same return address that you had  
found on

7902

William Sweet - Direct

1 previous mailings?

2 A. Yes, it is.

3 Q. With the exception that there's no ZIP Code?

4 A. There is no ZIP Code or the "slash TDC."

5 MR. MACKEY: Again, pursuant to agreement,  
your Honor,

6 the handwriting that appears on this exhibit, 491, is  
that of

7 Mr. Terry Lynn Nichols.

8 MR. TIGAR: That's right, your Honor.

9 THE COURT: All right. So agreed.

10 BY MR. MACKEY:

11 Q. Mr. Sweet, depending on how good your eyes are, you  
can use

12 the screen to look at future exhibits and maybe it will  
go

13 faster. But if you need to look at the real documents,  
it will

14 be right next to you. Okay.

15 Take a look at 490 and tell the jury what that  
is.

16 A. Is this 490 in front of me?

17 Q. Not yet. Exhibit 490.

18 Find it in your folder, if you could.

19 A. Okay.

20 Q. Is that the coupon that accompanied that particular  
21 payment?

22 A. This would be the coupon, yes.

of 1994, 23 Q. Let's turn now to the fourth payment in September  
below 24 Government Exhibit 492. Can you see it on the screen  
25 you, sir?

7903

William Sweet - Direct

1 A. Yes.

2 Q. And is that a money order dated September 29, 1994?

3 A. Yes, it is.

4 Q. And was that the fourth payment, according to your  
summary,  
5 that you received on the Bridges account?

6 A. Yes, it is.

7 Q. Let me focus our attention on the left hand, and  
we'll zoom  
8 that out for you. And what is the long series of  
numbers that  
9 appears on the fourth line of that portion of that  
money order?

10 A. That is the PIN number that was assigned to this  
card.

11 Q. To the Daryl Bridges card?

12 A. To the Daryl Bridges card, yes.

13 Q. Let's zoom back out, if we can.

14 MR. MACKEY: And your Honor, for the record,  
it's the  
15 agreement of the parties that the handwriting that

appears on

16 this money order, 492, was that of Timothy James  
McVeigh.

17 MR. TIGAR: It's agreed, your Honor.

18 THE COURT: All right. So agreed.

19 BY MR. MACKEY:

20 Q. Take a look now, Mr. Sweet, at 494. And is that  
the

21 mailing envelope in which that money order was found?

22 A. That is the mailing envelope, yes.

23 Q. And do you find some handwriting in the upper left-  
hand

24 corner that is the return address?

25 A. Yes.

7904

William Sweet - Direct

1 Q. Let me show you that.

2 MR. MACKEY: Your Honor, it's again the  
agreement of

3 the parties that this handwriting, the return address  
on

4 Exhibit 494, was authored by Timothy James McVeigh.

5 MR. TIGAR: That's agreed, your Honor.

6 THE COURT: All right. So agreed.

7 BY MR. MACKEY:

8 Q. Mr. Sweet, for the record, is the payment coupon  
that

9 accompanied that particular exhibit, 493?

10 A. Yes, it is.

11 Q. Thank you. Let's turn now to the fifth payment,  
one dated

12 November 7, 1994. Take a look, please, at Exhibit 495.  
Is

13 that the money order in the amount of \$100 dated  
1-17-94?

14 A. Yes, it is.

15 MR. MACKEY: Your Honor, again pursuant to  
agreement,

16 the handwriting that appears on this money order was  
written by

17 Terry Lynn Nichols.

18 MR. TIGAR: That's agreed, your Honor.

19 THE COURT: All right.

20 BY MR. MACKEY:

21 Q. Take a look, Mr. Sweet, at Exhibit 497. And was  
that the

22 mailing envelope in which that was sent?

23 A. Yes, it is.

24 MR. MACKEY: Again, your Honor, the left-hand  
portion,

25 the return address portion of this exhibit, was written  
by

1 Terry Lynn Nichols.

2 MR. TIGAR: That's agreed, your Honor.

3 THE COURT: All right.

4 BY MR. MACKEY:

5 Q. Mr. Sweet, is Exhibit 497, for the record, a  
payment coupon

6 that was with this money order and envelope, if you  
could take

7 a look at it, just to verify?

8 A. 497 is the envelope.

9 Q. All right. 496.

10 A. Yes, this is the coupon.

11 Q. Let's turn now to the next-to-the-last payment, one  
dated

12 January 21, 1995, in the amount of a hundred dollars,

13 Government Exhibit 498. Do you see that in front of  
you?

14 A. Yes.

15 Q. And was that the sixth payment received on the  
Daryl

16 Bridges account at Spotlight in D.C.?

17 A. Yes.

18 MR. MACKEY: Your Honor, again pursuant to  
agreement,

19 the handwriting that appears on this money order was  
written by

20 Terry Lynn Nichols.

21 MR. TIGAR: That's agreed, your Honor.

22 THE COURT: All right. So agreed.

23 BY MR. MACKEY:

24 Q. Mr. Sweet, Exhibit 500: Do you find that in your  
packet?

25 Can you see it on the screen?

7906

William Sweet - Direct

1 A. Yes.

2 Q. And is that the envelope in which the money order  
from

3 January 21, '95, was received?

4 A. Yes, it is.

5 Q. Focus our attention now on the return address. Is  
that the

6 same address you've noted in other documents?

7 A. Yes, it is.

8 MR. MACKEY: Your Honor, again, the agreement  
is that

9 this handwriting was written by Terry Lynn Nichols.

10 MR. TIGAR: Yes, your Honor.

11 THE COURT: So agreed.

12 BY MR. MACKEY:

13 Q. And 499, Mr. Sweet: Find it in your folder,  
please, and

14 tell us if that is the coupon that accompanied this  
payment.

15 A. Yes, it is. This is the coupon.

16 Q. I'm going to show you the final exhibits, then, for  
the

17 seventh and final payment on the Bridges account.  
Let's start

18 at 501, please. Is that a money order dated February  
14, 1995?

19 A. Yes, it is.

20 MR. MACKEY: Your Honor, again the agreement  
is that

21 the handwriting on this money order was written by  
Terry Lynn

22 Nichols.

23 MR. TIGAR: That's correct, your Honor.

24 THE COURT: So agreed.

25 BY MR. MACKEY:

7907

William Sweet - Direct

1 Q. Let me focus just a moment, Mr. Sweet, on the  
right-hand

2 portion of that exhibit, if you can. Can you read into  
the

3 record how "Daryl Bridges" is spelled?

4 A. D-A-R-Y-L, B-R-I-D-G-E-S.

5 Q. Let's turn our attention, now, to 503, the envelope  
in

6 which that was sent in. Focus on the return address  
and read

7 into the record how "Daryl Bridges" is spelled there?

8 A. D-A-R-L-Y, B-R-I-D-G-E-S.

9 Q. And for the record, what return address did this  
person use

10 on the last payment on the Daryl Bridges account?

11 A. 1228 Westloop, No. 197, Manhattan, Kansas, 66542.  
I can't

12 really read that.

13 Q. Is that an address you had seen on any other  
document in

14 your search for Daryl Bridges' records?

15 A. No.

16 MR. MACKEY: Your Honor, it's the agreement of  
the

17 parties that Mr. Terry Lynn Nichols prepared the  
handwriting

18 that appears on the return address portion of this  
exhibit,

19 503.

20 MR. TIGAR: That's agreed, your Honor.

21 THE COURT: All right, so agreed.

22 BY MR. MACKEY:

23 Q. And again for the record, please, Mr. Sweet, take a  
look at

24 502 and tell us -- Exhibit 502 in your folder and tell  
us if

25 that is the coupon that accompanied the last payment.

1 A. Yes, it is.

2 Q. Thank you.

3 I want to conclude, Mr. Sweet, by directing  
your

4 attention now to Government Exhibit 484. It's  
previously

5 admitted into evidence. Do you recognize what that is?

6 A. That is the first page of the coupon book that was  
sent out

7 to Daryl Bridges.

8 Q. And when would this coupon book have been sent?

9 A. It would have been sent shortly after the original  
purchase

10 in November.

11 Q. Of 1993?

12 A. Of 1993.

13 Q. And to what address would it have been sent?

14 A. That was sent to Daryl Bridges, 3616 North Van Dyke  
Road,

15 Decker, Michigan, 48426.

16 Q. Now, there is some names and numbers on the inside  
front

17 flap of that exhibit, Mr. Sweet. I'd like for you to  
answer

18 some questions about those. Let me show them to you  
and the

19 jury. If you want to work from the original exhibit,  
that's

20 fine, too.

21 What are we looking at here on the screen?

calling  
22 A. On the left-hand side is the back of the original  
23 card that was sent to him. On it are instructions on  
how to  
24 use the card.

25 Q. So if I took the coupon book, the Government  
Exhibit 484,

7909

William Sweet - Direct

of the  
1 and simply opened it, are we looking on the back side  
2 front cover?

3 A. That is correct.

4 Q. All right. Now, let me focus your attention on  
some

5 handwriting that appears in the bottom left portion of  
that  
6 same front page cover. Do you see that?

7 A. Yes, I can.

8 Q. Do you see the handwriting that begins with the  
word

9 "assist" and then an 800 number?

10 A. Right.

11 Q. Do you recognize that 800 number?

12 A. Yes. That is the 800 number to the technical  
support

13 person, Keith Bower.

number? 14 Q. And is Mr. Bower's name written right next to that

15 A. That is correct.

16 MR. MACKEY: Your Honor, it's the agreement of  
the

17 parties that the highlighted handwriting now being  
displayed to

18 the jury was written by Timothy James McVeigh.

19 I'm sorry, my notes -- and they've corrected  
me.

20 That's Mr. Nichols'.

21 MR. TIGAR: That's agreed to, Your Honor.

22 THE COURT: Agreed that it's Mr. Nichols'.

23 BY MR. MACKEY:

24 Q. It's the handwriting below that that I want to  
highlight to

25 you and the jury. Do you see that?

7910

William Sweet - Direct

1 A. Yes.

2 Q. Do you recognize that number?

3 A. That is the main phone number into Spotlight.

4 Q. And what names appear below that phone number?

5 A. Appears to be my name, but my last name is  
misspelled.

6 It's spelled -- it looks like S-U-I-T-E. And the name  
below

7 that is that of Paul Angel.

8 Q. And who is Paul Angel?

9 A. Paul Angel is a gentleman who assisted me in this  
program.

10 MR. MACKEY: Your Honor, it's the agreement of  
the  
11 parties that the highlighted portion of the handwriting  
now  
12 appearing is written by Timothy James McVeigh.

13 MR. TIGAR: That's correct, your Honor.

14 THE COURT: All right. So agreed.

15 BY MR. MACKEY:

16 Q. Mr. Sweet, before coming to court, did you look at  
the  
17 stubs that are still a part of Government Exhibit 484,  
the  
18 coupon stubs?

19 A. Yes, I did.

20 Q. Let me show you now an exhibit. And is that a copy  
of the  
21 stubs that are part of Government Exhibit 484?

22 A. Yes, they are.

23 Q. Let me draw your attention now to five of those six  
stubs.

24 MR. MACKEY: Your Honor, it's the agreement of  
the  
25 parties that the handwriting that appears on five of  
those six

William Sweet - Direct

1 stubs -- that is, all stubs dated with the exception of  
2 September 1994 -- was written by Terry Lynn Nichols.

3 MR. TIGAR: That's correct, your Honor.

4 THE COURT: So agreed.

5 MR. MACKEY: And the third stub, if we can  
highlight

6 that, please. And for the record, that's one dated  
7 September 21, 1994. It's the agreement of the parties

the

8 entries on that stub was written by Timothy James

McVeigh.

9 MR. TIGAR: That's correct, your Honor.

10 THE COURT: All right.

11 BY MR. MACKEY:

12 Q. And all of the handwriting that's part of 484 is  
together

13 in the same exhibit; is that correct, Mr. Sweet?

14 A. That's correct.

15 Q. Just a couple final questions, Mr. Sweet. Did you  
check

16 your records to determine whether a person by the name  
of Tim

17 or Timothy McVeigh ever subscribed to The Spotlight  
newspaper?

18 A. Yes, we did.

19 Q. And what did you find?

20 A. We didn't find anything.  
21 Q. And how about Terry Lynn Nichols?  
22 A. No.  
23 Q. And what about Michael Fortier?  
24 A. Yes.  
25 Q. And what about James Nichols?

7912

William Sweet - Direct

1 A. Yes.  
2 Q. At what address was Mr. Nichols' subscription to be  
mailed?  
3 A. To the Decker, Michigan address.  
4 Q. Finally, in April of 1995, to your knowledge, did  
The  
5 Spotlight newspaper carry coverage or articles about  
the  
6 upcoming anniversary of the Waco event?  
7 A. Yes, they did.

8 MR. MACKEY: I have nothing else, your Honor.

9 THE COURT: All right. Mr. Tigar.

10 CROSS-EXAMINATION

11 BY MR. TIGAR:

12 Q. Good afternoon, Mr. Sweet.  
13 A. Good afternoon.  
14 Q. My name is Michael Tigar. I'm one of the lawyers  
appointed

15 to help out Terry Nichols.

16 You worked for Liberty Lobby for how many  
years, sir?

17 A. 10 years.

18 Q. And how would you describe the politics of Liberty  
Lobby?

19 A. They are a populist institution that follows the  
political,

20 if you will, policies of Thomas Jefferson, President  
Thomas

21 Jefferson.

22 Q. And in The Spotlight newspaper that they publish,  
they have

23 a lot of quotes from Thomas Jefferson?

24 A. There are a few in there. I'm sure there has been  
quite a

25 few over the years.

7913

William Sweet - Cross

1 Q. You do not particularly agree with the politics of  
the  
2 Liberty Lobby; is that correct?

3 A. That's correct, sir. I'm not completely in tune  
with the  
4 politics of Liberty Lobby.

5 Q. Now, did you read The Spotlight over the years?

6 A. On occasion, I did.

7 Q. Did you have copies of it in your home?

8 A. Yes, I did.

9 Q. Did it change your political thinking to have  
copies of it  
10 in your home?

11 MR. MACKEY: Objection.

12 THE COURT: Overruled.

13 You may answer.

14 THE WITNESS: In some areas, yes.

15 BY MR. TIGAR:

16 Q. It didn't make you a violent person, did it?

17 MR. MACKEY: Objection.

18 THE COURT: Overruled.

19 THE WITNESS: No, sir.

20 BY MR. TIGAR:

21 Q. Now, in The Spotlight magazine -- or Liberty Lobby,  
you  
22 were in charge of marketing; is that correct?

23 A. Correct.

24 Q. That meant you had to know the demographics of your  
25 customers; correct?

7914

William Sweet - Cross

1 A. Yes, sir.

2 Q. The calling card was not the only thing that was

marketed

3 to people that subscribed to Spotlight; right?

4 A. Correct.

Spotlight

5 Q. And in fact, there are also advertisements in

right?

6 that people can put if they pay the advertising fee;

7 A. That's correct.

people who

8 Q. And those advertisements are also directed at

products;

9 the advertisers believe will be interested in their

10 is that right?

11 A. Correct.

generally the

12 Q. Now, have you -- are you familiar with the --

13 kind of advertising that appears in Spotlight?

manager

14 A. Just on a peripheral basis. We had an advertising

15 who specifically handled all the advertising.

of,

16 Q. Now, Spotlight newspaper, you say, had a press run

17 what, over a hundred thousand?

sir.

18 A. At the time it was over a hundred thousand, yes,

19 Q. About what was it, if you remember?

20 A. It was probably 110,000 at that time frame.

21 Q. Something like that?

22 A. Yes, sir.

far as 23 Q. Did it have more readers than it had press run, so  
24 you could tell?  
25 A. Yes. Every indication was that the newspaper  
itself was

7915

William Sweet - Cross

1 passed around to a lot of people, and we estimated  
between two 2 and two-and-a-half people read each issue. So that  
would be 3 roughly 200,000 to a quarter of a million people a  
week.

4 Q. Now -- and did you ever in your marketing job study  
the 5 demographics of those readers so that you could more  
6 efficiently market to them?

7 A. We tried, yes.

8 Q. Did you, during the years that you were at  
Spotlight, 9 notice advertisements that dealt with how to  
incorporate under

10 a fictitious name?

11 A. I don't recall that.

12 Q. Did you notice advertisements on how to protect  
your 13 privacy from government intrusion?

14 A. There could have been those in there. I vaguely  
recall

15 having seen something of that nature.

16 Q. Do you recall things -- advertisements having to do  
with

17 opting out of the banking system?

18 A. There were a lot of articles about the banking  
system in

19 the newspaper. If that was covered specifically, I  
could not

20 quote it at this time.

21 Q. And in fact, the political view of Spotlight in  
addition to

22 populist could fairly be described as conservative; is  
that

23 correct?

24 A. Correct.

25 Q. And the political view of Spotlight was in fact in

7916

William Sweet - Cross

1 opposition to many of the policies of the United  
States; is

2 that correct?

3 A. From a -- I'm not the person to be answering these  
4 questions necessarily. I don't write for the  
newspaper. They

5 took issue with the government of the United States in  
many

6 areas.

7 Q. For instance, NAFTA: They opposed NAFTA?

8 A. They're opposed to NAFTA; that's correct.

9 Q. All right. Now, you mentioned that this Spotlight  
10 marketing was something that you worked on in the  
beginning; is  
11 that correct?

12 A. Initially, I was hired as a comptroller.

13 Q. No, I understood. I say when the card started,  
Spotlight  
14 card?

15 A. The card, yes.

16 Q. You were in right at the beginning.

17 A. I was in at the beginning of the program.

18 Q. Did you study how these cards had worked in other  
19 countries?

20 A. I had very little information from what people were  
telling  
21 me how they worked and some foreigners. I just took it  
from  
22 what the people who came in to us and said, Let's do  
it, and  
23 worked from there.

24 Q. Do you have any familiarity as you sit there today  
with the  
25 billing records that shows what kind of calls were made  
and to

William Sweet - Cross

card? 1 whom by the person who had access to the Daryl Bridges

2 A. No, I have no -- I have no knowledge of the --

3 Q. Don't know anything about it. You showed us a  
little while

4 ago, or you were talking about a coupon book. Do you  
remember

5 that?

6 A. Yes.

7 Q. Now, inside the front cover of that coupon book,  
there's

8 some writing that tells you what number you punch in if  
you

9 want to make a call; correct?

10 A. Correct.

11 Q. Now, if the card had credit, anybody who had that  
coupon

12 book could pick it up and make a call; is that right?

13 A. Correct.

14 Q. And did you have a policy at Spotlight -- Did  
people call

15 up and say, Hey, look, somebody else's got my card?  
Did that

16 ever happen?

17 A. Yes. Well, people had called in and said they had  
lost

18 their cards. People had called in and said that they  
felt that

19 somebody else had used their card. But that was very,  
very

20 rare.

21 Q. Now, you were talking about the debit card  
function. Am I

22 correct in saying that this is not a credit card?

23 A. That's correct.

24 Q. You have a certain amount of call time, and when  
that's

25 gone, the card's used up, unless you recharge it?

7918

William Sweet - Cross

1 A. Correct.

2 Q. Now, are international calls billed at a higher  
rate than

3 domestic calls?

4 A. Yes, they are.

5 Q. Is the card especially convenient for someone who  
wants to

6 make international calls?

7 A. At that time you could make international calls. I

8 wouldn't say it was especially convenient, because a  
lot of

9 countries weren't part of the deal yet.

10 Q. For the countries that were part of the deal, was  
it more

11 convenient than going to the phone booth with a stack  
of

12 quarters?

13 A. Absolutely.

convenient

14 Q. Indeed, even for domestic calls, it was more

15 than going to the phone booth with a stack of quarters?

16 A. Yes, and cheaper, too.

17 Q. You bought the card; right?

18 A. Yes, I did.

19 Q. How many of them did you buy?

20 A. Personally, I think I purchased four of them.

21 Q. And you gave them to your kids; is that right?

22 A. That's right.

touch

23 Q. And was this a handy way for your kids to keep in

24 with you?

25 A. No excuse for not calling home.

7919

William Sweet - Cross

activity

1 Q. And also, you could monitor how much of their call

2 was -- was being done; right?

just

3 A. I never kept the numbers. It was up to them. I

recorded

4 handed -- I just handed the cards to them. I never

5 the number.

6 Q. Each one in their own name?

7 A. I just bought them. They were actually all in my  
name.

8 Q. Oh. So if calls were made on the -- I just want to  
get

9 this right. The "William Glen Sweet" -- did you use  
your

10 William Glen Sweet card -- if we were to bring in all  
the

11 William Glen Sweet call records in here, we'd find a  
lot of

12 card calls that you didn't make; is that right?

13 A. That's true.

14 Q. And we wouldn't know particularly who did make  
them, would

15 we?

16 A. No.

17 Q. Because that would be up to your kids to whom you'd  
given

18 the cards as to what calls they made; right?

19 A. Correct.

20 Q. Now, these cards that you sold: You sold how many  
of them

21 in this period we're talking about here, 1993 to 1995?

22 A. If my memory serves me, it was approximately  
10,000.

23 Q. And who bought them?

24 A. Mostly the readers of The Spotlight. But there  
were a

25 number of sales outside that realm.

## William Sweet - Cross

1 Q. Did you look at the demographics to see who was  
buying it?

2 A. I would run analysis by ZIP Codes to look in terms  
of the

3 typical distribution of Spotlight readership.

4 Q. Any outside the United States?

5 A. Yes. There was U.S. forces used them. In fact,  
there was

6 a -- at one point, somebody who used to work in the  
U.S.

7 embassy in Moscow had one.

8 Q. So somebody in the U.S. embassy in Moscow could use  
this

9 card; and would it work from -- was it then the Soviet  
Union,

10 or was it something --

11 A. I can't answer that.

12 Q. Never had any complaints?

13 A. Never had any complaints from that person.

14 Q. Now, I want to ask you about some of the documents  
that you

15 looked at that you were discussing with us. You said  
that you

16 saw on a couple of the early writings the initials TDC;

17 correct?

18 A. Yes.

19 Q. And do you -- you said those stood for what?  
20 A. I believe it's threat, derision, and coercion.  
21 Q. Now, when did you find that out, that that's what  
those  
22 initials might stand for?  
23 A. I believe I knew it sometime ago. But it was -- my  
memory  
24 had been refreshed here recently.  
25 Q. I see. Because you testified in a prior proceeding  
in

7921

William Sweet - Cross

1 relationship to this calling card on the 6th of May,  
1997, and  
2 you didn't recall what they stood for; correct?  
3 A. At that time, I wasn't sure what it stood for.  
4 Q. All right. So who refreshed your recollection?  
5 A. The attorneys.  
6 Q. Which attorney was that that refreshed your  
recollection?  
7 A. The attorney, the prosecuting attorney.  
8 Q. Mr. Mackey?  
9 A. Yes.  
10 Q. Did he tell you why he wanted you to remember that?  
11 A. We were just discussing it, and I was puzzled as to  
what --  
12 what it was.

13 Q. I see. And do you know in addition to whatever  
those words

14 mean -- do you know why people used to put that out  
next to

15 their ZIP Code?

16 A. I'm not that politically attuned. I could imagine  
it was

17 something derisive about the U.S. government, for all I  
know.

18 Q. Well, and other than what you can imagine, do you  
know

19 whether it's something derisive about the U.S.  
government?

20 A. No, I don't.

21 Q. Now, you looked at some envelopes here, and I'd  
like to put

22 one of them up, if I may. This is Government Exhibit  
494; the

23 address, The Spotlight. Is that a label that you  
distributed

24 to people so that they could more easily send in their

25 payments?

7922

William Sweet - Cross

1 A. That could have come from almost anything. That  
address

2 and in that format is used on many different kind of  
envelopes

3 and promotional materials.

4 Q. But if you'll notice, did you notice that the  
address on  
5 all of these envelopes appears to come from the same  
matrix;  
6 that is to say, it looks like -- just like this?  
7 A. Sure.  
8 Q. And is it your view, based on your experience, that  
that  
9 came from -- the labels were supplied by Spotlight at  
some  
10 point?  
11 A. I wouldn't say that this was a label that was  
provided by  
12 Spotlight. To give you some background, we probably  
produced  
13 in a single year some 3 million of these on return  
envelopes.  
14 Q. So if this is a return envelope, in your view, that  
15 Spotlight had issued at some time?  
16 A. Yes. We have millions of them.  
17 Q. Right. And did you testify that you didn't find a  
18 subscriber named Terry Nichols; is that right?  
19 A. Correct.  
20 Q. But you did find one named James Nichols; correct?  
21 A. Correct.  
22 Q. You found one named Mike Havens?  
23 A. Correct.  
24 Q. And he lived in Pennsylvania?

25 A. Correct.

7923

William Sweet - Cross

1 Q. And Michael Fortier was a subscriber?

2 A. Correct.

3 Q. Now, looking at this envelope, this is dated the  
29th of

4 September, and the postmark is Topeka, Kansas; is that  
right?

5 A. That's correct.

6 Q. Where it was mailed from. And do you remember  
looking at

7 the money order that was sent along with it, with the  
exhibits

8 that you had earlier today?

9 A. Just went through that.

10 Q. All right. And that money order was obtained from  
a United

11 States post office on the 29th of September also;  
correct?

12 A. That's correct. What it appeared to be. I don't  
have it

13 in front of me at the moment.

14 Q. And your experience is that in order to get a  
postal money

15 order, you have to go to a United States post office;  
correct?

16 A. I've never purchased one at a U.S. post office. I  
couldn't

17 answer that.

18 Q. You don't know one way or another.

19 A. Right.

20 Q. Now, I'd like to show you what's been marked here  
as

21 Government -- received rather -- as Government Exhibit  
497.

22 That's an envelope postmarked the 7th of November;  
correct?

23 A. Yes, it appears to be.

24 Q. And that also bears a postmark of Topeka, Kansas;  
is that

25 right?

7924

William Sweet - Cross

1 A. Yes.

2 Q. Here is one, and this is Government Exhibit 500.  
You see

3 the date on the bottom marked the date of receipt;  
correct,

4 2-1-95?

5 A. Correct.

6 Q. And the date is not possible to read on this copy  
of

7 Government Exhibit 500. But the postmark is still  
visible as

8 Topeka; is that correct?

9 A. I can't see that on this slide here.

10 Q. You can't see that on the --

11 A. I can't read it.

12 Q. Now can you see Topeka?

13 A. Yes, I can see the word Topeka.

14 Q. All right. Thank you.

15 And you notice also you told us about -- this  
is

16 Government Exhibit 503. And that's the one in which  
the Daryl

17 Bridges, first of all, name is wrong. This is a  
different

18 address than all the others; correct?

19 A. Correct.

20 Q. The one in Manhattan, Kansas. And -- but also, the

21 postmark on there is also Topeka, Kansas; correct?

22 A. Correct.

23 Q. Was it one of the advantages of The Spotlight  
credit card

24 that you didn't need to establish credit in order to  
have it?

25 A. It's not a credit card.

7925

William Sweet - Cross

1 Q. I understand. And I'm just asking in a different  
way --

2 A. Yes.

3 Q. -- just to make sure that I understand this. You  
didn't  
4 have to establish credit in order to have it; right?  
5 A. It's prepaid. There's no credit involved.  
6 Q. You had the customer's money in your pocket --  
right --  
7 A. That's right.  
8 Q. -- at the time, and so that anybody who came up  
with the  
9 money to send you could get one of these things; right?  
10 A. Correct.  
11 Q. Oh. The cards that you -- the cards that you got,  
you got  
12 four of them. Did any member of your household other  
than your  
13 children use them?  
14 A. Well, yes; my wife.  
15 Q. All right. And you just showed her the coupon book  
and  
16 gave her the number so that she could use it?  
17 A. They weren't at that point from the coupon book.  
There was  
18 a later version of these.  
19 Q. But you gave her the number --  
20 A. I gave her the number.  
21 Q. -- and then she was able to use it; right?  
22 A. Correct.  
23 Q. And the way that you would keep track, did you use  
it also

24 at the same time that she was using it?

25 A. No, I usually had my own number.

7926

William Sweet - Cross

1 Q. Okay. All right. And as your credit would go  
down, the  
2 amount of credit you had left on the card would go  
down, you  
3 told us that you'd hear somebody tell you that as you  
were  
4 making your phone call; right?

5 A. You were given a warning at -- when you had 2  
minutes.

6 Q. And -- excuse me. Could you also call some number  
and find  
7 out how much credit you had left on the card?

8 A. As I introduced earlier, when you make the initial  
phone  
9 call, it will tell you at one point how many dollars  
are left  
10 and then at another point before the connection is  
made, how  
11 many minutes you have remaining.

12 Q. I recall that. I'm asking you: Was there also a  
way you  
13 could find out by calling a number and finding out how  
much  
14 credit you had left without making a telephone call,  
since

15 you'd hear those voice prompts?  
16 A. That was a difficult -- we had a service number  
that you  
17 could call in and explain your problem. But as a rule,  
the --  
18 that information was not given out because you don't  
know who  
19 it is you're talking to over the phone. It had to be  
somebody  
20 who was identifiable: In other words, if somebody  
called me, I  
21 could pull my files, my records, and I could identify  
or ask  
22 them their name and their address, and then I would  
probably  
23 identify that this person was issued the card.  
24 Q. And then you would give the information?  
25 A. Then I could get the information, yes.

7927

William Sweet - Cross

1 MR. TIGAR: Thank you.  
2 Will your Honor indulge me for a moment?  
3 THE COURT: Yes.  
4 BY MR. TIGAR:  
5 Q. Just a couple more about this -- when people would  
call  
6 you.

7 A. Uh-huh.

8 Q. In the beginning stages, did you have problems with  
the  
9 delay in people sending in money and there would be  
some delay  
10 before it was credited to their account?

11 A. Spotlight was one of the first affinity groups to  
have one  
12 of these cards here in the United States; and the  
technology  
13 was being developed as we went along. So, yes, we did  
have  
14 trouble at times making the connectivity, if you will,  
between  
15 the payment being received and getting credited on the  
account.

16 Q. Your marketing was a little ahead of your  
technology?

17 A. I would say so, yes.

18 Q. And when your marketing got a little ahead of your  
19 technology, did people call in and gripe to you about  
that?

20 A. They certainly did.

21 MR. TIGAR: Thank you, your Honor. I have no  
further  
22 questions.

23 THE COURT: Redirect.

24 REDIRECT EXAMINATION

25 BY MR. MACKEY:

William Sweet - Redirect

1 Q. Mr. Sweet, on those occasions when someone  
complained about

2 the delay in credit, was there ever an occasion where  
you'd

3 pick up the phone at Liberty Lobby, use that person's  
PIN to

4 check to see if the service was --

5 A. I'm sure I did it hundreds of times.

6 Q. What was the usual amount of money that was on a  
Spotlight

7 calling card?

8 A. Typically \$30 or 50. I mean, those were the  
amounts that

9 most people purchased them in originally.

10 Q. So I take it because it's prepaid, Liberty Lobby  
didn't do

11 a credit check on any applicant?

12 A. No credit check required.

13 Q. Did any creditor of any Spotlight calling card come  
to

14 Liberty Lobby to seize assets or anything of the like?

15 A. No, they have not.

16 Q. Mr. Tigar asked you a few questions about the  
content, at

17 least the general nature of the publication Spotlight.  
You

18 mentioned something about the banking system, reports  
and

19 articles that were critical of the American banking  
system. Do

20 you recall that?

21 A. There have been a number of articles critical of  
the

22 Federal Reserve, yes.

23 Q. As a general matter, did those articles in The  
Spotlight

24 suggest that the American system was the product of a

25 conspiracy of European bankers and particularly the  
Rothschild

7929

William Sweet – Redirect

1 family?

2 A. I believe so, yes. The publication thrives on  
conspiracy.

3 Q. And because?

4 A. Because?

5 Q. Because why?

6 A. Because that polarizes people to read the  
newspaper, and

7 it's a good way to sell newspapers.

8 Q. And Spotlight counted on that?

9 A. Absolutely. With the Kennedy assassination, they  
have been

10 following that one for -- since Day 1.

11 Q. You were asked a series of questions about how one

who had

12 a card would know the balance, the then-existing  
balance on the

13 card.

14 A. Yes.

15 Q. As I understand your testimony -- is you didn't  
need to

16 keep track of records as you make calls; you could  
simply pick

17 up the phone and dial?

18 A. Correct.

19 Q. And so anyone who had a same, single PIN number  
would know

20 what that balance is, even if those two people were  
miles

21 apart?

22 A. Correct.

23 MR. MACKEY: Your Honor, at this time I'd like  
to

24 publish a factual Stipulation No. 26 that places by  
agreement

25 the site of purchase of each of the money orders that  
the

7930

William Sweet - Redirect

1 witness has identified.

2 THE COURT: Well, I don't -- oh, here it is.

3 MR. TIGAR: Yes, your Honor --

4 THE COURT: It's been agreed to.

5 MR. TIGAR: Yes, that has been agreed to. I'm  
just  
6 finding my copy.

7 THE COURT: All right.

8 Members of the jury, it has been agreed here  
that

9 Government Exhibit No. 482 is a \$50 money order  
purchased on

10 November 7, 1993, in Deford, Michigan. Government  
Exhibit No.

11 485 is a \$50 money order purchased on February 18,  
1994, in Las

12 Vegas, Nevada. Government Exhibit No. 488 is a \$50  
money order

13 purchased on August 21, 1994, in El Dorado, Kansas.  
Government

14 Exhibit No. 492 is a \$30 money order purchased on  
September 29,

15 1994, in Marion, Kansas. Government Exhibit 495 is a  
\$100

16 money order purchased on November 7, 1994, in  
Manhattan,

17 Kansas. Government Exhibit No. 488 is a \$100 money  
order

18 purchased on January 21, 1995, in Junction City,  
Kansas. And

19 Government Exhibit No. 501 is a \$100 money order  
purchased on

20 February 14, 1995, in Junction City, Kansas.

21 MR. MACKEY: Thank you, your Honor.

22 BY MR. MACKEY:

23 Q. Mr. Sweet, as his Honor read that stipulation, did  
you hear

24 Topeka, Kansas, mentioned?

25 A. Yes.

7931

William Sweet - Redirect

1 Q. Topeka, Kansas?

2 A. No.

3 Q. All right.

4 A. Manhattan.

5 Q. Exactly. Junction City, Kansas; El Dorado, Kansas;  
Marion,

6 Kansas, for example.

7 A. Yes.

8 Q. Did you know what the practices of the U.S. Postal  
Service

9 were, if you took an envelope and put it in the mail in  
El

10 Dorado and what postmark would appear that same  
envelope? Did

11 you know what the practices were?

12 A. I would assume it to be the three-digit ZIP Code of  
that

13 post office.

14 MR. TIGAR: Objection, your Honor. Lack of  
personal

15 knowledge.

16 THE COURT: Yes, assuming won't cut it.

17 BY MR. MACKEY:

18 Q. So you don't know what the practices were?

19 A. No.

20 Q. Mr. Tigar showed you a number of envelopes. You  
had

21 examined them before. Did you notice that the stamps  
on many

22 of those envelopes were all upside down?

23 A. Yes, I did.

24 Q. Do you know what that represents?

25 A. This is a -- to my knowledge, a protest to the U.S.

7932

William Sweet - Redirect

1 policies: The country is in trouble.

2 MR. TIGAR: Excuse me, your Honor.

3 MR. MACKEY: Excuse me.

4 MR. TIGAR: I object to that. I don't see how  
he

5 could know that.

6 THE COURT: Yes. What's the source of your  
7 understanding of that?

8 THE WITNESS: I've seen it done many, many  
times, and

9 that's -- I've discussed it with other people.

10 BY MR. MACKEY:

11 Q. In many of the mailings at Spotlight, did you  
notice the

12 stamps --

13 THE COURT: I'm going to strike that. I don't  
believe

14 that's an adequate foundation for that kind of  
testimony. The

15 jury will disregard the testimony.

16 BY MR. MACKEY:

17 Q. Mr. Sweet, at any time that the Daryl Bridges  
account was

18 active, did you receive any reports or complaints that  
it had

19 been stolen?

20 A. No, I did not.

21 Q. Finally, Mr. Sweet, Mr. Tigar asked you some  
questions

22 about what you did with the cards you bought. Do you  
recall

23 that?

24 A. Yes.

25 Q. And did you give them to family members?

7933

William Sweet - Redirect

1 A. Yes, I did.

2 Q. People you trusted?

3 A. Yes.

4 Q. And in each case, did you authorize those people  
once they

5 had the card to use it?

6 A. Yes, I did.

7 MR. MACKEY: Nothing else.

8 THE COURT: Any recross.

9 MR. TIGAR: Yes, your Honor. Just one or two,  
your

10 Honor.

11 THE COURT: All right.

12 RECCROSS-EXAMINATION

13 BY MR. TIGAR:

14 Q. Was the Philippines a place you could call to with  
a

15 Daryl -- with a Spotlight card?

16 A. Prepaid card?

17 Q. Yes.

18 A. Yes, it was.

19 Q. And do you know how much a minute that cost?

20 A. I cannot recall that amount, no, I can't.

21 Q. All right. Well, would it be reasonable for a  
person to

22 charge up their card by a hundred dollars if they were  
going to

23 be calling the Philippines a lot?

24 A. I can't answer that. I wouldn't -- that would be a

25 supposition on my part.

7934

William Sweet - Recross

1 Q. Okay. Do you know -- I understand. Did it cost a  
lot more

2 to call the Philippines than it did to call New York?

3 A. Yes, it did.

4 MR. TIGAR: Thank you very much, your Honor.

5 MR. MACKEY: Nothing else.

6 THE COURT: Witness now excused?

7 MR. MACKEY: Yes, your Honor.

8 THE COURT: Is that agreed.

9 MR. TIGAR: Yes, your Honor.

10 THE COURT: You may step down, you're excused.

11 THE WITNESS: All right.

12 THE COURT: We will take our afternoon recess  
at this

13 time, members of the jury, and again of 20 minutes'  
duration

14 and again remembering the caution and following the  
caution

15 regularly and routinely given to keep open minds,  
avoiding

16 discussion of the case or anything about it among  
yourselves

17 and with all others and avoiding anything outside of  
our

18 evidence which could in any way influence you in your  
19 decisions. You're excused now, 20 minutes.

20 (Jury out at 3:35 p.m.)

21 THE COURT: The factual Stipulation No. 26  
appears to

22 be dated today. I hadn't seen it before. It does have  
23 Mr. Nichols' signature on it, does it?

24 MR. WOODS: Yes, your Honor.

25 MR. TIGAR: Yes, your Honor, it does.

7935

in 1 THE COURT: All right. Thank you. We'll be

2 recess, 20 minutes.

3 (Recess at 3:36 p.m.)

4 (Reconvened at 3:54 p.m.)

5 THE COURT: Be seated, please.

6 (Jury in at 3:55 p.m.)

7 THE COURT: Next, please.

8 MR. MACKEY: United States would call John  
Hensley.

9 THE COURT: All right.

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

11 (John Hensley affirmed.)

12 THE COURTROOM DEPUTY: Would you have a seat,



6 protects the revenues of the United States on  
importations and

7 exportations, and generally protects the citizenry from  
crimes

8 within the statutory authority of the Customs Service.

9 Q. So does the Customs Service have agents who are  
involved in

10 criminal law enforcement?

11 A. Yes, we do. We have about 2800 special agents who  
are 1811

12 criminal investigators.

13 Q. 1811. That's a statutory designation?

14 A. Criminal investigators. Yes, it is.

15 Q. How long have you been in charge of the Los Angeles  
office?

16 A. Just under two years.

17 Q. Prior to taking over at the Los Angeles office,  
what was

18 your position with the Customs Service?

19 A. I was the special agent in charge of the Dallas  
field

20 division.

21 Q. Now, does the Dallas field division have  
jurisdiction over

22 a particular area?

23 A. Yes, it does. It runs the northern part of the  
state of

24 Texas and the entire state of Oklahoma.

25 Q. And as special agent in charge of the Dallas  
division, did

7937

John Hensley – Direct

1 you have supervisory responsibility over the offices in  
2 Oklahoma?

3 A. Yes, I did.

4 Q. Did the Customs Service have an office in Oklahoma  
City in

5 April of 1995?

6 A. Yes, we did.

7 Q. And where was that located, please.

8 A. It was located in the Murrah Federal Building in  
downtown

9 Oklahoma City.

10 Q. And could you describe generally how large an  
office it had

11 in the Murrah Building?

12 A. Yes. It was about 1500 square feet. It was on the  
fifth

13 floor of the Murrah Federal Building and housed six  
special

14 agents -- excuse me. Five special agents and one  
office

15 assistant.

16 Q. And did the people who worked for the Customs  
Service in

17 the Murrah Building have any particular focus to their  
18 activities?

19 A. Yes, they did.

20 Q. Can you describe that, please.

21 A. Yes. The focus in that particular office was the  
22 investigation of frauds against the revenue, narcotics  
23 enforcement, smuggling, money laundering.

24 Q. Now, you told us that the Customs offices in  
Oklahoma City

25 were on the fifth floor of the Murrah Building. Is  
that

7938

John Hensley - Direct

1 correct?

2 A. That's correct.

3 MR. ORENSTEIN: If I could have the computer  
display

4 to show the fifth floor. It should be up there.

5 BY MR. ORENSTEIN:

6 Q. Okay. Do you see that in front of you, sir?

7 A. Yes, I do.

8 Q. If you would use this floor plan, which is part of  
9 Government's Exhibit 952, and I believe you have a  
light pen

10 there. If you would explain to the ladies and  
gentlemen of the

11 jury who worked in the Customs office in the Murrah  
Building.

12 A. Okay. If I can, I can trace it probably from the

13 entranceway. That's the reception entranceway. As you  
turn  
14 this way, it's the file room, then the break room.  
This is the  
15 evidence storage room, coming around to Terry Wilson's  
office,  
16 who was the resident agent in charge. Coming this way  
is the  
17 conference room.

18           The next area is an open area which had  
divided work  
19 stations. The first station was Claude Medearis,  
senior  
20 special agent. The next station was Dale Edwards, a  
special  
21 agent, and the last in the open area was Cynthia  
Gonyea.

22           The office on the end was occupied by Paul  
Ice, senior  
23 special agent. Next to Paul was Priscilla Salyers, the  
office  
24 manager. Behind Priscilla was the computer room. Next  
to that  
25 was the holding cell. Next to that was the back door,  
and then

7939

John Hensley - Direct

1 the witness interview room. And that is the entire  
office.

2 Q. That's all on the fifth floor of the Murrah

Building;

3 correct?

4 A. Yes, it is.

5 Q. Now, let me direct your attention to April 19 of  
1995.

6 Where did you begin your day?

7 A. I was in Austin, Texas, at the state capitol  
complex at a

8 meeting.

9 Q. And while you were at that meeting, did you learn  
of the

10 explosion at the Murrah Building?

11 A. Yes, I did.

12 Q. What did you do?

13 A. I was in the company of one of our pilots; and upon  
making

14 some phone calls and finding out the seriousness of the

15 explosion, I asked the pilot to fly me directly to  
Oklahoma

16 City. So we left Austin, Texas, and flew directly to  
Oklahoma

17 City. I arrived shortly before noon on April 19.

18 Q. Once you arrived, did you attempt to account for  
the six

19 Customs Service employees who were stationed in the  
Murrah

20 Building?

21 A. Yes, I did.

22 Q. And did you find any of them?

and I 23 A. Yes. I found Terry Wilson, I found Dale Edwards,  
that 24 found Cynthia Gonyea. And I located but did not see at  
25 time by middle afternoon Priscilla Salyers.

7940

John Hensley - Direct

1 Q. Do you know where she had been?  
2 A. Yes. She had been in the building and had been  
taken to 3 the emergency room at a local hospital in Oklahoma  
City.  
4 Q. Were you able to locate Agents Ice and Medearis?  
5 A. No. We ultimately were not able to locate them on  
that 6 day.  
7 Q. Were they killed in the bombing of the building?  
8 A. Yes, they were.  
9 Q. Agent Hensley, before coming to court today, did  
you look 10 at an item marked Government's Exhibit 952E, which is a  
copy of 11 that floor plan that's on your screen, and affix to  
that name 12 plates showing where Agents Ice and Medearis worked?  
13 A. Yes, I did.  
14 MR. ORENSTEIN: Your Honor, we offer 952E with  
those

15 name plates. We won't display it here.

16 MR. WOODS: No objection.

17 THE COURT: All right. 952.

18 MR. ORENSTEIN: We had offered it before with  
some

19 name plates. We're offering it with these.

20 THE COURT: E, did you say?

21 MR. ORENSTEIN: Yes, sir.

22 THE COURT: E, received.

23 BY MR. ORENSTEIN:

24 Q. Also before coming to court today, Agent Hensley,  
did you

25 look at Government's Exhibit 1067, a chart bearing  
photographs

7941

John Hensley - Direct

1 of Agents Ice and Medearis?

2 A. Yes, I did.

3 Q. Does that chart bear fair and accurate photographs  
of the

4 way Agents Ice and Medearis looked before they were  
killed in

5 the bombing?

6 A. Yes, it does.

7 MR. ORENSTEIN: Your Honor, we offer  
Government's

8 Exhibit 1067.

9 MR. WOODS: No objection subject to our prior  
10 objections.

11 THE COURT: Yes. It's received.

12 MR. ORENSTEIN: May I ask Agent Tongate to  
come up and  
13 display the chart.

14 THE COURT: Yes.

15 BY MR. ORENSTEIN:

16 Q. Agent Hensley, I'd like to go through this chart  
and  
17 describe for the ladies and gentlemen of the jury who  
each of  
18 these men was, how long he served the Customs Service,  
and what  
19 he did.

20 A. Okay. The agent on my far right is Paul Douglas  
Ice. Paul  
21 was a senior special agent in the office in Oklahoma  
City. He  
22 had been an agent just under ten years, coming on the  
job in  
23 early 1986.

24 Q. And what kind of job responsibilities did he have?

25 A. He was the lead agent on two large narcotics cases,  
also on

assigned 1 a major smuggling case, and he had several other cases  
2 to him. I believe his caseload that he was carrying at  
the 3 time were about nine criminal cases.

4 Q. And could you describe who is in the next  
photograph?

5 A. The next is Claude Arthur Medearis. Claude was  
just 6 recently promoted at that time to senior special agent.  
He was 7 also carrying narcotics cases and smuggling cases, and  
he had 8 eight active investigations that he was working at that  
time, 9 criminal investigations.

10 Q. And I'm sorry: How long had he been working for  
the 11 Customs Service?

12 A. Just under ten years. He came on almost within two  
months 13 of Paul Ice, so they came on together.

14 Q. Now, on April 19, 1995, how many investigative --  
criminal 15 investigative agents did the Customs Service have  
stationed in 16 Oklahoma City?

17 A. There were a total of five with one office manager.

18 Q. And what percentage of its law enforcement officers  
did the 19 Customs Service lose in Oklahoma City on April 19?

20 A. Approximately 40 percent.

bombing 21 Q. In addition to the loss of personnel, did the

its 22 affect the ability of the Customs Service to fulfill

23 responsibility in Oklahoma City in other ways?

throughout the 24 A. Yes, it affected not only Oklahoma City but

25 service.

7943

John Hensley – Direct

1 Q. What was the effect on Oklahoma City, first of all?

ability, the 2 A. The loss of the agents and their case-working

created by 3 knowledge that those agents had, the files that were

documents, 4 those agents, the other office files and historical

investigations. 5 and certain pieces of evidence linked to other

the time 6 Q. Were there any criminal investigations ongoing at

7 of the bombing that had to be terminated because of the  
8 bombing?

9 A. Yes.

or 10 Q. Were there others that were significantly impaired

11 delayed as a result of the bombing?

those 12 A. Yes. It -- at the time of the bombing, all of  
other 13 cases -- all the cases, including those being worked by  
because of 14 agents not killed in the bombing, were terminated  
Many of 15 the explosion. And at a later time, several cases were  
16 reconstructed and moved forward but not all of them.  
17 them were closed permanently.

18 Q. Now, prior to the bombing, what was the normal --  
19 approximately the normal caseload for an agent of the  
Customs 20 Service in the Oklahoma city office?

21 A. The average caseload was around eight to twelve  
cases, and 22 that was a continuous amount. We would close a case,  
open a 23 case; but the average caseload was between eight and  
twelve 24 cases.

25 Q. Were the surviving agents in the Oklahoma City  
office able

7944

John Hensley - Direct

1 to maintain that caseload in the months following the  
bombing?

2 A. No, they were not.

3 Q. Now, in addition to the impact on the Oklahoma City

office,

4 you mentioned that there was an impact beyond the  
Oklahoma City

5 office. Can you describe what that was?

6 A. Yes. Several of the cases had collateral leads in  
other

7 areas, were linked to other investigations throughout  
the

8 United States. Those cases were severely hampered.

9 The Dallas office, for instance, 45 agents  
were moved

10 from Dallas to Oklahoma City for a period of almost 30  
days

11 during the investigation following the bombing. And  
personnel

12 from headquarters in other offices were also moved into

13 Oklahoma City, taking them away from their other  
duties.

14 Q. Finally, Agent Hensley, on the morning of April 19,  
1995,

15 was Special Agent Paul Ice a law enforcement officer of  
the

16 United States engaged in the performance of his  
official duties

17 for the Customs Service?

18 A. Yes, he was.

19 Q. And on that same morning, was Special Agent Claude  
Medearis

20 an officer, law enforcement officer of the United  
States

21 engaged in the performance of his official duties for  
the

22 Customs Service?

23 A. Yes, he was.

nothing 24 MR. ORENSTEIN: Thank you, your Honor. I have  
25 further.

7945

John Hensley - Direct

1 THE COURT: Mr. Woods?

2 MR. WOODS: Thank you, your Honor.

fine with 3 If Mr. Tongate was to have a seat, that's  
4 me.

and take 5 THE COURT: All right. You can put that down  
6 a seat.

7 CROSS-EXAMINATION

8 BY MR. WOODS:

9 Q. Good afternoon, Agent Hensley.

10 A. Good afternoon.

was 11 Q. My name is Ron Woods. I'm one of the lawyers that  
shortly 12 appointed by the senior federal judge in Oklahoma City  
being 13 after May 9, 1995, when Terry Nichols was charged with  
each other 14 responsible for this bombing. You and I have known

15 for a number of years; is that correct?

16 A. That's correct.

17 Q. However, we've never talked about your activities  
in this  
18 case, have we?

19 A. That's correct.

20 Q. You told the jury that you got to Oklahoma City the  
morning  
21 of the 19th before noon. Is that correct?

22 A. That's correct.

23 Q. And how late did you -- how many days did you stay  
there  
24 before you left?

25 A. I was there almost a month.

7946

John Hensley - Cross

1 Q. Without leaving?

2 A. One trip to Dallas to pick up additional clothes  
and then  
3 return.

4 Q. Okay. Now, did you set up a command post while you  
were

5 there in Oklahoma City for you and the other Customs  
people who  
6 flew in?

7 A. Yes, we did.

8 Q. And where did you locate your command post?  
9 A. It was at the Customs National Aviation Center at  
or near  
10 Will Rogers Airport.  
11 Q. Okay. Did anybody share that command post with  
you, other  
12 agencies?  
13 A. Yes.  
14 Q. And who was that?  
15 A. Initially, Secret Service; and the Bureau of  
Alcohol,  
16 Tobacco, Firearms had command posts at that facility  
until they  
17 moved to another location.  
18 Q. Now, is it true that those three agencies that you  
19 mentioned are part of the Treasury Department?  
20 A. Yes, they are.  
21 Q. Okay. Would you tell the jury what the distinction  
is  
22 between law enforcement agents that work for the  
Treasury  
23 Department and those that work for the Justice  
Department.  
24 A. The series itself in terms of the criminal  
investigator  
25 series is the same. They're 1811 series criminal

1 investigators. However, the agents in the Treasury  
Department,  
2 the bureaus, work effectively for the Secretary of the  
3 Treasury. Most of the statutes worked within the  
Treasury  
4 Department have some basis in revenue, whether it's  
5 counterfeit, or Marijuana Tax Stamp Act, or some other  
law.

6 The agents in the Justice Department work for  
the  
7 Attorney General, even though the -- they are  
independent  
8 agencies with their own agency held, such as the  
Director of  
9 the FBI or the Director of the Administration of DEA.

10 Q. Is it true, then, that the FBI and DEA and INS are  
all  
11 within the Justice Department?

12 A. That's correct.

13 Q. And then under the Treasury Department we have your  
agency,  
14 Customs, Secret Service, and the ATF? Is that correct?

15 A. And IRS.

16 Q. And IRS. And you were sharing your command post  
with ATF  
17 and Secret Service. Was IRS involved at all in your  
18 investigating?

19 A. No, they were not.

20 Q. Do you know whether or not they had offices in  
Murrah

21 Building?

22 A. I don't know.

23 Q. Okay. Now, did you go down to the scene? You, of  
course,

24 were on the scene there that first day on the 19th.  
Did you go

25 down to the scene pretty much every day after that?

7948

John Hensley – Cross

1 A. Yes, I did.

2 Q. Now, there were agents from FBI and DEA and ATF and  
Customs

3 that were all there investigating the crime scene. Is  
that

4 correct?

5 A. That's correct.

6 Q. What about Secret Service? Did they have agents  
7 investigating the crime scene, to your knowledge?

8 A. As far as I know, they participated in the command  
center

9 but did not have agents in the actual search teams or  
interview

10 teams.

11 Q. Okay. Now, do you know where the FBI command  
center was?

12 A. Yes, I do.

13 Q. And would you tell the jury where that was, based

on your

14 recollection?

Murrah

15 A. It's approximately five to six blocks away from the

switching

16 Building. It was in a telephone building command-

company

17 center, I believe is what it was that the telephone

18 allowed the federal government to use.

trailer

19 Q. Was that on the first day, when they had a mobile

20 there, mobile home?

moved that

21 A. The mobile home was the first part, but it was

that

22 same day into the phone building probably about 4:00

23 afternoon.

been

24 Q. All right. I'm going to show you what's previously

Government's

25 admitted into evidence which I have as 940,

7949

John Hensley - Cross

surrounding

1 Exhibit 940, which is a map of the downtown area

pen that's

2 the federal building. And if you would pick up that

-- that

3 there and click it on the side. That will remove these

side. 4 red mark. Is it removing it? Just click it on the

5 There you go.

out -- 6 Now, can you for the benefit of the jury point

7 are you acclimated here as to where the Murrah Building  
was?

8 A. Yes.

9 Q. Can you point out where the FBI command post was  
that first

10 day?

11 A. I guess I haven't been in Oklahoma City for quite a  
while.

12 I can't exactly remember exactly where it was.

13 Q. Okay. Do you recall a parking lot right across the  
street

14 from the part of the building that was bombed?

15 A. Yes, I do.

16 Q. Okay. And can you point that out for the jury?

17 A. Yes, I can.

18 Q. Now, did you notice that parking lot when you first  
got

19 there before noon on the 19th?

20 A. Yes, I did.

21 Q. Can you describe for the jury what you saw when you  
first

22 saw that parking lot, what the conditions were and what  
you saw

23 in it?

24 A. In the parking lot was tremendous amount of damaged

rocks. 25 vehicles, some moved sideways, some burned, debris,

7950

John Hensley – Cross

were on 1 Some of the vehicles were still smoking, although none  
pretty 2 fire. I saw fire equipment, police vehicles. It was a  
3 crowded location.

tell? 4 Q. Had the fires been put out from what you could

5 A. Yes, they were.

these 6 Q. And you mentioned cars that had been on fire. Were  
7 all extinguished from what you could tell?

but 8 A. Yes, they seemed to be. There was some with smoke,  
9 they seemed to all be extinguished.

they had 10 Q. And could you tell from the fire equipment -- fire  
11 department equipment that was on hand whether or not  
those fires 12 used water from street hydrants or chemicals to put

13 out?

the 14 A. There were both there. There was a white debris on  
15 ground, although I did not see anybody using it, foam  
16 equipment. There was some white debris on the ground,

and

17 there was also water; so my assumption would be both,  
but I did

18 not see it myself.

19 Q. When you say "white debris," can you describe for  
the jury

20 what that was?

21 A. The white debris was much like would come out of a  
fire

22 extinguisher, a dry, large fire extinguisher.

23 Q. Okay. Now, over the course of that day and the  
next two

24 days, Thursday and Friday, were you there at the scene?

25 A. Yes, I was.

7951

John Hensley – Cross

1 Q. What days or what day was it that Agents Ice and  
Medearis

2 were found?

3 A. Paul Ice was found on the late evening of the 26th.  
I

4 actually identified the body on the 27th -- early  
morning hours

5 of the 27th. And Claude Medearis was located in the  
building

6 around 6:30 on the 28th.

7 Q. Okay. So I assume that you were on the scene every  
waking

8 moment until those two agents were located; is that  
correct?

9 A. That's true.

10 Q. And also with another -- with other Customs agents?

11 A. Yes.

12 Q. Were they pretty much flown in from all over the  
country?

13 A. Primarily from Dallas; but yes, from all over the  
country.

14 Q. And Dallas was your office that you were in charge  
of --

15 A. Yes.

16 Q. -- is that correct? Okay.

17 Now, originally on the 19th, had ATF started  
out --

18 first, would you explain based on your knowledge of the  
19 Treasury Department what the jurisdiction of the ATF  
is, what

20 criminal violations they investigate?

21 A. They investigate several violations. They regulate  
and

22 control alcohol production, tobacco, tobacco tax. They  
have

23 jurisdiction on firearms registration, the domestic  
movement of

24 firearms; and they also have jurisdiction in arsons and

25 bombings.

John Hensley – Cross

1 Q. Bombings?

2 A. Yes.

3 Q. Okay. Now, do you know whether or not they started  
out

4 tagging the evidence that was found around the bomb  
scene

5 originally?

6 A. I don't think at the outset they did, but very  
shortly

7 thereafter they did.

8 Q. All right. And did there come a time when the FBI  
went

9 around and removed all those tags and put FBI tags on  
the

10 items?

11 A. I don't remember.

12 Q. But to your memory, ATF was the one that was  
originally

13 putting the tags on items?

14 A. I believe they did place some tags. I don't know  
if it was

15 a lot of tags, but I do know that they placed some  
tags.

16 Q. Okay. And did ATF bring in a number of people from  
out of

17 the city of Oklahoma City?

18 A. Yes. The FB -- excuse me. The ATF brought in  
their

19 National Response Team.

20 Q. Okay. And what is the ETB team, if you know,  
within the

21 ATF designation?

22 A. I'm not sure.

23 Q. Okay. They were sharing the space with you, the  
command

24 center, for how long, sir?

25 A. About the first four days or five days, and then  
they moved

7953

John Hensley – Cross

1 out.

2 Q. Do you know where they moved?

3 A. Another building, but I'm not exactly sure where it  
is in

4 Oklahoma City.

5 Q. Was it closer to the Murrah Building?

6 A. Yes, it was. It was further downtown than ours.

7 Q. Now, do you know where the FBI field office was in  
Oklahoma

8 City?

9 A. Yes, I do.

10 Q. And can you tell the jury where that was?

11 A. Yes. The field office is -- in Penn Place, which  
is on the

12 north -- north loop of the city; and it's not in the  
downtown

13 area per se. It's not that far away, but it's not in  
downtown.

14 Q. So the FBI did not have an office in the Murrah  
Building,

15 to your knowledge?

16 A. No, they did not.

17 Q. It was several miles away. Can you give any  
estimation how

18 far away it was?

19 A. Probably 7 or 8.

20 Q. Okay. Was that parking lot across the street from  
the

21 building used as -- during that following week from the  
19th to

22 the 26th? Was that used as a forming area or where  
people

23 gathered and equipment was gathered, or can you just  
give the

24 jury a sense of how that parking lot was used over that  
next

25 week from the 19th through the 26th?

7954

John Hensley - Cross

1 A. Originally it was -- the evidence was reviewed  
there; and

2 then after that, more closely to the brick wall of the

3 building, which was adjacent to the parking lot, was a  
staging

4 area for the teams as they came on shift.

Ryder 5 Q. Okay. Now, were you there when the ATF brought a  
6 truck to the scene?

7 A. Yes.

8 Q. Okay. Can you tell the jury approximately when  
that was?

I don't 9 A. It was a few days after the actual bombing itself.  
10 remember the exact date.

11 Q. Was it within the first week?

12 A. I believe it would have been at the end of the  
first week.

13 That's my best recollection.

14 Q. So are we talking this evening -- if the bombing  
was on the

15 19th, which was a Wednesday, are you talking into the  
next

16 week, early part of that week, Monday, Tuesday,  
Wednesday?

17 A. Yes, I am.

18 Q. Now, did you happen to go down and examine the  
Ryder truck

19 and its contents, or just -- not examine it, but did  
you see it

20 when it was opened up?

21 A. I saw the truck from a distance. I didn't actually  
go up

22 for a close look-see.

23 Q. Can you tell the jury where it was parked when it  
was

24 brought to the crime scene?

25 A. When I saw it, it was in a parking lot  
approximately a

7955

John Hensley - Cross

1 block and a half from the crime scene.

2 Q. And do you know where the YMCA building is in  
relation to

3 the Murrah building?

4 MR. WOODS: If I could just have this on one  
more

5 time.

6 BY MR. WOODS:

7 Q. Can you point out to the jury where the YMCA is?

8 Okay.

9 A. The -- when I saw the van, it was not there, but  
10 approximately in this area here.

11 Q. Okay. Do you know where it had been before you  
located it

12 at that location? Do you know where it had previously  
been?

13 A. No, I did not.

14 Q. About what time during the day did you see it?

15 A. It would have been in the morning prior to noon,  
probably

16 late morning.

17 Q. Okay. And did you ever see -- was this supposedly

the same

18 size of van as the truck that had been used?

19 A. Yes.

20 Q. Was that your understanding?

21 A. Yes.

22 MR. ORENSTEIN: Objection, Judge. Hearsay.

23 THE COURT: What?

24 MR. ORENSTEIN: He's answered, so I'll  
withdraw the

25 objection.

7956

John Hensley – Cross

1 THE COURT: All right.

2 BY MR. WOODS:

3 Q. Did you see the back doors open and the contents  
inside?

4 A. The back doors were open. I didn't really note the  
inside.

5 I was doing other things, so I didn't really go up to  
the van

6 itself.

7 Q. Okay. What was your understanding of the purpose  
of this

8 Ryder truck and the contents being on the crime scene?

9 MR. ORENSTEIN: Objection, your Honor.

10 THE COURT: Overruled.

11 THE WITNESS: The purpose was a  
reconstruction, as I

12 understood it, of the vehicle. ATF was doing a  
reconstruction.

13 MR. WOODS: Your Honor, may I hand the witness  
Defense

14 Exhibit 1634, which is a series of 10 photos?

15 MR. ORENSTEIN: Your Honor, I'd like to see  
those,

16 please.

17 THE COURT: Show them to counsel.

18 MR. WOODS: I gave copies this morning.

19 THE COURT: Show them to counsel.

20 Oh, they have them.

21 How are these marked, Mr. Woods?

22 MR. WOODS: It's Defense Exhibit D163 -- I'm  
trying to

23 recall it from memory, your Honor.

24 THE COURTROOM DEPUTY: 1634.

25 MR. WOODS: And they're Bates' stamped 1  
through 10.

7957

John Hensley - Cross

1 THE COURT: All right.

2 BY MR. WOODS:

3 Q. Mr. Hensley, I'll ask you, if you will, just look  
at each

4 of those items without commenting yet.

5 Now, sir, do those photographs accurately  
depict the

6 scene as you observed the truck in the downtown area  
there?

7 A. It looks to be at a different location. It's the  
same type

8 of truck that I saw, and there were agents around it.

9 Q. And do those photographs depict agents with their  
law

10 enforcement designation standing around the truck?

11 A. Yes.

12 Q. And is that the same type of scene that you saw at  
the

13 crime scene?

14 A. Yes.

15 Q. Can you from looking at those buildings that are  
pictured

16 behind the vehicle -- can you give us an idea of where  
it is

17 that these photographs were taken?

18 A. This looks to be behind the main command post,  
which was

19 the phone building.

20 Q. All right. Now, if you would look at No. 9, the  
one that's

21 Bates' stamped No. 9. Without describing the building,  
do you

22 recognize the building in the background?

23 A. No, I don't.

the 24 MR. WOODS: Okay. Your Honor, may it please  
Exhibit 25 Court, the defense would offer into evidence Defense

7958

John Hensley – Cross

10. 1 1634 and the series of 10 photos Bates stamps 1 through

2 MR. ORENSTEIN: May I voir dire briefly?

3 THE COURT: You may.

4 VOIR DIRE EXAMINATION

5 BY MR. ORENSTEIN:

you say 6 Q. Agent Hensley, with respect to these photographs,  
questions 7 these do not depict a truck where you saw it in the

8 that Mr. Woods was asking you?

9 A. That's correct.

10 Q. So you did not see these scenes?

11 A. No, I did not.

truck. 12 Q. There are some pictures showing the inside of the

but you 13 You said that you had seen the truck with a door open  
14 didn't see what was inside of it?

15 A. That's correct.

of the 16 Q. So you can't attest to anything about photographs

17 inside of the truck?

18 A. That's correct.

19 Q. Did you see the truck close up, or from a distance?

20 A. From somewhat of a distance.

21 Q. So if there were any pieces of paper or something  
affixed

22 to the truck, you couldn't read what was on those  
pieces of

23 paper?

24 A. That's correct.

25 MR. ORENSTEIN: Your Honor, on that basis, I  
object.

7959

John Hensley - Voir Dire

1 THE COURT: Sustained.

2 CROSS-EXAMINATION CONTINUED

3 BY MR. WOODS:

4 Q. Agent Hensley, how many days did you see the truck  
in the

5 downtown area?

6 A. I believe I saw it probably a couple of times.

7 Q. And what days were -- was it that you saw the  
truck?

8 A. They both would have been fairly close together in  
that

9 period of, say, five or six days after the initial  
explosion.

10 I'm not really sure which days I saw them.

11 Q. Was it always in the same location?

12 A. No. It was at two different locations.

13 Q. And what was the second location you saw it in?

14 A. It seemed to be on the south side of the bomb site,  
but I

15 saw that at a distance; and I don't remember anything  
other

16 than it seemed to be the same truck.

17 Q. Okay. When you say the south side of the bomb  
site, where

18 are you referring to?

19 A. There was a parking lot where agents coming on  
shift or

20 police officers or firemen parked which was close to  
the

21 Salvation Army coffee trailer. It was somewhere in  
that area.

22 That's the best I could tell you.

23 Q. Okay. Can you --

24 MR. WOODS: If I may have this downtown map on  
again.

25 BY MR. WOODS:

7960

John Hensley - Cross

1 Q. Can you designate where the other location was that  
you saw

2 the Ryder truck?

3 A. I believe it was in this area here.

4 Q. Okay. Now, where did you see it first? Which  
location?

5 A. I believe I saw it at this location here, in my  
normal

6 walking route.

7 Q. Which one?

8 A. This location, which is the other side of the YMCA.

9 Q. And then the second location was in the lot across  
the

10 street from the Murrah Building?

11 A. Yes. Well, actually across and south of it.

12 Q. And that's one of the staging areas where the  
agents that

13 were coming on duty would meet to get their  
assignments?

14 A. For us, it was just a reserve parking facility for  
15 government vehicles.

16 Q. Did you see -- you mentioned the fact that it was a  
17 gathering point. What do you mean by that?

18 A. That's where police vehicles and other people  
involved in

19 the search and evacuation, evidence-gathering, etc.,  
would

20 stage vehicles.

21 Q. And then they would walk from that area over to the  
Murrah

22 Building?

23 A. Yes, they would.  
24 Q. Okay. Now, when you were there for a week before  
the  
25 bodies were found up at the Murrah Building, did you  
have to go

7961

John Hensley – Cross

1 over to the parking lot across the street from it to  
get a full  
2 view of the whole building?

3 A. I'm not sure exactly how to answer that. You could  
see it  
4 from most any corner or up the street from it.

5 Q. Sure. In front of it, there was a crater, was  
there not?

6 A. Yes, there was.

7 Q. Do you know when that crater was covered over and  
filled in

8 and covered over based on your recollection of being on  
the  
9 scene?

10 A. Well, it was covered over fairly quickly. When it  
was  
11 fully filled in, I'm not exactly sure.

12 Q. Was it filled in before it was covered over?

13 A. Yes, it was covered over before it was filled in so  
people  
14 didn't fall in the hole.

front of 15 Q. And there were cranes and fire ladders there in

16 the building; is that correct?

17 A. There was everything in front of the building.

building, 18 Q. Okay. So if you wanted to have a view of the

building be 19 would one place be that you could see the whole

20 across the street in the parking lot?

21 A. Yes. That's one place.

saw the 22 Q. Okay. Now, back to that second location where you

the truck 23 truck: Do those photographs reflect that position of

24 with the YMCA in the background?

25 A. Yes, it appears to.

7962

John Hensley – Cross

photos, 1 MR. WOODS: Okay. Then we would reoffer the

2 your Honor, at this time.

objection. 3 THE COURT: You haven't overcome the

4 MR. WOODS: All right.

5 BY MR. WOODS:

YMCA -- 6 Q. When you say it appears to, are you recognizing the

7 THE COURT: He's talked about locations. The

8 photographs include a lot more than just the locations.

9 MR. WOODS: Yes, your Honor.

10 BY MR. WOODS:

11 Q. The condition of the truck with the agents walking  
around

12 it: Is that a scene that you saw when you observed the  
truck

13 and agents?

14 A. Yes.

15 Q. Okay. As to the doors being open: Did you ever  
see it

16 with the doors open?

17 A. The doors were open when I saw the truck on one  
occasion,

18 on the first occasion; but I didn't really -- I wasn't  
close

19 enough to actually look inside and see what was there.

20 MR. WOODS: All right. Then, your Honor, we  
would

21 withdraw those photographs that show the interior  
contents up

22 at the front of the truck. We would offer those  
photographs

23 that depict the --

24 THE COURT: Which are we talking about?

25 MR. WOODS: Yes, your Honor.

John Hensley – Cross

1 THE COURT: Let me have the exhibits.

2 I need the exhibits.

3 MR. WOODS: We would withdraw No. 4. We would  
4 withdraw No. 6. And No. 5 shows some of the -- some of  
the  
5 contents, your Honor.

6 THE COURT: I sustain the objection to all of  
them.

7 MR. WOODS: All right.

8 BY MR. WOODS:

9 Q. Do you know how many days the truck stayed on the  
crime  
10 scene, Agent Hensley?

11 A. No, I do not.

12 Q. Was it there past the 26th, one week after the  
bombing?

13 A. I didn't see it after the 26th.

14 Q. Okay. And how many days, then, did you see it  
there?

15 A. Over probably a three-day period.

16 Q. Okay. And do you know whether or not, based on  
your  
17 knowledge, the ATF had created a mock bomb inside of it  
with  
18 fertilizer?

19 MR. ORENSTEIN: I'll object since it's not  
personal  
20 knowledge.

21 THE COURT: Sustained.

22 BY MR. WOODS:

23 Q. Well, based on your personal knowledge, do you know  
whether  
24 or not the ATF created a mock bomb with fertilizer?  
25 A. No, I do not.

7964

1 MR. WOODS: Okay. Nice to you see you, again,  
sir.

2 Thank you.

3 No further questions.

4 THE COURT: Any redirect?

5 MR. ORENSTEIN: Nothing further, your Honor.  
The  
6 witness is excused.

7 THE COURT: Agree to excuse the witness?

8 MR. WOODS: Yes, your Honor.

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

10 Next, please.

11 MR. MACKEY: Your Honor, we would call John  
Kane.

12 THE COURT: All right.

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

14 (John Kane affirmed.)

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

16 Would you state your full name for the record  
and

17 spell your last name.

18 THE WITNESS: John Kane, K-A-N-E.

19 THE COURTROOM DEPUTY: Thank you.

20 THE COURT: Proceed.

21 MR. GOELMAN: Thank you, your Honor.

22 DIRECT EXAMINATION

23 BY MR. GOELMAN:

24 Q. Good afternoon, Mr. Kane.

25 A. Good afternoon.

7965

John Kane - Direct

1 Q. Where do you live?

2 A. Orlando, Florida.

3 Q. Are you married?

4 A. Yes, I am.

5 Q. Do you have any kids?

6 A. I have a 14-year-old son and an 18-year-old  
daughter.

7 Q. What do you do in Orlando?

8 A. I operate a telecommunications consulting business.

9 Q. How long have you been involved in the

telecommunications

10 industry?

11 A. Approximately 25 years.

involved 12 Q. And during this quarter century that you've been

card 13 in the industry, did you at one time establish a debit

14 business?

15 A. Yes, I did.

Bridges a 16 Q. Was one of the debit cards that you sold Daryl

17 debit card offered by The Spotlight magazine?

18 A. Yes, it was.

background in 19 Q. I want to go back and talk briefly about your

been in 20 the telecommunications business. You said that you've

21 the industry for 25 years?

22 A. Yes.

you've 23 Q. Would you briefly describe some of the things that

24 done in the telecommunications industry?

25 A. Sure. I started in the telecommunications business

7966

John Kane - Direct

in the 1 actually installing telephone services for businesses

In 2 New York area. I did that for approximately ten years.  
3 about 1983, I got involved in the long distance  
business as 4 that business became a business through divestiture and  
5 deregulation that took place through regulatory events  
in this 6 country, spent quite a lot of time managing long  
distance 7 companies, fixing them, growing them, taking them  
public; been 8 involved in a lot of merger and acquisition work in the  
9 telecommunications area as well.

10 Q. So you've been involved on both sides of the  
industry, the 11 installation of the actual hardware and the provision,  
the 12 selling, of time on the long distance wires?

13 A. That would be correct, yes.

14 Q. Were you ever asked to testify before Congress on  
issues of 15 importance to the industry?

16 A. About four years ago, I testified before Senator  
Hollings 17 when he was conducting hearings on telecommunications  
18 legislation on a bill called 1822, which eventually was  
not 19 passed. Subsequently, similar legislation was passed  
the next 20 year. At the time, I was the president of a trade  
association

21 called ACTA, which is America's Carriers  
Telecommunications

22 Association, and I was representing about 150 small  
long

23 distance companies before Congress at that hearing.

24 Q. Mr. Kane, can you tell us what a debit card is.

25 A. A debit card is a device by which a person can make

7967

John Kane – Direct

1 telephone calls. They pay for the calls in advance,  
prepayment

2 or prepayment card. It's kind of the opposite of a  
credit

3 card, where you would pay for calls in arrears, which  
most

4 people are familiar with. A debit card in the United  
States is

5 a fairly new concept, has been probably only in use  
here since

6 about 1992, going into 1993.

7 Q. When did you start your debit card business?

8 A. Late in '92.

9 Q. Is there a reason that debit cards were not widely  
used in

10 the United States before that?

11 A. Primarily two reasons. One was that the United  
States is

12 pretty much a credit-based society and prepayment is  
not

becoming 13 something that's just all that popular, although it's  
year 14 more popular in recent years. Debit card industry this  
the 15 will probably be about a \$2 1/2 billion revenue just in  
16 United States.

17 Q. Was there another reason that you --

18 A. The second reason was that technology in order to  
provide 19 the debit card service wasn't all that readily  
available or 20 adoptable to the -- to telecommunications  
infrastructure in the

21 United States. Most of the rest of the world uses  
debit card

22 technology that's built into the calling device. The  
public

23 pay phone systems in most countries use a card that you  
24 physically have to plug into the phone before you can  
make your 25 call.

7968

John Kane - Direct

1 In the United States, phones are oriented  
towards

2 coins, which are not real effective for making long  
distance

3 calls. There is too many coins involved, and there is

also no

prepaid 4 device on the phone to read the information on a  
5 calling card. It would be very expensive to upgrade  
6 approximately 2 million phones that exist in the United  
States 7 to read debit cards.

what 8 Q. Because of that difference in pay phone technology,  
9 did you do when you went about establishing your debit  
card 10 business?

11 A. We used an -- or developed an 800-type access, so  
12 essentially you would have to dial an 800 telephone  
number, 13 which is free from most places; and by using the 800  
number, 14 you would then access one of the debit card systems.

You would 15 identify yourself to that system by entering a PIN  
number, and 16 then you'd be able to make calls if you had any value  
left in 17 your balance in your account.

18 Q. Did you use any particular software when you were  
19 establishing the 800 number debit card system?

20 A. Actually, I used a software system that had been  
developed 21 for another telecommunications application by a company  
called 22 OPUS Telecom in Framingham, Massachusetts; and through

an

23 associate of mine there, Jay Gainsboro, who was a  
minority  
24 partner with me in a debit card business -- he took  
some ideas  
25 and concepts I had about what I wanted to do in a debit  
card

7969

John Kane - Direct

1 business and adapted his software to perform those  
2 applications.

3 Q. You said that when you started this debit card  
business  
4 they weren't widely used in this country.

5 A. That's correct.

6 Q. How did you go about marketing or selling your  
debit cards?

7 A. Well, we weren't quite sure how to go about that in  
the  
8 beginning, so we tried a number of different  
approaches. We

9 were selling the cards out of convenience stores,  
trying to  
10 sell them out of check-cashing locations, on college  
campuses.

11 We also entered into a number of arrangements with  
different

12 affinity groups and marketing distribution channels to  
try to

13 take advantage of their members.

14 Q. What do you mean "affinity group"?

15 A. An affinity group would be any association or large  
group

16 that had a substantial number of members that could be  
accessed

17 by common channel, such as a newsletter or direct  
mailing or

18 meetings of any kind.

19 We would take the name of the group, put it on  
the

20 debit card, and then a portion of the revenue that was  
created

21 by the sale of that debit card would go back to that  
group in

22 the form of a commission.

23 Q. Was Liberty Lobby or Spotlight magazine one of  
those

24 affinity groups that you contracted with?

25 A. Yes, they were.

7970

John Kane - Direct

1 Q. Did you personally market to Liberty Lobby?

2 A. No, I didn't.

3 Q. And when you were running the debit card platform,  
did you

4 know what kind of publication Spotlight newspaper was?

5 A. I had no idea.

6 Q. Did each affinity group have its own 800 number,  
Mr. Kane?

7 A. Yes. Each one had a custom 800 number that was for  
their

8 use only, which was associated with a set of voice  
prompts that

9 identified the group to the caller so they -- they had  
the

10 brand recognition or affinity recognition when they  
called in.

11 Q. And how many different 800 numbers did you have in  
running

12 your debit card platform?

13 A. We probably had somewhere between 50 and 60.

14 Q. Mr. Kane, what was your position at the time of the

15 Oklahoma City bombing?

16 A. I was senior vice president, operations, for West  
Coast

17 Telecommunications, which was about \$150-million-a-  
year,

18 publicly held, telecommunications company.

19 Q. And were you still managing the debit card system  
that you

20 had put into place in 1992?

21 A. Yes. The operations side of it.

22 Q. After the bombing in Oklahoma City, did you  
subsequently

23 become aware that one of your debit cards might have  
been

24 involved in the bombing?

25 A. Yes.

7971

John Kane - Direct

1 Q. How did you become aware of this?

2 A. I was called.

3 MR. TIGAR: Excuse me, your Honor. I object  
to that.

4 THE COURT: Sustained.

5 BY MR. GOELMAN:

6 Q. Now, did anyone except for the holders of the  
Spotlight

7 card have -- dial this same 800 number, Mr. Kane?

8 A. No.

9 Q. Do you know what this 800 number was?

10 A. It was (800) 793-3377, I believe.

11 Q. And after the bombing, were you contacted by  
investigators,

12 Mr. Kane?

13 A. Yes.

14 Q. What was it that they wanted?

15 MR. TIGAR: Object to the hearsay, your Honor.

16 THE COURT: Sustained.

17 BY MR. GOELMAN:

18 Q. After talking to the investigators, Mr. Kane, did  
you take

19 certain steps to provide information to federal

investigators?

20 A. Yes, I did.

21 Q. Can you tell us what those steps were?

22 A. We conducted some searches of our databases and  
business

23 records to try to ascertain as to whether some  
telephone

24 numbers that they had given us were resident in any of  
those

25 databases.

7972

John Kane - Direct

1 Q. And how did you go about doing that?

2 A. We took the phone numbers that they provided to us.  
We

3 input them into our systems and essentially asked the  
systems

4 if they matched any records to those numbers.

5 Q. And did the systems match any records to those  
numbers?

6 A. Not initially.

7 Q. Did they after your initial search?

8 A. After we could not match the first two records that  
we were

9 provided with, we happened to be looking at some of the  
output

10 from one of the systems; and I noticed that there was a  
call

11 that originated from a similar number as to one of the  
numbers

12 that was provided to us by the investigators.

13 I contacted the -- one of my sources in the  
industry

14 and found out that the number --

15 MR. TIGAR: Excuse me, your Honor. Object to  
what he

16 found out from a source.

17 THE COURT: Sustained.

18 BY MR. GOELMAN:

19 Q. Do you remember the number that was called, Mr.  
Kane?

20 A. The number that we found was a number that was  
called

21 from -- and I believe it was --

22 Q. Do you remember the number that was called to?

23 A. From that number?

24 Q. Yes.

25 A. Yes.

7973

John Kane - Direct

1 Q. That first call that you discovered?

2 A. Yes. It was (913) 258-3400.

3 Q. Before coming to court today, did you review the  
business

4 records of Southwest Bell to determine who the

subscriber was

5 at the time of that phone call?

6 A. Yes, I did.

7 Q. Who was it?

8 A. Terry Nichols.

9 Q. And when you found that first phone call, did you  
provide

10 it to investigators?

11 A. Yes, I did.

12 Q. Did they ask you to do something else at that  
point?

13 A. They asked me for all the subscriber records for  
the

14 account that had made those phone calls. And we  
provided them

15 with somewhere in excess of 680 telephone records that  
were

16 associated with the account that had made that phone  
call.

17 Q. And did you determine which particular account of  
yours

18 made that phone call?

19 A. Yes, we did.

20 Q. What information did you find out about it?

21 A. We found out that the account was listed to a Daryl  
Bridges

22 and that the card -- the prepaid calling card had been  
made to

23 a Decker, Michigan, address under that name.

24 MR. GOELMAN: Court's indulgence.

7974

John Kane - Direct

1 BY MR. GOELMAN:

2 Q. Mr. Kane, if you could look inside that folder, I  
believe  
3 you'll find Government's Exhibit 484. It's already  
been  
4 admitted into evidence.

5 A. I have it.

6 Q. Do you recognize what that is?

7 A. This is a fulfillment package that was mailed out  
to  
8 subscribers that were sold by The Spotlight magazine.

9 Q. And what exactly is a fulfillment package?

10 A. Well, essentially it contains a prepaid calling  
card, which  
11 is a cardboard knockout in this particular type of  
fulfillment

12 package. It includes instructions on how to use the  
card, and

13 it also includes some payment stubs. If the subscriber  
would  
14 like to add value to the card, they could fill out the  
stub,

15 enclose the check, and mail it in to The Spotlight.  
More value

16 would be added to their prepaid card.

17 Q. What name was that card purchased under?

18 A. Daryl Bridges.

19 Q. And what's the address?

20 A. 3616 North Van Dyke Road, Decker, Michigan, 40426.

21 Q. Could you take the fulfillment package out of there  
and

22 look on the inside of the cover there.

23 Are those accurate instructions for how to use  
this

24 particular calling card?

25 A. The preprinted ones, or the handwritten ones?

7975

John Kane - Direct

1 Q. The preprinted ones.

2 A. Yes, they are.

3 Q. Okay. I want you to look -- see if you can find  
4 Government's Exhibit 1717, please. It's an address  
book.

5 Actually, Mr. Kane, I'll just show you 1717A,  
which

6 has already been admitted into evidence. If you look  
on your

7 computer screen, that should be popping up.

8 Can you read that? Is that too small?

9 A. I think I could read it. It says -- top line says,  
10 "Daryl --" "Bridges, Daryl, 1-800-793-3377."

11 Q. Mr. Kane, do you recognize that particular 1-800  
number?

12 A. That's the 800 access number for the prepaid  
calling card

13 platform for Spotlight.

14 Q. And for any other organizations, or just for  
Spotlight?

15 A. Just for Spotlight.

16 Q. Okay. Go on?

17 A. It says, "Assist 800-576-8896."

18 Q. Do you recognize this particular 800 number?

19 A. That's an 800 custom service number for the debit  
card

20 customer service group.

21 Q. Okay.

22 A. And the last number is 567577365775 -- I think 32.

23 Q. How many digits did the PIN numbers that your 800  
cards had

24 connected to them have?

25 A. The Spotlight calling program had a 14-digit PIN  
number,

7976

John Kane - Direct

1 and this is the PIN number from the Daryl Bridges  
account.

2 Q. Mr. Kane, do you have any personal knowledge where

3 Government's Exhibit 484 and 1717 came from?

4 A. No idea.

5 Q. But whoever had these, did they have the knowledge  
and  
6 capability of making calls charged to the Daryl Bridges  
debit  
7 card?

8 A. I would say so.

9 Q. And did they also have the knowledge and ability to  
reach  
10 personnel that WCT provided for customer service for  
the  
11 Spotlight debit card?

12 A. I would say so.

13 Q. Mr. Kane, I'd like to talk a little bit about  
mechanics of  
14 how a debit card actually works. What happens if  
someone tries  
15 to make a call and there is simply not enough money in  
the  
16 debit card account?

17 A. They'll get a recording from the system that will  
advise  
18 them that they have an insufficient balance to make the  
call.

19 Q. Will the call be put through anyway?

20 A. No, it will not.

21 Q. So it would be physically impossible to make that  
call?

22 A. Yes, it should be.

23 Q. Are you familiar with the technical process by

which the

24 system checks to make sure if there is enough money in  
the

25 account before it puts a call through?

7977

John Kane - Direct

1 A. Yes.

2 Q. I want to show you what's been marked for  
identification as

3 Government's Exhibit 504. Does that depict an  
explanation of

4 the basic process by which the system works?

5 A. Yes.

6 Q. Would that be helpful to explain to the jury the  
basic

7 process?

8 A. Yes, it would.

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

10 504 for demonstrative purposes only.

11 MR. TIGAR: No objection, your Honor.

12 THE COURT: 504 may be used for that purpose.

13 BY MR. GOELMAN:

14 Q. Starting from the upper left-hand corner, Mr. Kane,  
can you

15 trace the path a phone call takes when it goes into the  
WCT

16 debit card system?

17 A. The left-hand telephone in this picture would be  
the  
18 originating caller. A person at that location would  
pick up  
19 the phone, they would dial the 800 number. The 800  
number  
20 would be routed to the WCT box, the larger red box.  
WCT would  
21 then put that call into a -- into the yellowish box  
called  
22 3911, which would be a part of the WCT switch.

23 The call would be then further routed down to  
the Opus  
24 box, down at the bottom, where a balance check and  
further call  
25 processing could take place.

7978

John Kane - Direct

1 If there was an appropriate balance in the  
account,  
2 the call could then be further routed back into the  
blue box  
3 and WCT and out to the phone on the right-hand side.

4 Q. I heard you use the term "WCT switch." Is that  
what is  
5 represented by the big rectangle in the middle of the  
screen?  
6 A. That's correct.

7 Q. What exactly is a switch?

8 A. In this particular case, this is a large  
telecommunications

9 switch. It happens to be located in Los Angeles,  
California.

10 It has approximately 30,000 phone lines associated with  
it.

11 Q. Is Government's Exhibit 504 a pretty simplistic  
version of

12 that process?

13 A. Yes, it is.

14 Q. Why don't you take a look at Government's Exhibit  
505.

15 Tell me if that's a slight upgrade.

16 A. It's a significant upgrade.

17 Q. And would this help you explain a little bit more  
about the

18 process to the jury?

19 A. Sure.

20 MR. GOELMAN: Your Honor, I move to admit 505  
for

21 demonstrative purposes.

22 THE COURT: All right.

23 MR. TIGAR: May I inquire, your Honor?

24 THE COURT: Yes, you may.

25 VOIR DIRE EXAMINATION

John Kane - Voir Dire

1 BY MR. TIGAR:

2 Q. Hello, Mr. Kane. My name is Michael Tigar. I'm  
one of the  
3 lawyers appointed to help Terry Nichols.

4 Oh, excuse me. Go ahead.

5 You're looking at this exhibit, and it depicts  
at the  
6 bottom some computers. Is that right?

7 A. Yes, sir.

8 Q. Now, during a part of every business day, these  
computers  
9 were rebooted; is that right?

10 A. That's correct.

11 Q. And during the period 1993 through April 17, 1995  
-- during  
12 the time the computers were being rebooted, certain  
data was  
13 lost; is that correct?

14 A. That's my understanding, yes.

15 Q. All right. So that when you are using this to  
demonstrate,  
16 you aren't -- would not be saying that the Opus billing  
could  
17 accurately keep track of every single one of the calls  
18 initiated by someone with a Spotlight card, are you?

19 A. No.

20 MR. TIGAR: With that understanding, your  
Honor, for

21 demonstrative purposes, we have no objection.

505. 22 THE COURT: All right. You may proceed with

23 MR. GOELMAN: Thank you, your Honor.

24 DIRECT EXAMINATION CONTINUED

25 BY MR. GOELMAN:

7980

John Kane - Direct

erase 1 Q. Mr. Kane, will you click your pen a couple times to  
2 the marks on the screen.

3 Does Government's Exhibit 505 depict the path  
that  
4 every phone call coming into the debit card system  
takes?

5 A. Yes, it does.

6 MR. GOELMAN: Your Honor, we have an  
enlargement which

7 has been numbered Government's Exhibit 506. Since Mr.  
Kane is

8 going to be referring to this basic schematic  
throughout his

9 testimony, I'd ask that Agent Tongate be allowed to put  
it up

10 on the easel, although we can do it tomorrow --

11 THE COURT: Well, we're not in session  
tomorrow. You

12 mean Wednesday?

13 MR. GOELMAN: Wednesday. I won't be here.  
14 THE COURT: You won't be here on Wednesday?  
15 MR. GOELMAN: No, I won't be here tomorrow.  
16 THE COURT: Don't be so sure.  
17 Well, I don't know -- sure. It's all right.

We've

18 only got five minutes to go here.

to using

19 MR. TIGAR: Your Honor, we have no objection  
20 it. It will be helpful for cross-examination as well.

21 THE COURT: All right. Let's put it up.

Wednesday

22 MR. GOELMAN: I'll put it up first thing on  
23 and just continue right now.

24 THE COURT: All right.

25 BY MR. GOELMAN:

7981

John Kane - Direct

where

1 Q. Now, using this exhibit, Mr. Kane, can you tell us  
2 the phone call goes when it first comes in to the local  
3 company?

phone

hand-most

4 A. Yes. This picture, again starting with the left-  
5 telephone, would represent where the originating call

was

6 taking place from. Line No. 1 would demonstrate where  
the call  
7 was first connected to, and that would be the local  
telephone  
8 company.

9           Everybody's telephone is connected to a local  
10 telephone company when you first make a telephone call.  
The

11 local telephone company would look at the 800 number,  
which

12 would be the dialed number in this case, and would not  
know

13 where to route that call to. Local telephone companies  
do not

14 keep that information in their local switching  
equipment, so

15 they need to go off to a third-party data warehousing  
company,

16 which is NASC, and look up that number in their  
database so

17 that the number can be routed to the appropriate long  
distance

18 carrier for completion.

19 Q. In this case, who is the appropriate long distance  
carrier?

20 A. It would be WCT.

21 Q. Okay. So what happens when the phone call comes  
into the

22 WCT switch?

23 A. So using Arrow 4 to represent that connection, the  
local

24 telephone company would then hand the call to the WCT

switch.

25 Once it was in the WCT switch, the WCT switch would  
again look

7982

John Kane - Direct

1 at the 800 number that was dialed, make a determination  
from  
2 its database as to what to do with that call. 800  
number for  
3 Spotlight would have been routed to the -- over Arrow 5  
to the  
4 Opus computer system.

5 The Opus computer system would then start to  
play  
6 voice prompts that the caller would hear, and the  
caller would  
7 then react to those voice prompts by putting in their  
PIN  
8 number and the long distance number they wish to call  
so that  
9 they could complete their transaction.

10 Q. Assuming it was an active PIN number, what would  
happen  
11 after that?

12 A. If it was an active PIN number and the caller  
dialed a long  
13 distance number, the Opus system would through Arrow 6  
attempt  
14 to make an outbound call to connect the incoming caller  
to the

distant 15 destination telephone at the end of Arrow 7 through the

16 local telephone company.

take in 17 Q. Okay. Mr. Kane, how long would Steps 1 through 5

18 real-person time?

someplace 19 A. At that time, Steps 1 through 5 should have taken

20 between 7 and 10 seconds.

heard 21 Q. Would all those steps take place before the caller

22 any voice prompt?

23 A. Yes, they would.

time 24 Q. How long would the whole thing take place from the

time that 25 that the telephone on the left is picked up until the

7983

John Kane - Direct

1 the call goes through, if there is sufficient money?

in their 2 A. Depends really a lot on how quickly the caller put

have to 3 PIN number. They have to dial 14 digits. Then they

The 4 dial another 10 digits to make a long distance call.

probably 5 overall time before the call could be processed would

I have  
person  
different

6 be at least 15 seconds, probably closer to 20, although  
7 seen calls that went on for almost a minute before the  
8 left the Opus system to be connected.

9 Q. Inside the Opus box there is a picture of five  
10 computers.

11 A. Yes.

12 Q. Can you explain why that that's the case?

13 A. The Opus system was five different PCs, four  
14 call-processing PCs that were physically connected to  
the WCT  
account  
that was  
15 switch and a central PC that housed the database, the  
16 balance information, and other technical information  
17 necessary for the call processing PCs to function.

18 Q. So the four computers in the corners are the ones  
that  
19 actually put the calls through?

20 A. Yes.

21 Q. And the computer in the middle is the one that kept  
track  
22 of the account information?

23 A. That's a good representation.

24 MR. GOELMAN: Your Honor, I'm about to launch  
into  
25 some serious computer minutia here. Would the Court  
like me to

1 continue?

2 THE COURT: No.

3 MR. GOELMAN: Not a threat, just --

4 THE COURT: We'll wait till Wednesday for  
that.

5 You may step down now, Mr. Kane.

6 And, members of the jury, we'll take the  
recess until

7 Wednesday, recognizing that tomorrow is a national  
holiday.

8 And, of course, it's one of those times again where I  
worry

9 about things, like what are jurors doing. But we  
expect that

10 you will do something to your own choosing other than  
to look

11 at any materials which might influence or affect you in  
any way

12 in this case or to discuss the case with anyone,  
recognizing,

13 of course, once again, as I'm sure you do, that you  
must

14 maintain the position that you came in here with as you  
told us

15 that you could, decide according to the law and the  
evidence

16 and what's being presented to you in the course of this  
trial.

17 So we expect you to continue that.  
18 And I would just repeat what I said before:  
In the 19 event that somehow you stumble across something or  
20 inadvertently encounter something that would relate to  
the case 21 or the subject matter of it, the way in which you  
should handle 22 that is to just give me a note as to what happened  
without 23 discussing it with other jurors.  
24 I mention that simply so that you would know  
what to 25 do if it should happen.

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1 But with those cautions, then, members of the  
jury, 2 you're now excused until 8:45 Wednesday morning.  
3 You're excused.  
4 (Jury out at 5:00 p.m.)  
5 THE COURT: I guess we'll recess till 8:45.  
6 You don't have to be here tomorrow, Mr.  
Goelman. 7 MR. GOELMAN: Thank you, your Honor.  
8 THE COURT: Recess.  
9 (Recess at 5:01 p.m.)

10 \* \* \* \* \*

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14 PLAINTIFF'S EXHIBITS

Withdrawn	Exhibit	Offered	Received	Refused	Reserved
	16 480-483	7887	7887		
	17 484	7883	7883		
	18 485-488	7887	7887		
	19 486A	7887	7887		
	20 488A	7887	7887		

21	490-503	7887	7887
22	490A	7887	7887
23	493A	7887	7887
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	1	PLAINTIFF'S EXHIBITS (continued)				
Withdrawn	2	Exhibit	Offered	Received	Refused	Reserved
	3	502A	7887	7887		
	4	504	7977	7977		
	5	505	7978	7979		
	6	952D-952C	7853	7853		
	7	952E	7940	7940		
	8	1039	7848	7848		
	9	1067	7941	7941		
	10	1716-1717	7880	7880		
	11	1717A-1717B	7881	7882		
	12	1818	7875	7876		
	13	1835	7887	7887		
	14	1957-1958	7879	7879		
	15	2000	7878	7878		
	16	DEFENDANT'S EXHIBITS				

	17	Exhibit	Offered	Received	Refused	Reserved
Withdrawn						
	18	D1634, 1-10	7957		7959	
	19	D1634, 1-10	7962		7962	
7963	20	D1634, 4-6				
	21	D1634, 1-10			7963	
	22			* * * * *		
	23					
	24					
	25					

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1 REPORTERS' CERTIFICATE

2 We certify that the foregoing is a correct  
transcript from

3 the record of proceedings in the above-entitled matter.

Dated

4 at Denver, Colorado, this 10th day of November, 1997.

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Paul Zuckerman

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Kara Spitler

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