

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE DISTRICT OF COLORADO
 3 Criminal Action No. 96-CR-68
 4 UNITED STATES OF AMERICA,
 5 Plaintiff,
 6 vs.
 7 TERRY LYNN NICHOLS,
 8 Defendant.

ff

9
 10 REPORTER'S TRANSCRIPT
 (Trial to Jury: Volume 109)

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 ff

12 Proceedings before the HONORABLE RICHARD P.
 MATSCH,
 13 Judge, United States District Court for the District of
 14 Colorado, commencing at 8:45 a.m., on the 5th day of
 December,
 15 1997, in Courtroom C-204, United States Courthouse,
 Denver,
 16 Colorado.

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24
Transcription
Street,
629-9285

Proceeding Recorded by Mechanical Stenography,
Produced via Computer by Paul Zuckerman, 1929 Stout
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12735

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PROCEEDINGS

(In open court at 8:45 a.m.)

THE COURT: Be seated, please.

Counsel, approach.

(At the bench:)

(Bench Conference 109B1 is not herein transcribed

by court

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

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1 (In open court:)

2 (Jury in at 8:53 a.m.)

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

4 JURORS: Good morning.

5 THE COURT: We apologize for keeping you waiting, but

6 this was one of those times when I visited with the lawyers in

7 the case. We've discussed certain matters with respect
to
8 evidence, and I made some rulings on it so that we can
move
9 ahead. And so as I've told you before, sometimes we
have these
10 little conferences. It helps the attorneys in
presenting their
11 evidence in the case and helps us to move along without
12 interruptions that might otherwise be necessary if we
had some
13 questions arise concerning the admissibility of
testimony with
14 the witness on the stand. So that has happened; and,
of
15 course, these are matters that have to be discussed
outside the
16 hearing of the jury.

17 So we're ready now with the next witness.

18 MR. WOODS: We were still on Mr. Chapman.

19 THE COURT: Oh, that's right. All right.
We'll

20 resume, then, with the testimony.

21 Come in, Mr. Chapman.

22 (Larry Chapman was re-called.)

23 DIRECT EXAMINATION CONTINUED

24 BY MR. THURSCHELL:

25 Q. Good morning, Mr. Chapman.

Larry Chapman - Direct

1 A. Good morning.

2 Q. Yesterday afternoon when we broke, you -- I believe
you had

3 just told us that there came a time when Mr. McVeigh
gave you

4 some literature.

5 A. Yes, that's correct.

6 Q. Now, can you place precisely when that occurred?

7 A. I couldn't place precisely. I know approximately
when that

8 would be.

9 Q. When would that be?

10 A. It would have been the final day that Tim McVeigh
picked up

11 his final paycheck and was leaving our employment.

12 Q. Okay. Now, he -- tell us how he -- how you
received the

13 literature from him.

14 A. I called his answering machine a few days prior.

15 Q. Without telling us what's on the answering machine,
go on.

16 A. And there was an interesting message on there, and
I

17 questioned him as to the content of that message. And
he said

18 that he -- it was a passage out of something that he
had at

that by 19 home and that he would -- and he said that "I'll drop
20 so you can see it."
21 Q. And then he came by and dropped it by with you?
22 A. Yes, he did.
you 23 Q. Now, can you describe physically what it is that
24 received from him?
it. 25 A. It was just a packet with different information in

12747

Larry Chapman - Direct

1 Q. What were they? Booklets?
several 2 A. It was a packet. It was like a stapled packet with
3 pages.
they 4 Q. Okay. What were the nature of the pages? Were
5 printed, Xerox copies?
6 A. Xerox copies.
7 Q. Xerox copies? Okay.
now, did 8 Before I show you the exhibit, Mr. Chapman,
9 he physically hand these to you?
10 A. Yes, he did.
11 Q. With his bare hands?
12 A. Yes.

13 Q. And did you physically receive them from him?

14 A. Yes.

15 Q. With your bare hands?

16 A. Yes, I did.

17 MR. THURSCHELL: Your Honor, I'd like to
approach and

18 show the witness what's been marked as Defense Exhibit
D197.

19 THE COURT: All right.

20 BY MR. THURSCHELL:

21 Q. Mr. Chapman, will you look through this exhibit and
say

22 whether you recognize it.

23 A. Yes, I do recognize this.

24 Q. Okay. Is that -- that is a photocopy of one of the
pieces

25 of literature that you received from Mr. McVeigh?

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Larry Chapman - Direct

1 A. Yes. I believe it was.

2 Q. And now I'd like to show you what's been marked for
3 identification as Defense Exhibit D200.

4 MR. THURSCHELL: Take back D197 from the
witness.

5 BY MR. THURSCHELL:

6 Q. Could you look through that and tell me if you

recognize

7 that.

8 Do you recognize the top three or four pages
of that?

9 A. I recognize only the top three pages.

10 Q. Okay. And where do you recognize them from?

11 A. It was part of the packet that was handed to me.

12 MR. THURSCHELL: Retrieving D197 -- D200 from
the

13 witness.

14 BY MR. THURSCHELL:

15 Q. Mr. Chapman, I want to start with showing you on
the screen

16 in front of you --

17 MR. THURSCHELL: Your Honor, we would move
the

18 admission of D197 and D200.

19 MS. WILKINSON: No objection. Just to ensure
that

20 D200 is only the first three pages, since that's all he
21 recognized.

22 MR. THURSCHELL: That's what I intended to
offer,

23 your Honor, the first three pages.

24 THE COURT: Does the exhibit physically have
more

25 pages?

Larry Chapman - Direct

1 MS. WILKINSON: It does, your Honor.

2 MR. THURSCHELL: It does, your Honor, and the
3 remaining pages are -- were inadvertently --

4 THE COURT: Well, what I think we should do is
take
5 the other pages --

6 MR. THURSCHELL: That is what I'm going to
do, your
7 Honor.

8 MS. WILKINSON: That, we have no objection to.

9 THE COURT: All right. D197, D200 are
received.

10 BY MR. THURSCHELL:

11 Q. Mr. Chapman, I'm showing you what's been marked as
D197 and
12 admitted. This is a little blotchy, but you recognize
this?

13 A. Yes, I do.

14 Q. And could you tell us what it is again.

15 A. It's -- it looks like a page out of the packet that
was
16 handed to me.

17 Q. And can you read the headline?

18 A. Yes, I can. "U.S. Government Initiates Open
Warfare
19 Against American People."

20 Q. All right. And then quickly moving through. You

see that

21 this is a full document of some six pages?

22 A. Yes.

23 Q. I now want to show you what's been admitted as D200

24 consisting of three pages. Can you see -- can you read
the

25 headline of this Xerox?

12750

Larry Chapman - Direct

1 A. Yes. It says, "What do you know about the Waco
inferno?"

2 Q. Turning to the second page, D200, the headline
there?

3 A. "Why the Armed --" Citizens "-- in America?" "--
Citizen

4 in America?" Excuse me.

5 Q. Finally the third page of D200, the headline?

6 A. "Waco Shootout Evokes Memory of Warsaw '43."

7 Q. Now, sir, when you -- after you physically received
these

8 from Mr. McVeigh, did you read them?

9 A. No, I did not.

10 Q. What did you do with them?

11 A. I stuck them in a drawer in my desk.

12 Q. Okay. Did they -- that was in your office?

13 A. Yes, sir.

14 Q. All right. Now, do they remain there -- did you
eventually

15 turn these documents over to the FBI?

16 A. Yes, I did.

17 Q. Between the time that you received them and the
time that

18 you turned them over to the FBI, did these documents
remain in

19 your office?

20 A. No.

21 Q. Where else did they go?

22 A. My parents were employed with a nightclub at that
time in

23 Twin Falls, Idaho, and somehow the packet ended up in a
package

24 of cartoons or jokes and was in there.

25 Q. Okay. How did that -- how did that packet of
cartoons and

12751

Larry Chapman - Direct

1 jokes -- were those cartoons and jokes that you were
2 maintaining?

3 A. Yes.

4 Q. That you had found?

5 A. Yes.

6 Q. And how did that packet end up at your parents'
nightclub?

had 7 A. I had taken the packet up on a previous visit and
8 accidentally left it up there.
them? 9 Q. Okay. And eventually, you retrieved that from
and 10 A. Yes. I went up to visit my father for his birthday
11 found them at that time.
12 Q. And then turned them over to the FBI?
over to 13 A. Yes, upon my return back to home, I did turn those
14 the FBI.
what's been 15 Q. Okay. Now, sir, I want to show you -- show you
16 admitted previously as Government's Exhibit G1702. Is
this 17 document familiar to you?
18 A. Yes. I believe it's part of that same packet.
19 Q. It looks just like --
packet. 20 A. It looks just like something that was part of that
evidence 21 Q. Now I'd like to show you what's been received in
document 22 as Government's Exhibit 1704 -- G1704. Is this
23 familiar to you?
24 A. Yes. It also appears to be part of that packet.
25 Q. It resembles very closely --

Larry Chapman – Direct

1 A. Very closely.

2 Q. -- what you received?

what's

3 Finally, I want to show you the first page of

Is

4 been previously admitted as Government's Exhibit G1707.

5 this document familiar to you?

the

6 A. Yes, it also appears similar to the information in

7 packet.

8 MR. THURSCHELL: One moment, your Honor?

9 THE COURT: Yes.

10 MR. THURSCHELL: Thank you.

11 Thank you very much, sir.

12 No further questions, your Honor.

13 THE COURT: Ms. Wilkinson?

14 MS. WILKINSON: Thank you, your Honor.

15 CROSS-EXAMINATION

16 BY MS. WILKINSON:

17 Q. Good morning, Mr. Chapman.

18 A. Good morning, ma'am.

19 Q. We met a long time ago, didn't we?

20 A. Yes, we did.

not, that

21 Q. And you told me or you stated back then, did you

22 you had met Mr. McVeigh back in 1993?

23 A. That is correct.

24 Q. And you didn't have any contact with him, did you,
after he

25 left State Security?

12753

Larry Chapman - Cross

1 A. No, ma'am, I had no contact with him.

2 Q. So you don't know what he was doing during the fall
of 1994

3 or the spring of 1995, do you?

4 A. No, ma'am, no. None whatsoever.

5 Q. You didn't consider Tim McVeigh a friend of yours,
did you?

6 A. No, ma'am, I did not.

7 Q. You just had a professional association with him?

8 A. Yes, just strictly professional.

9 Q. And even in that context Mr. McVeigh was not shy
about

10 sharing his views about Waco and the Government;
correct?

11 A. He didn't make a lot of statements to me regarding
that at

12 all.

13 Q. But when you asked him about that --

14 A. Oh, no, he was not shy about that, no.

15 Q. And that's what motivated him to give you the

documents

16 that you showed the jury; correct?

17 A. That would be my understanding, yes.

18 Q. Now, based on receiving that literature from him,
you never

19 discussed overthrowing the Government with him, did
you?

20 A. No, ma'am.

21 Q. And you didn't use a debit card in the name of
Daryl

22 Bridges with Mr. McVeigh, did you?

23 A. No.

24 MR. THURSCHELL: Objection, your Honor.

25 THE COURT: Sustained.

12754

Larry Chapman – Cross

1 BY MS. WILKINSON:

2 Q. You never had any contact with Mr. McVeigh after
the summer

3 of 1993; isn't that right?

4 A. That's correct, ma'am.

5 MS. WILKINSON: No further questions, your
Honor.

6 MR. THURSCHELL: One more.

7 THE COURT: All right.

8 REDIRECT EXAMINATION

9 BY MR. THURSCHELL:

10 Q. Mr. Chapman, prior to your mention of the phone
message

11 that you had heard, had Mr. McVeigh ever initiated
political

12 discussion with you?

13 A. No, sir.

14 MR. THURSCHELL: No further questions, your
Honor.

15 MS. WILKINSON: The witness could be excused.

16 THE COURT: All right.

17 MR. THURSCHELL: Witness may be excused.

18 THE COURT: You may step down. You are
excused.

19 Next witness.

20 MR. WOODS: Yes, your Honor. Paul
Chamberlain.

21 MR. NEUREITER: Your Honor, if Mr. Bodley can
be

22 excused to retrieve a document that might be useful
with a

23 witness.

24 THE COURT: Yeah. Sure. Sure.

25 THE COURTROOM DEPUTY: Would you raise your
right

12755

1 hand, please.

2 (Paul Chamberlain affirmed.)

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

4 Would you state your full name for the record
and
5 spell your last name.

6 THE WITNESS: Paul Andrew Chamberlain,
7 C-H-A-M-B-E-R-L-A-I-N.

8 DIRECT EXAMINATION

9 BY MR. NEUREITER:

10 Q. Good morning.

11 THE COURT: There is some water there if you'd
like to
12 have some.

13 BY MR. NEUREITER:

14 Q. How are you today, sir?

15 A. I'm doing pretty good, thanks.

16 Q. A little nervous?

17 A. Yeah.

18 Q. If you could go ahead and keep your voice up, and
there is
19 a microphone there. It would be helpful for everybody
to hear.

20 A. Sure.

21 Q. Where are you from, Mr. Chamberlain?

22 A. Currently living in Tempe, Arizona.

23 Q. What is your educational background?

24 A. I'm currently -- at ASU studying Japanese language.
25 Graduated from Kingman High School. I graduated from a
trade

12756

Paul Chamberlain - Direct

1 school out of ES -- Aspen, Colorado. ESI.

2 Q. What was that trade school related to?

3 A. Protection services, bodyguard work, things like
that.

4 Q. How old are you, by the way?

5 A. I'm 30.

6 Q. Was there a time that you worked as a firearms
instructor

7 in Kingman, Arizona?

8 A. Yes.

9 Q. Tell us about that.

10 A. I worked for a --

11 Q. First tell us what time period and then tell us
about what

12 you did.

13 A. That time was '90 -- 1993.

14 Q. Would it refresh your recollection if I showed you
what's

15 been marked for identification as D1784, which is a
licensing

16 document?

17 A. Yes.

18 10-93.

19 Q. Does that help you?

private 20 THE COURT: Please don't do these little
21 conversations.

22 MR. NEUREITER: I apologize, your Honor.

23 THE COURT: All right.

24 BY MR. NEUREITER:

remember 25 Q. Having reviewed that document, did it help you

12757

Paul Chamberlain - Direct

1 what time you worked as a firearms instructor at State
2 Security?

said 3 A. Yes. 1993, the summer and winter. That document

4 10-93. So yes, that's the time.

5 Q. And that's your present recollection --

6 A. Yes, it is.

7 Q. -- as to what time?

what's the 8 Having reviewed that document, did that --
9 origin of that document?

graduation 10 A. The origin of that document is Tim McVeigh's

11 certificate for firearms class I held at that time.

12 Q. Did that come from your files?

13 A. Yes, it did.

14 MR. NEUREITER: We offer D1784, your Honor.

15 MR. MEARNS: No objection.

16 THE COURT: Received.

17 MR. NEUREITER: Move to publish.

18 THE COURT: Yes.

19 BY MR. NEUREITER:

20 Q. If you could just tell the jury how you came to
issue this

21 document.

22 A. Well, actually, this document here, I'm sorry --
this is a

23 public safety document. This isn't the certificate
that I gave

24 to Timothy McVeigh.

25 This is a certificate that licenses him for
security

12758

Paul Chamberlain - Direct

1 guard in the state of Arizona to work for State
Security. And

2 this is not issued by me. This is a state document.

3 MR. NEUREITER: Withdraw the exhibit, your
Honor.

4 THE COURT: All right.

5 BY MR. NEUREITER:

6 Q. Did there come a time when you trained Timothy
McVeigh --

7 A. Yes.

8 Q. -- in firearms?

9 A. Yes.

10 Q. And did you issue him a certificate at one time?

11 A. Yes.

12 Q. Did you work with Tim McVeigh at State Security in
1993,

13 the fall period of 1993?

14 A. Not with, but at times I might have relieved him a
couple

15 times, two or three times from a post, an armed post.

16 Q. But you didn't get to know him closely?

17 A. Not on the work site, no.

18 Q. Did you come to open your own landscaping business
at

19 sometime?

20 A. Yes.

21 Q. And when was that?

22 A. That was in the summer of '94.

23 Q. And in the course of your landscaping business, did
you

24 have further contact with Mr. -- with the gentleman
that you

25 had known as Mr. McVeigh?

12759

Paul Chamberlain - Direct

1 A. Yes.

2 Q. And tell the jury in what context and where you
came into

3 contact with Mr. McVeigh in the 1994 time period.

4 A. In the summer of '94, I met Tim at a True Value
that he

5 worked with at -- as a yard man. I'd go to True Value
to pick

6 up supplies for different landscape sites, and he was a
yard

7 man there. At that time, I didn't recognize him as the
man

8 that was in my firearms class the year previous.

9 Q. Did you come to have conversations with this yard
man who

10 you didn't recognize about other work that he might be

11 interested in doing?

12 A. Yes.

13 Q. Tell the jury about that.

14 A. He said he was interested in working on the side at
15 different sites that I'd work at. He delivered for
True Value

16 some materials, railroad ties, different landscaping
materials,

17 and expressed interest in the work that I was doing and
said

18 so.

he was 19 I said that I'd hire him on the side whenever

20 available, so . . .

21 Q. And did you hire him?

22 A. Yes, I did.

23 Q. What time period around do you think you hired him?

24 A. August, September, 1994.

25 Q. And that's your best recollection?

12760

Paul Chamberlain - Direct

1 A. That's my best recollection.

landscape 2 Q. Did Mr. McVeigh do landscape work for you in your

3 job?

4 A. Yes, he did.

landscape jobs 5 Q. Is it your practice to take photographs of

6 that you do both before and after?

7 A. Yes.

ELMO 8 MR. NEUREITER: And I'm going to put up on the

9 what has not been yet admitted -- so if it could only

marked as 10 to the witness, the Court and counsel -- and has been

11 D1774.

12 BY MR. NEUREITER:

out of 13 Q. I ask you if you recognize these, after I take them
the 14 the envelope, as photographs coming from your files of
15 landscape job that you did during that time period.

16 A. Yes.

17 MR. NEUREITER: Move their admission, your
Honor.

18 MR. MEARNS: No objection.

19 THE COURT: They're received. What are there?
Three?

20 MR. NEUREITER: There are three photographs,
and there

21 are two pages to this exhibit that are Bates' stamped
001 and

22 002.

23 THE COURT: And this is 1774?

24 MR. NEUREITER: Yes, your Honor.

25 THE COURT: All right. Received.

12761

Paul Chamberlain - Direct

1 BY MR. NEUREITER:

2 Q. Tell the jury what this first photograph depicts.

3 A. Depicts Tim removing red lava rock from in front of
a

4 landscape site we prepared to redo, rerock, and put
borders in,

5 railroad ties.

6 Q. And is the second photograph a picture of the same
scene?

7 A. Yes.

8 Q. And is the third photograph a picture of the same
scene?

9 A. Yes.

10 Q. All right. Zooming in -- focus -- is that the
gentleman

11 that you came to know in 1994 and who you hired?

12 A. Yes, it is.

13 Q. And can you describe the T-shirt he's wearing?
It's not

14 terribly legible on this photograph.

15 A. That T-shirt had a lot of different -- it was an H
& K,

16 which is a -- stands for Heckler & Koch, which is a
firearms

17 manufacturer from Germany. It has a lot of different
rifles

18 and weapons printed onto it.

19 It was the shirt he wore every day that he
worked on

20 the side for me.

21 Q. Was this Mr. McVeigh's standard appearance?

22 A. Yes, it was.

23 Q. Camouflage fatigues, pants and H & K black T-shirt?

24 A. That's right.

25 Q. Did there come a time when you drove out on a job
with

12762

Paul Chamberlain - Direct

1 Mr. McVeigh to pick up some railroad ties?

2 A. Yes.

3 Q. And at the conclusion of that job, did Mr. McVeigh
tell you
4 he was going somewhere?

5 A. Yeah. That was the first time that we had gone out
to pick
6 up railroad ties, me in my truck and him in his car.

He went
7 out to the -- close to the Peach Springs. We then
loaded up
8 railroad ties into my truck.

9 Q. Okay. So that's the job you're working on?

10 A. That's the job we're working; and at the end of
that, he
11 came out of his car with some nylon-webbed, shoulder-
harness
12 gear and his Glock 9-millimeter.

13 Q. Tell the jury what the nylon-web, shoulder-harness
gear is.

14 A. It's a holster that straps across the back. It's
made of
15 ballistic nylon.

16 Q. You said he had a Glock. What is a Glock?

17 A. A Glock is a firearm, 9-millimeter. It was the
weapon that

used in 18 he -- I believe a year previous, it was the gun that he

19 my firearms class.

20 Q. And did that cause you some recognition?

that was in 21 A. Yes. At that time, I recognized him as the man

22 my firearms class, and I told him so.

first 23 And then he recognized me. And that was the

24 time that we had put together that we had met before.

was? 25 Q. That second time: What did he tell you his name

12763

Paul Chamberlain - Direct

1 A. Tim Tuttle.

not yet 2 Q. And I'd like to show you what has been marked but

document. 3 admitted as D1772, ask you if you recognize that

4 A. Yes.

5 Q. And what is that document?

Lori 6 A. That is Tim's handwriting, writing down Mike and

time. 7 Fortier's number, which is where he was staying at the

could be 8 Q. And did he give you that as his place where he

9 located and as his name when you recognized him in

1994?

10 A. Yes.

11 MR. NEUREITER: Move the admission of D1772.

12 MR. MEARNS: No objection.

13 THE COURT: Received.

14 MR. NEUREITER: Publish, your Honor?

15 THE COURT: Yes.

16 BY MR. NEUREITER:

17 Q. Now, we got interrupted in our train of thought or
my train

18 of thought, and I apologize. You were telling the jury
that

19 you saw Mr. McVeigh with shoulder holster and the Glock
and you

20 were doing a landscape job retrieving the railroad
ties. Is

21 that right?

22 A. Right.

23 Q. And at the conclusion of that job, what did Mr.
McVeigh

24 tell you he was going to do?

25 A. He was going to drive the dirt roads out into the
mountains

12764

Paul Chamberlain - Direct

1 and recon.

2 Q. Did he use the word "recon"?

3 A. Yes, he did.

4 Q. And what did that mean to you?

5 A. Investigate.

6 Q. Did he tell you what he was going to investigate?

7 A. Not, no.

8 Q. Did he tell you why he was going to investigate?

9 A. No.

10 Q. Did you ask him?

11 A. Yes.

12 Q. And what was his response?

13 A. That I didn't need to know.

14 Q. He was just going off to the mountains to
reconnoiter?

15 A. Right.

16 Q. Did there come a time when you had a conversation
with

17 Mr. McVeigh about your knowledge of explosives?

18 A. Yes.

19 Q. When did that happen?

20 A. That happened the second time that we went out to
the same

21 site to retrieve more railroad ties in my truck. This
time, I

22 picked him up from True Value. His car was broken
down, so we

23 traveled in my truck.

24 Q. Now, you had said you had some training in Aspen.
What was

25 the facility again where you had that training?

12765

Paul Chamberlain – Direct

1 A. Executive Security International.

2 Q. Is that a bodyguard training job?

3 A. Yes, sir.

4 Q. Not job. Training facility?

5 A. Yes.

6 Q. And what did Mr. McVeigh ask you with respect to
7 explosives?

8 A. He asked me my background in explosives.

9 Q. And what did you tell him?

10 A. I told him that my background and training in
explosives
11 was search and ID.

12 Q. What does that mean for the jury?

13 A. That means that we're trained to search a room or a
house
14 for possibility of explosives, identify explosives, and
then
15 get out and report.

16 Q. And did you tell Mr. McVeigh that that training
came from
17 your experience at the bodyguard training facility?

18 A. Yes.

19 Q. Immediately after this discussion about explosives,
did
20 Mr. McVeigh launch into another subject?
21 A. Yes.
22 Q. And what was that subject?
23 A. The ATF's involvement in Waco.
24 Q. Tell us what Mr. McVeigh said.
25 A. He produced a magazine that he had brought with
him,

12766

Paul Chamberlain - Direct

1 Newsweek, contained an article. He overviewed it. He
talked
2 about the ATF in a derogatory manner. He talked about
the
3 people in general were pawns of the government.
4 He asked me what I thought of the Waco
incident.

5 Q. Was that a full magazine, or was it a photocopy of
just an
6 article?

7 A. No, it was a magazine.

8 MR. NEUREITER: If I may approach, your Honor?

9 THE COURT: Yes.

10 BY MR. NEUREITER:

11 Q. So as to not have private conversations, I will
return to

of the 12 the stand and ask you if you recognize that as portions
entire 13 article to which Mr. McVeigh was referring but not the
14 magazine.

15 A. Yes.

16 Q. And what is the number on the front of that?

17 A. On the first page? 0000 --

18 Q. The little blue sticker -- the little sticker --

19 A. D1773.

your 20 MR. NEUREITER: Move the admission of D1773,
21 Honor.

22 MR. MEARNS: No objection.

23 THE COURT: Received.

24 MR. NEUREITER: If I could retrieve it?

25 THE COURT: Yes.

12767

Paul Chamberlain - Direct

1 MR. NEUREITER: Move to publish.

2 THE COURT: Yes.

article 3 MR. NEUREITER: And for the record, this is an
stamped 1 4 from the March 15, 1993 Newsweek, and it's Bates'
contents 5 through 11. The first page, 001, is just the table of

the 6 from that magazine; and starting on Bates' stamp 002 is

7 beginning of the actual article itself.

8 BY MR. NEUREITER:

9 Q. Is that accurate?

10 A. Yes.

you? 11 Q. And did Mr. McVeigh talk about this document with

12 A. Yes.

13 Q. And what did he say about this document?

about 14 A. He said that even Newsweek had talked derogatorily

FBI HRT 15 the ATF and how they should have handed it over to the

article. 16 and many things that were derived straight from the

17 Q. What was the HRT?

18 A. Hostage Rescue Team.

gloves? 19 Q. When Mr. McVeigh produced this, was he wearing

20 A. No.

21 Q. His bare hands?

22 A. Yes.

all the 23 Q. Was this article in -- I'm not going to go through

left in 24 pages. It's in evidence. Was this article -- magazine

25 your truck?

12768

Paul Chamberlain - Direct

1 A. Yes.

2 Q. And did you eventually come to read it?

3 A. Yes.

4 Q. Did you read it with gloves on?

5 A. No.

Federal 6 Q. Did you eventually come to turn this over to the
7 Bureau of Investigation?

8 A. Yes.

9 Q. Because you had kept it until after the bombing?

10 A. Yes.

come 11 Q. Did there come a time when Mr. McVeigh asked you to
12 visit him at a gun show?

13 A. Yes.

14 Q. Tell the jury about that, please.

15 A. In '94, there was a gun show at the Kingman
fairgrounds,

he was 16 and he asked me to come and see some of the guns that
17 selling. I went to that gun show --

that, the 18 Q. Wait just one second. What did he tell you about
19 guns that he was selling?

20 A. He told me that he had a few firearms. One in

particular

21 was a Colt H-bar 223, AR-15 rifle, a nice one. He
bragged

22 about it and said he was going to sell it there at the
gun

23 show.

24 Q. As AR-15 -- tell the jury what an AR-15 is.

25 A. An AR-15 is a civilian model of the 223. It's a

12769

Paul Chamberlain - Direct

1 semiautomatic.

2 Q. Is it in --

3 A. It's a rifle. It's not meant to be -- that's why I
say

4 civilian. It's meant to be a sport rifle. It's in

5 semiautomatic. One pull of the trigger, one shot.

6 Q. And that's the standard version of the AR-15.

7 A. Yes.

8 Q. How does the H-bar, you said, model differ from a
standard

9 AR-15?

10 A. It's a heavy barrel. H-bar stands for heavy
barrel. It

11 reduces recoil. It's a nicer weapon, has more gadgets
on it, I

12 guess you could say. Flash suppressor, things like
that.

13 Q. Did you go to the gun show that day?

14 A. Yes.

15 Q. Did you see that particular rifle about which Mr.
McVeigh

16 bragged?

17 A. Yes.

18 Q. Did it have a flash suppressor on it?

19 A. Yes.

20 Q. Is that fairly unusual to have flash suppressors on
them?

21 A. Not an AR-15.

22 Q. An AR-15 does have them?

23 A. Not a rifle like that, no.

24 Q. Out of the box, what does a standard issue AR-15
cost?

25 A. Now, maybe --

12770

Paul Chamberlain - Direct

1 Q. At that time.

2 A. At that time, 5- or \$600.

3 Q. What was Mr. McVeigh asking for this special AR-15
equipped

4 with the flash suppressor?

5 A. About \$1,200.

6 Q. What did Mr. McVeigh make to your knowledge when he
was

hour? 7 working for you money-wise in terms of dollars per

8 A. He made \$10 an hour with me.

show 9 Q. What else did Mr. McVeigh have for sale at that gun

What 10 in -- and let's pinpoint for the jury the time first.

11 time period was this?

'94, 12 A. This was 1994. The exact month -- I know it was in

the 13 because it was the time that he was employed with me in

14 landscaping business.

15 Q. Was that in the summer of --

16 A. Summer of '94.

17 Q. So this would have been before November of 1994?

18 A. Yes.

flash 19 Q. What else did he have besides the AR-15 with the

20 suppressor for sale?

ammunition. 21 A. He had several boxes of different calibers of

22 Q. How many rounds total? What would you say he had?

23 A. 5- or 600.

with 24 Q. Did -- over the course of the time you interacted

significant 25 Mr. McVeigh, how many times would you say you spent

Paul Chamberlain - Direct

1 time working together on the job total?

2 A. I could say maybe 20, 25 hours.

3 Q. In those 20, 25 hours, how many people did Mr.
McVeigh talk

4 about as his friends or associates?

5 A. None.

6 Q. Did he mention any names at all to you?

7 A. No.

8 Q. Well, you saw -- let me show you again -- this
document.

9 A. Oh. Of course. Yeah.

10 Q. Does that refresh your recollection as to who, if
anyone,

11 Mr. McVeigh mentioned?

12 A. Mike Fortier.

13 Q. Was Michael Fortier the only person that Mr.
McVeigh

14 mentioned to you as a person he spent time with?

15 A. Yes.

16 MR. NEUREITER: One moment, your Honor?

17 THE COURT: Yes.

18 MR. NEUREITER: Pass the witness.

19 THE COURT: All right. Cross-examination, Mr.
Mearns.

20 CROSS-EXAMINATION

21 BY MR. MEARNS:

Mearns. 22 Q. Good morning, Mr. Chamberlain. My name is Geoff
23 A. Hi.
24 Q. You told us that you now live in Tempe, Arizona?
25 A. Yes.

12772

Paul Chamberlain - Cross

1 Q. And you grew up in Kingman, Arizona; right?
2 A. Yes.
3 Q. And you went to Kingman, Arizona High School;
correct?
4 A. Yes.
5 Q. And Mr. Neureiter has shown us the entry from your
address
6 book that has "Tim Tuttle" and the phone number of
Michael and
7 Lori Fortier's residence; right?
8 A. Yes.
9 Q. You knew Michael Fortier from high school; is that
correct?
10 A. Yes.
11 Q. And you told us that in the summer of 1994, you met
12 Mr. McVeigh at Kingman True Value Hardware. Is that
right?
13 A. Yes.
14 Q. You went to Kingman True Value Hardware pretty
frequently

15 during the -- during 1994 when you had your landscaping
16 business?

17 A. Yes.

18 Q. And on those occasions, you frequently saw Michael
Fortier;
19 right?

20 A. A couple times. Not frequently, but as many times
as I had
21 been there. I wouldn't say it was frequent.

22 Q. About how many times do you think you saw Michael
Fortier?

23 A. Two or three times.

24 Q. When you saw him, would it be fair to say that he
was
25 well-groomed and dressed appropriately for his office
work

12773

Paul Chamberlain - Cross

1 there?

2 A. Yes.

3 Q. Now, you told us -- about how long did Mr. McVeigh
work for
4 you in the landscaping business in 1994?

5 A. About two months.

6 Q. And during that time, would it be fair to say that
7 Mr. McVeigh was a hard worker?

8 A. Yes.

9 Q. You've described him as being fairly eager?

10 A. Yes.

11 Q. Would it be fair to say that when Mr. McVeigh was
working,

12 he was quiet and attentive to the job that he was
working on?

13 A. Yes.

14 Q. But you've also told us that during occasions when
you

15 had -- when you were with him privately like driving in
your

16 car, you and he would talk about different subjects?

17 A. Yes.

18 Q. In those situations, would it be fair to say that
when you

19 were privately with him that he was pretty talkative?

20 A. Yes.

21 Q. He told you about his experience with firearms?

22 A. Yes.

23 Q. Told you about his experience with explosives. Is
that

24 right?

25 A. Not in detail. The times that we talked about
those

12774

Paul Chamberlain - Cross

1 things, he'd mention them in general.

never 2 Q. When you say "in general," for example, you and he

explosive 3 talked about how to build homemade, improvised

4 devices from ammonium nitrate?

5 A. No.

6 MR. NEUREITER: Objection, your Honor.

7 THE COURT: Overruled.

8 BY MR. MEARNS:

9 Q. Would it be fair to say that based upon all of your
that he 10 experience working with and talking with Mr. McVeigh

11 was a follower, not a leader?

12 A. I would say that. Yes.

13 Q. Now, you told us about one conversation in
particular that

correct? 14 you had with him about the incident at Waco. Is that

15 A. Yes.

16 Q. You told us about that this morning. And Mr.
McVeigh

17 initiated that conversation; right?

18 A. Yes.

19 Q. And he did most of the talking during that
conversation?

20 A. Yes.

21 Q. Would it be fair to say that he was trying to draw
out your

22 opinions on Waco during that conversation?

23 A. Yes.

24 Q. Did he seem -- was he very informed about the
situation at

25 Waco?

12775

Paul Chamberlain - Cross

1 A. Yes.

2 Q. And he was very interested in the situation at
Waco?

3 A. Yes.

4 Q. And in fact, he was disgruntled with the government
in

5 general?

6 A. Yes.

7 Q. Right? In fact, he told you that he believed the
citizens

8 of the United States were all pawns of the government.
Right?

9 A. Yes.

10 Q. Now, you had this conversation with Mr. McVeigh in
the

11 summer of 1994. Right?

12 A. Yes.

13 Q. And you were not a good friend of his?

14 A. No.

15 Q. Would you characterize -- characterize your

relationship

16 with him as being friends at all?

17 A. A friend.

18 Q. Would it be fair to say he was a co-worker?

19 A. Yes, a co-worker.

20 Q. Somebody you got to know on the job?

21 A. Yes.

told

22 Q. With respect to -- during -- when you hired him, he

23 you his name was Tim Tuttle at that time. Right?

24 A. Yes.

City that

25 Q. You came to learn after the bombing in Oklahoma

12776

Paul Chamberlain - Cross

1 that was not his real name?

through

2 A. Yes. Sometime after the bombing. I had to go

given Tim

3 files and actually pull up the certificate that I had

don't

4 at the firearms class to learn the last name because I

5 think they knew the last name at the time that I saw

6 television.

had

7 Q. And that was when you realized that the person you

8 hired in the summer of 1994 was in fact Tim McVeigh, as

opposed

9 to Tim Tuttle?

10 A. Yes.

11 Q. And would it be fair to say that after the bombing
you felt

12 that by using a false name Mr. McVeigh had deceived
you?

13 MR. NEUREITER: Objection, your Honor.

14 THE COURT: Sustained.

15 BY MR. MEARNS:

16 Q. Did Mr. McVeigh ever use you, Mr. Chamberlain?

17 MR. NEUREITER: Objection, your Honor.

18 THE COURT: I don't know what the word means,
the

19 question means.

20 BY MR. MEARNS:

21 Q. Was Mr. McVeigh a hard worker?

22 A. Yes.

23 Q. Was he reliable?

24 A. Yes.

25 Q. Did he give you hard work for the wage that you
paid him?

12777

Paul Chamberlain - Cross

1 A. Yes.

2 Q. And he never cheated you out of any money?

3 A. No.

4 MR. MEARNS: No further questions.

5 THE COURT: Any redirect?

6 MR. NEUREITER: Just a couple.

7 REDIRECT EXAMINATION

8 BY MR. NEUREITER:

9 Q. On cross-examination, you described Mr. McVeigh as
10 enthusiastic and a hard worker?

11 A. Yes.

12 Q. And on direct examination, you remember describing
13 Mr. McVeigh as going off to reconnoiter and not telling

you

14 what he was doing? Do you remember that?

15 A. Yes.

16 Q. And as talking about Waco and explosives; correct?

17 A. Yes.

18 Q. And you nonetheless entered into and continued a
business

19 relationship with Mr. McVeigh; is that right?

20 A. Yes.

21 MR. NEUREITER: I think I'm done, your Honor.

22 THE COURT: All right.

23 MR. MEARNS: No questions. He may be excused.

24 MR. NEUREITER: Have a safe trip back to
Arizona.

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

12778

1 THE WITNESS: Thank you.

2 THE COURT: Next, please.

3 MR. WOODS: Yes, your Honor. Gary
Steinberger.

4 THE COURTROOM DEPUTY: Would you stand,
please.

5 Raise your right hand.

6 (Gary Steinberger affirmed.)

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

8 Would you state your full name for the record
and

9 spell your last name.

10 THE WITNESS: Gary Wayne Steinberger,

11 S-T-E-I-N-B-E-R-G-E-R.

12 THE COURTROOM DEPUTY: Thank you.

13 DIRECT EXAMINATION

14 BY MR. THURSCHELL:

15 Q. Good morning, Mr. Steinberger.

16 A. Good morning.

17 Q. Mr. Steinberger, where do you live?

18 A. In Bullhead City, Arizona. I just moved.

19 Q. Okay. Where did you live prior to that?

20 A. Kingman, Arizona.

21 Q. Is Bullhead near Kingman?

22 A. Yeah. 36 miles away.

23 Q. Where are you working?

24 A. At a -- at a hotel and casino. Pioneer Hotel and
Casino.

25 I'm a computer tech.

12779

Gary Steinberger - Direct

1 Q. Have you been employed in the past by State
Security?

2 A. Yes, I have.

3 Q. How long did you work for State Security?

4 A. About five years, and I'm still currently employed
as a

5 consultant.

6 Q. Now, were you employed there in 1993?

7 A. Yes, I was.

8 Q. Did you come to know an individual named Timothy
McVeigh?

9 A. Yes, I did.

10 Q. How did you come to know him?

11 A. He was assigned to my post. I was a supervisor
over five

12 or six posts; but I physically worked one post, and he
was

13 assigned to that one.

another 14 Q. When you say he was assigned to that one, he was
15 employee of State Security?
16 A. Yes, sir.
17 Q. How long did you work together at the same post?
18 A. Approximately a month, a month and a half.
the 19 Q. And were you actually -- what -- could you pin down
20 time of that, that month, month and a half?
or early 21 A. It was -- I think -- early June through late July
22 August.
23 Q. Of 1993?
24 A. Of '93, yes.
working 25 Q. Okay. Now, did you -- were you actually physically

12780

Gary Steinberger - Direct

1 with him side by side?
He 2 A. No. Not exactly. I relieved him in the morning.
3 worked the graveyard shift. I worked mornings.
4 Q. And did you overlap at all?
5 A. Yeah, about a half hour every morning.
6 Q. You had a chance to talk to him at that time?
7 A. Yes.

8 Q. Now, sir, you were a supervisor at the time?

9 A. Yes, I was.

10 Q. Did State Security have a policy on having a
television set

11 at the work site?

12 A. Yes, we did. Anything that would distract the
officer was

13 not allowed on the work site.

14 Q. Did you have a policy on political discussions?

15 A. Absolutely. Political and religion discussions
were not

16 allowed between two officers at the same work site.

17 Q. Did there come a time nevertheless that Mr. McVeigh
brought

18 a television set to the work site?

19 A. Yes, he did.

20 Q. Could you tell the jury about that incident.

21 A. Okay. One morning I came in to relieve Officer
McVeigh,

22 and he asked me if he could show me something. I told
him

23 sure.

24 He went to his vehicle, brought out a TV, a
VCR, and

25 said, "Watch this."

12781

Gary Steinberger - Direct

1 Q. What was your reaction to that?

2 A. I was a little concerned, because a week before he
asked if
3 he could bring one out and I told him that State
Security's
4 policy was no so I couldn't allow it. I told him:
This time,
5 and only this time.

6 He agreed. He put in the tape and we watched
it.

7 Q. Now, can you describe the tape that he showed you?

8 A. The tape depicted scenes of Waco, federal agents
using
9 flamethrowers and a tank, using a flamethrower to enter
the
10 building. Other than that, I can't really remember
what --
11 that's what stuck out in my mind.

12 Q. Do you recall the general attitude towards the
government

13 actions at Waco that were being expressed by the tape?

14 A. It was definitely negative towards the government.

15 Q. Okay. About how long was it?

16 A. 20 minutes, give or take.

17 Q. After the tape ended, what happened?

18 A. He asked me what I thought, and I said it was an
19 interesting tape but it really didn't prove anything to
me
20 either way.

21 And then he asked me if he could give me some
22 literature.

23 Q. Okay. Did he -- what did you say to him?

24 A. I said sure.

25 Q. Okay. Did you -- did he, in fact, give you some

12782

Gary Steinberger - Direct

1 literature?

2 A. Yes, he did. He pulled a three-ring binder out and
grabbed

3 one of many pamphlets and handed it to me.

4 Q. Kay. When you say "one of many pamphlets," could
you

5 describe physically the pamphlet that he handed to you.

6 A. The pamphlet was either a two-fold or a three-fold
7 pamphlet, white paper with black, typed lettering.

8 Q. And do you recall if it was one sheet or more than
one

9 sheet?

10 A. I believe it was only one sheet, but it may have
been two,

11 so . . .

12 Q. Now, had Mr. -- if you could tell, had Mr. McVeigh
made any

13 markings himself on this sheet?

14 A. Yeah. There were highlighted parts throughout the
whole

15 pamphlet.

16 Q. And if you recall, what was the title of the
pamphlet?

17 A. I believe the title was "United States Government,
or Nazi

18 Germany?" Something along that lines.

19 Q. Do you recall the general content of the
highlighted

20 portion?

21 A. The highlighted portions were the specific
comparisons

22 between the United States government and Nazi Germany.

23 Q. Now, you also said that he pulled it out of a
three-ring

24 binder?

25 A. Yes.

12783

Gary Steinberger – Direct

1 Q. All right. Could you describe what you saw of this

2 three-ring binder?

3 A. He opened it up very briefly. There were some
other

4 pamphlets that looked like they were the same one that
he gave

5 me, and in the other side there were full, unfolded
sheets

6 stapled together.

7 Q. Okay. Now, did you feel that Mr. McVeigh was
pushing this
8 material on you?
9 A. No. He never really -- he never forced his views
on me at
10 all; and when I told him enough was enough, he stopped.
11 Q. Did he -- strike that.
12 How was he as an employee?
13 A. He was an excellent worker. He showed up 15
minutes before
14 work. He left 15 minutes after scheduled work. If I
called
15 him in, he was right there for me.
16 Q. He was reliable?
17 A. Yes. Very.
18 Q. He was well-presented?
19 A. Absolutely. Clean-cut -- sorry.
20 Q. Was he personable?
21 A. No, but in our line of work, it's usually business.
You
22 know, "How did everything go last night?" "Everything
was Code
23 4." "Okay. Have a good day."
24 Q. You didn't have any problems with him as an
employee -- or
25 did you have any problems with him as an employee, I
should

Gary Steinberger – Direct

1 ask.

model

2 A. No, I did not. Not a single problem. He was a
3 employee.

4 Q. Did you have any social relationship with him?

5 A. No.

relationship

6 Q. So that would it be fair to say that your only
7 was on the job?

8 A. Yes.

No

9 MR. THURSCHELL: Thank you very much, sir.
10 further questions.

11 THE COURT: Ms. Wilkinson?

12 MS. WILKINSON: Thank you.

13 CROSS-EXAMINATION

14 BY MS. WILKINSON:

15 Q. Good morning, Mr. Steinberger.

16 A. Good morning.

17 Q. I believe we met almost two years ago. Right?

18 A. Yes, we did, I remember.

Now, when

19 Q. I just have a few questions for you, if I could.

tell you

20 Mr. McVeigh gave you or showed you the tape, he didn't
21 where he got that tape from, did he?

22 A. No, he did not.

23 Q. And when he handed you those documents out of his
notebook,

24 he didn't tell you where he got those from, either, did
he?

25 A. No, he did not.

12785

Gary Steinberger – Cross

1 Q. You said the documents he gave you had highlighted
2 portions; correct?

3 A. Yes.

4 Q. All the documents that he gave you had some
highlighting?

5 A. Yes.

6 Q. Now, you also told us that when you told Mr.
McVeigh you'd

7 had enough, he stopped sharing with views with you;
correct?

8 A. Yes.

9 Q. I take it, then, you never discussed with him
overthrowing

10 the government?

11 A. No.

12 Q. And the documents that he gave you: Did you keep
those?

13 A. I -- you know, I don't even remember. I probably
gave them

14 back to him or threw them away.

15 Q. You don't have them today?

16 A. No, I do not.

17 MS. WILKINSON: We have no further questions,
your
18 Honor.

19 THE COURT: Anything else of this witness?

20 MR. THURSCHELL: Nothing further. The
witness is
21 excused.

22 THE COURT: Excused, then?

23 You may step down. You're excused.

24 Next.

25 MR. WOODS: Don Pipins.

12786

1 THE COURTROOM DEPUTY: Would you raise your
right
2 hand, please.

3 (Donald Pipins affirmed.)

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

5 Would you state your full name for the record
and
6 spell your last name.

7 THE WITNESS: Donald E. Pipins, P-I-P-I-N-S.

8 THE COURTROOM DEPUTY: Thank you.

9

DIRECT EXAMINATION

10 BY MR. WOODS:

11 Q. Good morning, Mr. Pipins. Will you tell the jury
where you

12 live, sir.

13 A. Havasu City.

14 Q. What state?

15 A. Arizona.

16 Q. And how are you employed?

17 A. I'm a lineman for Metropolitan Water District of
Southern

18 California.

19 Q. And what area does that district cover?

20 A. It covers from Los Angeles to Boulder City as far
as our

21 power lines.

22 Q. All right. And you live in Arizona but you work in
23 California; is that correct?

24 A. Yes, sir.

25 Q. How close is your district that you cover to the
Arizona

12787

Donald Pipins - Direct

1 line?

2 A. Oh, it comes within probably 30 miles of it.

3 Q. And what is the nature of your job as a lineman?
4 A. We patrol, maintenance on our power, telephone, TV.
5 Q. Do you go out and look at the towers periodically
as part
6 of the functions of your job?
7 A. Yes, sir. We patrol them monthly.
8 Q. I want to call your attention to November 30 of
1994. Were
9 you working that day?
10 A. Yes, sir.
11 Q. And what were you doing on that day?
12 A. I went to Camino and got a meter reading. Then I
patrolled
13 230 line from Camino to Iron.
14 Q. Would you tell the jury what a Camin -- excuse me
-- a line
15 is, the 230 line?
16 A. 230,000-volt power line, steel construction, three-
phase.
17 Q. What is your job in patrolling that and inspecting
that?
18 A. To make sure there is no damage done to the glass
and
19 everything is still standing.
20 Q. All right. On that day, November 30, 1994, when
you were
21 inspecting these towers and lines, did you notice
anything
22 unusual?
23 A. Yes, found an envelope taped to the tower leg, on

the step

24 leg.

25 Q. How high up the tower was the envelope taped?

12788

Donald Pipins - Direct

1 A. 10 to 12 feet.

2 Q. How were you able to notice it? How did it stand
out?

3 A. Something that's not supposed to be there.

4 Q. Would you describe for the jury its appearance when
you

5 first noticed it before you retrieved it, if you did?

6 A. It was in a brown vanilla (sic) envelope with light
stick

7 or glow stick taped to it. It had green tape two
places

8 holding it onto the tower.

9 Q. Did you climb up the tower to retrieve that
envelope?

10 A. Yes, I did. I climbed up, cut it down.

11 Q. Would you describe for the jury the envelope after
you cut

12 it down?

13 A. It was a brown vanilla envelope, waterproof on the
inside.

14 Q. And you said that there was a light stick attached
to it?

15 A. Glow stick attached to it.

16 Q. Glow stick. I'm sorry. Was the glow stick still
17 operating?

18 A. No.

19 Q. Could you tell whether or not it had been -- this
is one of
20 those that you break?

21 A. Yes. It had been broken.

22 Q. I'm sorry?

23 A. It had been broken.

24 Q. So the light had eventually run out, from what you
could
25 tell?

12789

Donald Pipins - Direct

1 A. Yes, sir.

2 Q. Did you open the envelope, Mr. Pipins?

3 A. Yes, I did.

4 Q. What did you find inside the outer envelope, the
waterproof
5 outer envelope?

6 A. There was a plastic bag with a white envelope
inside of it.

7 Q. Did you open the plastic bag?

8 A. Yes, I did.

9 Q. Did you then open the interior envelope?

10 A. Yes, I did.

duty in 11 Q. And did you feel this was part of your function and
12 inspecting the towers and the power line?

13 A. Yes.

anything 14 Q. When you opened the interior envelope, was there
anything 15 on the exterior of it, the name, return address, or
16 like that?

17 A. I can't remember.

what 18 Q. Okay. When you opened the final interior envelope,
19 did you find inside?

20 A. There was a letter.

21 Q. Okay. Did you read the letter?

the 22 A. I didn't have my glasses, and I couldn't make out
23 handwriting.

time? 24 Q. Okay. What did you do with the letter then at that
25 A. Took it back, showed it to my supervisor, and he
told me to

12790

Donald Pipins - Direct

1 turn it in to the office manager.
2 Q. Did you have your glasses at your office?

3 A. No. I left them at home.

4 Q. All right. Did you read that letter that day or
the next

5 day?

6 A. No, I didn't.

7 Q. Did you ever read the letter?

8 A. I read it -- read it about three days later, four
days

9 later.

10 Q. It was still in the possession there in the office?

11 A. No. I had a copy made.

12 Q. Okay. You had a copy for yourself?

13 A. Yes.

14 Q. Or for the office?

15 A. For myself.

16 Q. Now, where is your office located, sir?

17 A. Jean headquarters.

18 Q. And where is Jean headquarters?

19 A. Parker Dam, California.

20 Q. Parker Dam?

21 A. Yes.

22 Q. I'm going to put on the ELMO what is marked as
D1804, and

23 it hasn't been admitted in evidence. I want to ask you
if you

24 recognize this area first.

25 You see what I have on the screen there in
front of

12791

Donald Pipins - Direct

1 you, Mr. Pipins?

2 A. Yes. You have a map.

3 Q. Without describing exactly yet, is that an area
that you're

4 familiar with?

5 A. Yes, it is.

6 Q. And is it accurate as to your recall of the
locations of --

7 where you live and where you were working and found the
8 envelope?

9 A. Yes.

10 MR. WOODS: Your Honor, we would offer into
evidence

11 D1804.

12 MR. GOELMAN: No objection.

13 THE COURT: Received.

14 BY MR. WOODS:

15 Q. Now, Mr. Pipins, on that desk there there is a
black pen

16 attached to a wire. And if you would reach under the
screen

17 and then touch the screen that's under there.

18 And if you would point out approximately where
it was

19 that the tower was located that you were doing your
20 inspections.

pen
21 You have to touch the screen, kind of hold the
22 straight up and down.

23 A. I'm trying to find 40 on here.

24 It would be right in this area.

map?
25 Q. All right. And do you see where Kingman is on that

12792

Donald Pipins - Direct

1 A. Yes, I do.

location?
2 Q. Approximately how far away is that from that

3 A. I'd say probably 70 miles.

4 Q. Okay. Would you circle Kingman there for the jury.

which is
5 All right. And then you live at Lake Havasu,

6 just down the road?

7 A. Yes.

8 Q. Would you circle that.

nearby
9 Now, is that on the California/Nevada border

10 there?

11 A. What, Havasu?

looking at.
12 Q. No, not Lake Havasu, but this area that we're

13 A. Yes. It's probably about 30 miles.

14 Q. And is Needles -- you were right outside of
Needles. Is

15 that correct? West of Needles?

16 A. 22 miles west of Needles.

17 Q. Is that California, or Arizona?

18 A. California.

19 MR. WOODS: May I approach the witness, your
Honor?

20 THE COURT: Yes.

21 BY MR. WOODS:

22 Q. Mr. Pipins, I'm going to hand you what has been
marked as

23 D1803, and I would ask you to review that document,
sir. Is

24 that a copy of the document as you recall it that you
read some

25 three days after recovering it?

12793

Donald Pipins - Direct

1 A. Yes, sir.

2 MR. WOODS: Okay. We would move into evidence
1803,

3 your Honor, and this is the copy with those markings
off of the

4 side.

5 THE COURT: All right.

6 MR. WOODS: Redacted copy.

7 MR. GOELMAN: No objection.

8 THE COURT: D1803 received.

9 MR. WOODS: May I publish it, your Honor?

10 THE COURT: Yes.

11 MR. WOODS: And may I read this to the jury,
your

12 Honor?

13 THE COURT: Yes.

14 MR. WOODS: If I can get it focused.

15 BY MR. WOODS:

16 Q. Mr. Pipins, was this addressed to someone initialed
SC?

17 A. Yes.

18 MR. WOODS: "SC: I will try to keep this
generic, in

19 case it is intercepted. First off, I cannot be 100
percent

20 certain of your legitimacy. This is the same way Randy
Weaver

21 was initially arrested, so I planned a rendezvous with
sniper

22 overwatch. No sense in all that until you are screened
to your

23 intentions.

24 "I am not interested in anyone who has money/
gain as

25 an underlying motive -- conscious or subconscious.
This came

12794

Donald Pipins - Direct

1 out in another 'patriot' as his knee-jerk reaction to
the crime
2 bill. 'Shit. It passed! I better sell my guns before
they
3 take them!'
4 "Tell me what is wrong with that whole mind-
set."
5 I'm sorry, your Honor. I was not moving it
up.
6 "On the other hand, if you are sincere, then
you could
7 be a valued asset. A man with nothing left to lose is
a very
8 dangerous man and his energy/anger can be focused
towards a
9 common/righteous goal.
10 "What I'm asking you to do, then, is sit back
and be
11 honest with yourself. Do you have kids/wife? Would
you back
12 out at the last minute to care for the family? Are you
13 interested in keeping your firearms for their current/
future
14 monetary value, or would you drag that '06 through
rock, swamp
15 and cactus and" -- I can't read that word -- "it to
hell to get
16 off the needed shot?

me -- 17 "In short, I'm looking for talkers" -- excuse
18 "I'm not looking for talkers, I'm looking for fighters.
19 "Keep in contact. Notify me of any change of
address 20 or situations and respond to my other concerns.
21 "I do have a safe haven for your 'goods.' If
22 interested, I would pick them up and transfer them to
said 23 'haven' but could not take you."
24 "If after your initial 'leap of faith' you
remain 25 committed, I would eventually (one to two months)
reveal our

12795

Donald Pipins - Direct

risky 1 location but again. But again, on your end that is a
2 proposition. You have to decide what risk to take to
achieve a 3 given goal.
4 "(What is your goal?)
5 "All, Tim T."
6 And by agreement and stipulation with
Government 7 counsel, this is stipulated to be the writing of
Timothy 8 McVeigh, your Honor.

9 MR. GOELMAN: Agreed, your Honor.

10 THE COURT: That's agreed. All right.

11 BY MR. WOODS:

12 Q. The third page is a P.S., is that correct, Mr.
Pipins?

13 A. Yes, sir.

14 Q. "P.S. And if you are a fed, think twice. Think
twice

15 about the Constitution you are supposedly enforcing
(isn't

16 'enforcing freedom' an oxymoron?) And think twice
about

17 catching us with our guard down -- you will lose just
like

18 Degan did -- and your family will lose."

19 Is that the letter that you retrieved from
that tower,

20 Mr. Pipins?

21 A. Yes, sir.

22 Q. And you retrieved it on November 30, 1994?

23 A. Yes, sir.

24 Q. Now, do you make the rounds and inspect those
towers and

25 the line on a routine basis?

12796

Donald Pipins - Direct

1 A. Yes, sir, we do it monthly.

tower? 2 Q. What was the prior day that you had been by that

3 A. The 3rd. November 3.

4 Q. So November 3, '94, was the prior occasion?

5 A. Yes, sir.

6 Q. Did you notice it on that occasion?

7 A. No, sir.

8 Q. And then you found it on November 30, '94?

9 A. Yes, sir.

envelope 10 Q. Could you tell from the appearance of the outside

some 11 whether or not it was weathered or had been there for

12 period?

too 13 A. No, sir, it didn't look like it had been weathered

14 much.

as to the 15 Q. And could you tell anything from that light stick

16 age of it breaking and burning out?

17 A. No, sir.

Pipins. 18 MR. WOODS: Okay. Thank you very much, Mr.

19 No further questions, your Honor.

20 THE COURT: All right. Mr. Goelman?

21 CROSS-EXAMINATION

22 BY MR. GOELMAN:

23 Q. Good morning, Mr. Pipins.

24 A. Good morning.

evidence 25 Q. I'm showing you what's already been admitted into

12797

Donald Pipins - Cross

1 as D1804. And that's the map that you previously
identified.

2 A. Yes.

3 Q. Can you look down on your screen and can you find
4 Interstate 40, sir?

5 A. Yes.

6 Q. And that's the road that connects Needles to
Kingman,

7 Arizona; is that right?

8 A. Yes, sir.

9 Q. And you estimated it was about 70 miles to the east
of

10 Needles?

11 A. Yes, sir.

12 Q. If you continue going east on I-40, do you get to
Kansas

13 eventually?

14 A. Yeah. I would assume.

15 Q. And can you mark again on this map where that tower
was

16 where you found a letter on November 30?

17 A. Approximately right in this area here.
18 Q. What's that line indicating a road right to the
right of
19 that area? Is that Highway 95?
20 A. This one here?
21 Q. No, to the right.
22 A. Oh, right here. That's the old 66.
23 Q. Now, go a little bit more to the right.
24 A. This one here?
25 Q. The one that's going up and down.

12798

Donald Pipins – Cross

1 A. This one here?
2 Q. That goes into Nevada. Is that 95?
3 A. Yeah. That's 95 to Vegas.
4 Q. If you go north on that, you get to -- right around
5 Henderson, Nevada. Is that right?
6 A. Yes, sir.
7 Q. Now, you can't see it on this map; but is
Henderson,
8 Nevada, a suburb of Las Vegas?
9 A. Yes, sir.
10 Q. So if this map was just a little bit bigger, we
would see
11 Las Vegas here?

12 A. Yes.

13 Q. You testified that you found this package on the
tower on

14 November 30, 1994. Is that right?

15 A. Yes.

16 Q. And you had last patrolled the area on November 3,
sir?

17 A. Yes.

18 Q. You don't know when in between November 3 and
November 30

19 the package was left, do you, sir?

20 A. No, sir.

21 Q. You could only tell by the glow stick no longer was
working

22 that it was at least some amount of time before you
found it?

23 A. Yes, sir.

24 Q. And you don't from your own knowledge, sir, know
what SC

25 stands for, do you, sir?

12799

Donald Pipins - Cross

1 A. No.

2 Q. And you don't from your own knowledge know what the
content

3 of that letter means, do you, sir?

4 A. No.

got this 5 Q. The only thing you do know, sir, is that SC never
6 letter. Is that right?

7 A. No. I don't -- no, he didn't get it. I did.

further. 8 MR. GOELMAN: Thank you. I have nothing

9 MR. WOODS: Nothing further, your Honor.

10 Thank you, Mr. Pipins.

You're 11 THE COURT: All right. You may step down.

12 excused.

for a 13 MR. NEUREITER: If I could confer with counsel
14 moment, your Honor.

15 THE COURT: Yes.

16 MR. WOODS: Norma Koalska, your Honor.

17 THE COURT: All right.

please. 18 THE COURTROOM DEPUTY: Raise your right hand,

19 (Norma Koalska affirmed.)

please. 20 THE COURTROOM DEPUTY: Would you have a seat,

and 21 Would you state your full name for the record
22 spell your last name.

K-A. 23 THE WITNESS: Norma Chloe Koalska, K-O-A-L-S-

24 THE COURTROOM DEPUTY: Thank you.

25 DIRECT EXAMINATION

12800

Norma Koalska - Direct

1 BY MR. NEUREITER:

2 Q. Hello, Mrs. Koalska. How are you today?

3 A. Fine.

4 Q. Are you a little nervous?

5 A. Yes.

6 Q. If we could ask you to lean towards the microphone
when you
that way

7 respond -- it's there to your left -- and speak up so

8 everybody in the room can hear you.

9 A. Okay.

10 Q. How old are you, Mrs. Koalska?

11 A. 25.

12 Q. Are you married?

13 A. Yes, I am.

14 Q. Do you have a daughter?

15 A. Yes, I do.

16 Q. How old is she?

17 A. She's 6.

18 Q. What do you do for a living?

19 A. I'm a teacher's assistant.

20 Q. Do you know Lori Fortier?

21 A. Yes, I do.

22 Q. Do you know Michael Fortier?

23 A. Yes, I do.

24 Q. How do you know them?

25 A. They're friends of mine.

12801

Norma Koalska – Direct

1 Q. Where are you from?

2 A. Kingman.

3 Q. Is Lori Fortier your best friend?

4 A. Yes, she is.

5 Q. How long have you known Lori Fortier?

6 A. 20 years.

7 Q. Did you know them in Kingman in the 1994–1995 time
period?

8 A. Yes, I did.

9 Q. Did your daughter have a birthday in 1994?

10 A. Yes, she did.

11 Q. And what date was that birthday?

12 A. Her birthday is July 6, and we celebrated it on the
9th.

13 Q. Did you invite the Fortiers to that birthday party?

14 A. Yes, I did.

15 Q. Did the Fortiers ask if someone else could come to
that

16 birthday party?

17 A. Yes, they did.
18 Q. Who did they ask could attend that birthday party
along
19 with them?
20 A. Timothy McVeigh.
21 Q. And had you known Timothy McVeigh prior to that
day?
22 A. Yes.
23 Q. And how was that?
24 A. Through Mike and Lori.
25 Q. Tell the jury about how you came to know Timothy
McVeigh

12802

Norma Koalska - Direct

1 through Mike and Lori.
2 A. He moved in with them in -- I believe it was 1992,
and I
3 had met him then.
4 Q. Would you and your husband socialize with the
Fortiers?
5 A. Yes, we did.
6 Q. When you socialized with the Fortiers, would
Timothy
7 McVeigh be there as well?
8 A. Yes, he was.
9 Q. And were these large parties that were thrown, or
were

10 these smaller gatherings?

11 A. Small gatherings.

12 Q. And who was present at the small gatherings, would
you say?

13 A. My husband and I, the Fortiers, and Tim.

14 Q. And on how many occasions would you say you had
these kind

15 of small gatherings with the Fortiers and Tim McVeigh?

16 A. From 10 to 15 times.

17 Q. Did Timothy McVeigh come to your daughter's
birthday party

18 on that day?

19 A. Yes, he did.

20 Q. Do you remember what he was wearing?

21 A. Yes, I do.

22 MR. NEUREITER: If I could approach the
witness --

23 actually, I think this has been admitted into evidence.

24 No. This as photograph of an exhibit that is
in

25 evidence, and so I would just put it on the ELM0. It
has not

12803

Norma Koalska - Direct

1 yet been admitted. It is D1802A. It's one photograph.

2 BY MR. NEUREITER:

3 Q. Do you recognize that as the front of the T-shirt
that
4 Mr. McVeigh was wearing at your daughter's birthday
party?
5 A. Yes.
6 Q. And I'm now putting up D1082B. Is that the back of
the
7 same shirt?
8 A. Yes, it is.
9 MR. NEUREITER: Move the admission of D1802A
and B.
10 MR. MEARNS: No objection.
11 THE COURT: Received.
12 MR. NEUREITER: Move to publish D1802A.
13 THE COURT: All right.
14 BY MR. NEUREITER:
15 Q. Is this the T-shirt that Timothy McVeigh wore to
the
16 birthday party of a three-year-old in the summer of
1993?
17 A. Yes, it is.
18 Q. And --
19 MR. NEUREITER: And move to publish D1802B.
20 THE COURT: Yes.
21 BY MR. NEUREITER:
22 Q. Is this the back of that same T-shirt?
23 A. Yes, it is.
24 Q. Now, during your 10 or 15 social occasions when you
met

the 25 Timothy McVeigh in the company of the Fortiers, would

12804

Norma Koalska - Direct

1 subject of Waco come up?

2 A. Yes, it had.

3 Q. Did you come to learn Mr. McVeigh's beliefs with
respect to

4 Waco?

5 A. Yes.

6 Q. Could you tell the jury what those were?

7 A. He did not agree with what the federal government
had done

8 in Waco.

9 Q. Did there come a time when you attended the
Fortiers'

10 wedding?

11 A. Yes.

12 Q. What was your role at that wedding?

13 A. I was the maid of honor.

14 Q. Who was the best man at that wedding?

15 A. Timothy McVeigh.

16 Q. What date was that, if you recall?

17 A. July 25, 1994.

18 Q. Between your daughter's birthday party and the
wedding that

19 you attended with Timothy McVeigh and the Fortiers, did

20 Mr. McVeigh come to your home?

21 A. I believe so, yes.

22 Q. Was he accompanied by anyone?

23 A. No. He was by himself.

24 Q. How many times did Mr. McVeigh come to your home
alone

25 unaccompanied by the Fortiers?

12805

Norma Koalska - Direct

1 A. None. Just that time.

2 Q. What did Mr. McVeigh do on that occasion?

3 A. He handed me some literature.

4 Q. And to the best of your recollection, what did he
do when

5 he handed you the literature? What did he say?

6 A. Something along the lines of he would like Dean and
I to

7 look at this for our own information and to possibly
contact

8 him about it.

9 Q. And do you remember specifically what that -- what
that

10 pamphlet was about?

11 A. Not specifically.

12 Q. And you said pamphlet. Was it a pamphlet? Was it

a book?

13 A. It was a -- I believe it was paper stapled
together.

14 Q. And do you recall the general subject matter?

15 A. It was something about politics.

16 Q. Government?

17 A. Government.

18 Q. Gun control maybe?

19 A. Possibly, yes.

20 Q. Did he have gloves on when he handed that to you?

21 A. No, he did not.

22 Q. Did you have gloves on when you got it?

23 A. No, I did not.

24 Q. What did you do with that document?

25 A. I placed it on the desk in my kitchen and basically
forgot

12806

Norma Koalska - Direct

1 about it.

2 Q. Did the FBI ask you to look for it?

3 A. Yes, they did.

4 Q. And did you?

5 A. Yes, I did.

6 Q. Were you able to find it?

7 A. No.

8 MR. NEUREITER: One moment, your Honor?

9 THE COURT: Yes.

10 MR. NEUREITER: Pass the witness.

11 THE COURT: Mr. Mearns?

12 MR. MEARNS: We have no questions, your Honor.

She

13 may be excused.

14 MR. NEUREITER: Oh, your Honor, I'm sorry.

One

15 subject did escape me, if I may inquire. It's one

subject

16 matter.

17 THE COURT: Very well. Go ahead.

18 BY MR. NEUREITER:

19 Q. You were friends with Lori Fortier for 20 years?

20 A. Yes.

21 Q. Were you close friends?

22 A. Yes.

23 Q. Would you talk on average -- how often would you

talk over

24 the course of your high school and subsequent years?

25 MR. MEARNS: Objection. Relevance.

12807

Norma Koalska - Direct

1 THE COURT: Sustained.

2 BY MR. NEUREITER:

3 Q. Did you ever learn why your friendship -- did your
4 friendship in 1994 and 1995 with the Fortiers become
strained?

5 A. Yes, it did.

6 MR. MEARNS: Objection, relevance.

7 THE COURT: I don't know where you're going
with this.

8 MR. NEUREITER: It goes to the issue of drug
use, your

9 Honor.

10 THE COURT: Go ahead.

11 BY MR. NEUREITER:

12 Q. Why did your friendship with the Fortiers become
strained
13 in the late 1994, early 1995 time period?

14 A. At the time, I didn't really know. I thought I had
upset

15 Lori in some way and that she just chose not to
socialize with

16 me anymore.

17 Q. Did you come to learn why your relationship was
strained?

18 MR. MEARNS: Objection to "come to learn."

19 THE COURT: Foundation.

20 BY MR. NEUREITER:

21 Q. How did you come -- did -- did Lori Fortier tell
you why,

22 in fact, your relationship with the Fortiers was
strained?

23 MR. MEARNS: Objection.
24 THE COURT: Sustained.
25 MR. NEUREITER: Pass the witness.

12808

Norma Koalska - Direct

your 1 MR. MEARNS: Still don't have any questions,
2 Honor.

take 3 THE COURT: All right. You're excusing her, I
4 it.

5 MR. NEUREITER: Safe trip home.

6 THE WITNESS: Thank you.

excused. 7 THE COURT: You may step down. You're

8 THE WITNESS: Thank you.

9 MR. WOODS: Yes, your Honor. Morris Kuper.

10 THE COURT: Thank you.

approach? 11 MR. MACKEY: Your Honor, excuse me. May we

12 THE COURT: Yes.

13 (At the bench:)

by court 14 (Bench Conference 109B2 is not herein transcribed

transcript.) 15 order. It is transcribed as a separate sealed

16
17
18
19
20
21
22
23
24
25

12812

Norma Koalska - Direct

1 (In open court:)

2 THE COURT: I'll just remind the jury as I did
3 earlier: We don't have these folks just lined up
outside the
4 courtroom here, so sometimes it takes a little while to
fetch
5 them in here.

6 THE COURTROOM DEPUTY: Would you raise your
right
7 hand, please.

8 (Morris Kuper affirmed.)

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

and 11 Would you state your full name for the record

12 spell your last name.

spelled 13 THE WITNESS: Morris John Kuper, Jr. It's

14 K-U-P-E-R.

15 THE COURTROOM DEPUTY: Thank you.

16 DIRECT EXAMINATION

17 BY MR. NEUREITER:

18 Q. Hello, Mr. Kuper. How are you today?

19 A. Pretty good.

20 Q. Where are you from, Mr. Kuper?

21 A. Oklahoma City, Oklahoma.

22 Q. Where do you work?

23 A. Kerr-McGee Corporation.

24 Q. Were you working there on April 19, 1995?

25 A. Yes, I was.

12813

Morris Kuper - Direct

1 Q. Are you married?

2 A. Yes, I am.

3 Q. And how old are you?

4 A. 45 years old.

5 Q. What do you do for Kerr-McGee?

6 A. I'm a data communications specialist.

7 Q. Do you work with computers?

8 A. I work with computers.

9 Q. Tell us a little bit about what you specifically do
as a

10 data communications specialist.

11 A. Data communication links computers. We link them
over all

12 over the world, because we have offices all over the
world.

13 And then we also build local area networks.

14 Q. Are you a programmer?

15 A. No. Hardware specialist.

16 Q. Are you a detail person?

17 A. Yes.

18 Q. Did you drive to work the morning of April 19,
1995?

19 A. Yes, I did.

20 Q. Where did you drive?

21 A. South on 5th Street. I came down Broadway
extension, got

22 off on 10th and went south on Broadway and turned into
the

23 Kerr-McGee parking lot at 5th and Broadway.

24 Q. If I were to put up an exhibit that has been
previously

25 admitted as G940 -- do you recognize that map?

Morris Kuper - Direct

1 A. Yes.

2 Q. There should be a pen up there that's attached to a
wire.

3 If you could reach under the table onto the screen
itself and

4 hold the pen vertical and describe with that pen where
you were

5 driving that day.

6 A. Okay. I was proceeding south on Broadway. And
there is an

7 entrance to this parking lot right here, and I pulled
into the

8 parking lot right there. This doesn't show where the
parking

9 places are, but there are kind of parking places right
here and

10 a row here. And they also park along here, here, and
here.

11 There is also an entrance here, and I believe
there is

12 an entrance right here.

13 I paused here for a second, because if you
aren't

14 careful, there is an alley that extends all the way
this way.

15 Actually, my parking line is a little off.

16 Q. If you could use the words "north" and "south,"
rather than

17 "this way" and "that way," it might help the jury
figure out --

18 A. The alley runs north and south, and it actually
separates
19 Kerr-McGee's parking lot from the top of the hill
that's up
20 there. But I paused right here for, I don't know, a
matter of
21 a couple seconds to look left and then look right to
make sure
22 a car wasn't going to come. I was a few minutes late.
23 Q. When you say you paused right here, go ahead and
put an X
24 where you say you paused.
25 A. That's not drawing too well, but right there. I
paused

12815

Morris Kuper - Direct

--
1 there to look for traffic and noticed two men walking
2 Q. Hold on. Before you tell us what you saw --
3 A. Okay.
4 Q. What time was this?
5 A. This was about maybe 2 minutes, 3 minutes after
8:00.
6 Q. Okay. How do you know with that kind of accuracy
what time
7 it was?
8 A. I set my clock against the atomic clock through WWV
off of
9 radio.

10 Q. Is it your practice to regularly glance down at
your watch?

11 A. Yes. I get very lost without a watch.

12 Q. How often do you look down at your watch?

13 A. Every few minutes, generally.

14 Q. So you can say with some precision based on the
atomic

15 clock and the Naval Observatory in Washington, D.C.,
that this

16 was about 8:02?

17 A. Yeah. I didn't look at that particular moment
because I

18 was driving. I looked as soon as I got out of my car
to see

19 how late I was.

20 Q. And were you late that morning?

21 A. Yes. 5 minutes.

22 Q. So now tell us what you saw.

23 A. Okay. I paused, like I said, to keep from getting
run into

24 by another car, because you have to watch. There were
two men

25 walking -- can I show it?

12816

Morris Kuper - Direct

1 Q. Sure.

2 A. They were -- let me get my reference. They were

about

3 right here on the sidewalk -- that's not really too
cool -- and

4 they were on the south side of 5th Street.

5 Q. Okay. By the way, just to orient us, the Alfred
Murrah

6 Building: Is that one block left of this parking lot
that

7 we're talking about?

8 A. Yes. Just over the top of the hill.

9 Q. Just put a big X where the Murrah Building is
located.

10 Okay. All right. So you saw these two men
walking?

11 A. They were walking -- everything disappeared.

12 Q. You pressed that button on the side. That makes
everything

13 disappear.

14 A. Oh, I'm sorry.

15 They were walking. I pulled in, which this is
where I

16 paused. I pulled across. I paused again because I was
cutting

17 through parking places. You aren't supposed to do
that, but I

18 did it consistently every morning; and I paused again
because

19 there is another row of traffic that could approach
from either

20 the left or the right. I looked to the left; and when
I looked

21 to the right, the two men were now approaching a car
and they

22 were at the front of the car.

23 Q. Can you tell us what that car looked like?

24 A. It was a pre-1980 Ford product, most likely a
Mercury,

25 light-colored, sloping rear, had big, massive bumpers
in the

12817

Morris Kuper - Direct

1 back of it.

2 Q. How many doors did it have?

3 A. Four.

4 Q. Some people are car people and some people aren't.
Are you

5 a person who tends to notice makes and models of
vehicles?

6 A. Yes. I restore cars.

7 Q. Is this a vehicle that stood out in some way,
shape, or

8 form from other vehicles in that parking lot?

9 A. Yes.

10 Q. How so?

11 A. It was not the type of car you would normally see
in that

12 parking lot. I usually drove the oldest cars in the
parking

13 lot. This one was just wasn't normally there, and I've

never

14 seen it since.

15 Q. You've never seen it in person since?

remember

16 A. Never seen it in person since then, or I don't

17 ever seeing it before then.

was

18 Q. Have you seen photographs of a car that you think

19 similar to that one?

20 A. Yes, I have.

21 Q. And where have you seen those photographs?

22 A. On the news media.

23 Q. Is that the car Timothy McVeigh was driving?

24 A. Yes, it was.

25 Q. So tell us what you saw next.

12818

Morris Kuper – Direct

when I

1 A. As I said, I paused right here to look again; and

approaching the

2 looked to the right, the two gentlemen were now

the

3 front of the car. The driver was on the driver's side,

were still

4 passenger had gone on the passenger's side, but they

an

5 at the front bumper. They were just starting to make

6 approach.

7 I pulled on in and parked my car about right
there,

8 and I was in the second slot behind a pickup truck. If
you

9 park on the alley, you can get out fairly quick, you
know, in

10 the afternoon when it's time to leave.

11 I got out of the car, stood up, looked around,
had my

12 sunglasses on; and these two guys were now -- that
didn't

13 work -- they were standing by with their car doors
open, they

14 were actually going to get into the car -- looking at
me.

15 And I just looked back, took off my
sunglasses, threw

16 them in the car because I didn't --

17 Q. How far away were you from the two men standing
next to the

18 yellow Merc -- yellow Ford product?

19 A. 30 feet -- about 30 feet. The closest I was was
when I was

20 about right here, but they were still at the front of
the car

21 at that point.

22 Q. You have not as yet given a description of the two
gentlemen to the jury. Why don't you go ahead and

23 describe to

24 the best of your recollection what the gentlemen looked
like

25 that you saw that day.

12819

Morris Kuper - Direct

1 A. The driver of the car was a white male, probably 6
-- I'd
2 say 6' 1" or 6' 2", weighed 180, 190 pounds. He was
not a very
3 heavy-set person. He was not a real skinny person, but
he
4 wasn't -- he was just kind of the average guy. You
know, he
5 wasn't real muscular.

6 He had short, light-colored hair -- neat. He
was
7 wearing a white or light-colored T-shirt with dark
pants.

8 The other man was about 5' 8", 5' 9", stockier
build.

9 He was also wearing a light-colored shirt, dark pants.
He was

10 dark-complected, and I won't say nationalities. I'll
just say

11 dark-complected -- I had sunglasses on. His hair was
dark. It

12 was not real long. It was somewhat short but kind of
average.

13 I mean, it wasn't out of place.

14 And I say he was muscular because his T-shirt
was

wasn't a 15 full. You know, the arm filled up the shirt. There
loose 16 lot of loose sleeve like the other man had a lot of
loose 17 sleeve on him.
doors with 18 Q. Then what happened? You saw them near the car
19 the doors open?
in. 20 A. When I got out, I took my sunglasses off, threw it
looked back 21 They were standing at their doors looking at me. I
stare at 22 at them. And I don't have a tendency to stand and
down the 23 people downtown. I shut the door, locked. Started
Pretty 24 alley, looked at my watch. It was 8:05, and I thought:
to 25 nice, these guys are going home from work, I have to go

12820

Morris Kuper - Direct

me to 1 work. I used to work nights, so it's pretty common for
on into 2 see people go home at that time of the day. And I went
3 the building.
were going 4 Q. Was it your impression that these two gentlemen
5 somewhere?

6 A. Yeah, they were off work or going somewhere.

7 One of them had a blue bag, I believe, that I
noticed
8 when they were walking on the sidewalk.

9 Q. And at 9:02 a.m., you heard the explosion in the
Kerr-McGee
10 building?

11 A. Yes, I did.

12 Q. And did your boss in that building lose a daughter
in the
13 explosion?

14 A. Yes, he did. We found out that several days later.

15 Q. And did at some point after the bombing, did the
FBI
16 contact you with respect to what you had seen that
morning at
17 8:02 a.m.?

18 A. They did.

19 Q. And did they ask you if the individuals you had
seen were
20 Timothy McVeigh and Terry Nichols?

21 A. Yes, they did.

22 Q. How many times did they ask you if the second
person you
23 had seen besides Timothy McVeigh was Terry Nichols?

24 A. At least twice and possibly three.

25 Q. Would they take your "no" for an answer?

Morris Kuper - Direct

1 A. The first --

2 MR. RYAN: I'm going to object.

3 THE COURT: Sustained.

4 MR. NEUREITER: Pass the witness.

5 THE COURT: Mr. Ryan?

6 MR. RYAN: Thank you, your Honor.

7 CROSS-EXAMINATION

8 BY MR. RYAN:

9 Q. Good morning.

10 A. Hi.

11 Q. Mr. Kuper, my name is Pat Ryan. I'm the United States

12 Attorney in Oklahoma City. We've never spoken, have we?

13 A. Not to my knowledge.

14 Q. Now, you didn't testify before the grand jury in Oklahoma

15 City, did you?

16 A. No, sir, I did not.

17 Q. And the reason you didn't testify before the grand jury, or

18 one of the reasons, is you hadn't told the FBI what you've told

19 this jury today in August of 1995.

20 A. Till --

21 MR. NEUREITER: Objection, your Honor.

22 THE WITNESS: Pardon me.

23 BY MR. RYAN:

24 Q. You had not told --

25 THE COURT: Well --

12822

Morris Kuper - Cross

1 MR. NEUREITER: Objection to "reason."

2 THE COURT: I don't know the man knows the
reason he

3 wasn't called before the grand jury.

4 THE WITNESS: It wasn't in August.

5 THE COURT: Just a moment. Let me handle the
6 objection.

7 BY MR. RYAN:

8 Q. As of August, 1995, had you told the FBI what
you've told

9 this jury?

10 A. I tried to tell the FBI on April 21, the Friday
morning,

11 that I had saw something in that parking lot and had
requested

12 they use cameras that were located around the public
library

13 and Southwestern Bell to look into that area because it
was

14 bothering me, but they took my name and phone number

and never

15 contacted me again.

16 Q. My question is had you told the FBI in August of
'95 what

17 you've told this jury?

18 A. No.

19 Q. First time you told the FBI about what you've told
us today

20 was on October 24, more than six months after the
bombing.

21 A. Correct. Now, I had been sick.

22 Q. Now, you're a man who pays constant attention to
his watch.

23 Correct?

24 A. Correct.

25 Q. But you were late this morning.

12823

Morris Kuper - Cross

1 A. Correct.

2 Q. And you told us today that you saw a Mercury, late-
model

3 Mercury; correct?

4 A. Correct.

5 Q. You had read that in the media, hadn't you?

6 A. By that time, yes.

7 Q. There had been many articles in the Oklahoma City
papers

8 talking about a late-model, four-door Mercury; correct?

9 A. Correct.

10 Q. And you told us that you saw the driver. Did you
see
11 anyone driving?

12 A. No, sir. They were just standing by the door.

13 Q. So you didn't see a driver?

14 A. I saw what appeared would be a driver. He was
standing
15 with an open car door by the driver's side.

16 Q. He was standing up. Right?

17 A. Right.

18 Q. And you told the jury today that he was white;
correct?

19 A. Correct.

20 Q. Not muscular.

21 A. Not real muscular.

22 Q. Now -- and you told us that the other man was more
muscular
23 than the man that you've described as the driver.

24 A. Correct.

25 Q. Now, do you recall telling the FBI on October 24 --
Agent

12824

Morris Kuper - Cross

1 Beck -- that the man standing by the driver's door had

a

2 muscular build?

3 A. Yes. Muscular build but thin. It's not, you know,
real

4 highly weight-lifting-style muscular.

5 Q. Did you tell him he was thin?

6 A. I said that he was -- his arm didn't fill the
sleeve.

7 There was sleeve blowing a little bit.

8 Q. Did you tell him he was thin?

9 A. Thin, muscular, yes.

10 Q. Well, which is it? Thin, or muscular?

11 A. I'll say he was somewhat muscular but not real
heavy-set.

12 Q. And did you tell the FBI that the other man was
more

13 muscular, not less muscular, than the driver (sic)?

14 A. Yes.

15 Q. But today, your story is that the other man was
more

16 muscular? Is that what you're saying?

17 A. Yes, he was.

18 Q. The passenger was more muscular than the driver?

19 A. Correct.

20 Q. But you told the FBI that the driver was more
muscular than

21 the passenger back two years ago?

22 A. I don't remember telling it that way, but that was
two

23 years ago.

Correct?

24 Q. Well, it was fresher in your mind then; right?

25 A. Pardon me?

12825

Morris Kuper - Cross

than it

1 Q. It was fresher in your mind back in October of '95

2 is today, more than two years since then?

now.

3 A. I don't know that it was fresher then than it is

4 Q. Well --

5 MR. RYAN: Your Honor, may I approach?

6 THE COURT: Yes.

7 BY MR. RYAN:

your

8 Q. Let me show you the interview of the FBI and direct

that to

9 attention to this third paragraph and ask you to read

10 yourself, please.

11 MR. NEUREITER: If I could have the date.

12 MR. RYAN: It's the first FBI 302.

13 THE COURT: October 24?

14 MR. RYAN: Yes, your Honor. Thank you.

15 MR. NEUREITER: Third paragraph?

16 MR. RYAN: Just a second.

17 BY MR. RYAN:

18 Q. Have you read it?

19 A. Yes.

20 Q. Now, you told the FBI at that time, did you not,
sir, that

21 the passenger was not as muscular as the driver?

22 A. I don't remember telling him that. That's what's
written,

23 but I do not remember describing him that way. I
remember

24 describing the T-shirt and the arm filling the shirt.

25 Q. And you also remember telling the FBI that the
driver could

12826

Morris Kuper - Cross

1 have made -- weighed as much as 210 pounds.

2 A. That's a possibility. I'm not a real good judge of
weight

3 from that distance.

4 Q. Well, did you get a good look?

5 A. From the distance, yes.

6 Q. Let me put on the -- on your screen there what's
been

7 received in evidence as Exhibit 421. Do you see that?

8 A. Yes.

9 Q. Does that look like somebody who weighs 210 pounds
to you?

185, 190. 10 A. No. Still looks like somebody who weighs about

that 11 Q. You say the man that you saw was wearing pants. Is

12 correct?

13 A. Correct.

14 Q. Not jeans?

were jeans 15 A. They were dark-colored. I didn't notice if they

16 or exactly what the material make was.

17 Q. You told the FBI "pants"?

18 A. Pants.

went back 19 Q. Now, when the -- after the bombing occurred, you

20 outside; correct?

21 A. Correct.

22 Q. And you went to this same parking lot?

23 A. Correct.

them 24 Q. And you saw two men again about where you had seen

25 before the bombing; right?

12827

Morris Kuper - Cross

my car 1 A. Not quite the same place. A little closer to where

2 would have been parked, exactly due north of me.

3 Q. And you thought these were the same two men?

4 A. No. I said I didn't think they were because these
two men
5 had white dress shirts. They weren't wearing ties but
they
6 were white shirts.

7 Q. Did you tell the FBI you were unable to tell
whether they
8 were the same men or not?

9 A. Correct.

10 I remember wanting a cigarette because they
were
11 lighting a cigarette and I smelled the smoke.

12 Q. And you say the FBI asked you if the men you saw
were Terry
13 Nichols and Tim McVeigh and they asked you that two or
three
14 times?

15 A. Correct.

16 MR. RYAN: No further questions, your Honor.

17 THE COURT: Any redirect?

18 REDIRECT EXAMINATION

19 BY MR. NEUREITER:

20 Q. There were some questions asked on cross-
examination about

21 why you did or did not tell the FBI some things. Did
you have
22 a serious illness?

23 A. I did.

24 Q. In the fall of 1995?

25 A. I did.

12828

Morris Kuper - Redirect

1 Q. Was the illness so serious that it would have
incapacitated

2 you and made you unable to conduct an interview with
anyone?

3 A. It did. I was off for almost five months from
September

4 through February of the next year.

5 Q. What was that illness, without prying into your
personal

6 situation?

7 A. Well, it -- my colon ruptured. I had
diverticulosis and

8 didn't know it. And the colon actually ruptured two
times.

9 And I stayed at home for four days like an idiot.

10 Q. So had you been able to and had the FBI asked,
would you

11 have informed them?

12 A. Yes. I informed them -- an E-mail was sent out
through the

13 company asking to talk to everybody in those parking
lots. And

14 when I got well enough to actually get on my PC and
look at the

15 E-mail, I responded saying, "Yes, I did see something

but I

16 will not be in until the end of October."

with

17 Q. After the bombing occurred, did you take some steps

18 your boss to go around the area --

19 A. Yes, we did.

to, if

20 Q. -- surrounding the building? And would you be able

took that

21 asked, retrace with precision every single step you

22 morning after the bombing?

23 A. Yes, I believe I could.

24 Q. And did you with the FBI take those precise steps?

25 A. Yes, I did.

12829

Morris Kuper - Recross

witness.

1 MR. NEUREITER: I think I'm done. Pass the

Honor.

2 MR. RYAN: Just a couple more questions, your

3 THE COURT: All right.

4 RECROSS-EXAMINATION

5 BY MR. RYAN:

6 Q. Mr. Kuper, you got sick in September, 1995?

7 A. Yes, I did.

April?

8 Q. But you were not sick from April 19 to the end of

9 A. No, I was not.

10 Q. Or May?

11 A. No.

12 Q. Or June?

13 A. No. But I did try to call them in April.

14 Q. Excuse me. June?

15 A. I did -- no.

16 Q. July?

17 A. No.

18 Q. August?

19 A. No.

20 Q. The time you took the steps with the FBI was in
November of

21 '95; is that correct?

22 A. Correct.

23 MR. RYAN: That's all I have, your Honor.

24 THE COURT: Are you excusing the witness?

25 MR. NEUREITER: Yes, your Honor.

12830

1 THE COURT: All right. Is that agreed, Mr.
Ryan?

2 MR. RYAN: Yes, your Honor.

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

4 I think we'll take our morning recess at this
point.

5 MR. WOODS: Your Honor, may we approach the
bench? It
6 may help in scheduling matters.

7 THE COURT: All right.

8 (At the bench:)

9 (Bench Conference 109B3 is not herein transcribed
by court

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

11

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12834

1 (In open court:)

2 THE COURT: We've agreed to go ahead, as I
said, to
3 take the morning recess now. And we are moving along a
little
4 bit faster than scheduled, so that's probably favorable
news
5 for you, but -- and that's why we have a little -- a
few
6 changes in scheduling here; and thus, we were talking
about it.

7 So we will at this time excuse you for the
usual
8 period of 20 minutes, or could be a few minutes longer,
9 depending upon the need to confer with counsel. And of
course,
10 during this time, please do as you've been doing,
withholding
11 judgment in your own minds, withholding conversation
with
12 others about anything connected with the case, and
being
13 careful to avoid anything outside the evidence which
could in
14 any way seem to influence you in this case. You're
excused
15 now, 20 minutes.

16 (Jury out at 10:38 a.m.)

17 THE COURT: Okay. Counsel.
18 (At the bench:)
19 (Bench Conference 109B4 is not herein transcribed
by court
20 order. It is transcribed as a separate sealed
transcript.)
21
22
23
24
25

12842

1 (In open court:)
2 THE COURT: All right. We'll be in recess, 20
3 minutes.
4 (Recess at 10:45 a.m.)
5 * * * * *
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6 DEFENDANT'S EXHIBITS

Withdrawn 7 Exhibit Offered Received Refused Reserved

8 D1772 12763 12763

9 D1773 12766 12766

10 D1774 12760 12760

12758 11 D1784 12757 12757

12 D1802A-D1802B 12803 12803

13 D1803 12793 12793

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17 * * * * *

18 REPORTER'S CERTIFICATE

19 I certify that the foregoing is a correct
transcript from

Dated 20 the record of proceedings in the above-entitled matter.

21 at Denver, Colorado, this 5th day of December, 1997.

22

23

24

25