

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 113)

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12                                   Proceedings before the HONORABLE RICHARD P.  
 MATSCH,  
 13 Judge, United States District Court for the District of  
 14 Colorado, commencing at 1:40 p.m., on the 8th day of  
 December,  
 15 1997, in Courtroom C-204, United States Courthouse,  
 Denver,  
 16 Colorado.

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24  
Transcription  
Street,  
629-9285

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13108

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Nichols.

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PROCEEDINGS

(Reconvened at 1:40 p.m.)

THE COURT: Be seated, please.

MR. TIGAR: May we approach briefly?

THE COURT: Yes.

(At the bench:)

(Bench Conference 113B1 is not herein transcribed

by court

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

13112

1 (In open court:)

2 (Jury in at 1:42 p.m.)

3 THE COURT: Next witness, please.

4 MR. TIGAR: Tony Tikuisis.

5 THE COURT: Mr. Tikuisis, you'll resume the

stand

6 under the oath that you took with us before on November

the

7 26th.

8 (Tony Tikuisis was re-called.)

9 DIRECT EXAMINATION

10 BY MR. TIGAR:

11 Q. Good afternoon, sir.

12 A. Good afternoon.

13 Q. When you were here last, we were talking about  
plastics and

14 companies that made different kinds of plastics. Did  
you

15 participate in a survey of plastics manufacturers and  
plastic

16 products manufacturers done by Agent Hayes and Mr.  
Udell?

17 A. Just a little bit.

18 Q. And what was your participation in that, sir?

19 A. I just helped to develop some of the questions that  
they

20 should screen or to talk to other suppliers.

21 Q. And so you -- and to whom did you communicate those  
22 questions that you thought it would be a good idea to  
ask?

23 A. To Mr. Hayes.

24 Q. You did not communicate them to Mr. Udell; is that  
right?

25 A. Not that I recall, no.

Tony Tikuisis – Direct

about a 1 Q. Okay. Now, when you were here last, you talked  
2 test for an ICP test; is that correct?  
3 A. Yes.  
right? 4 Q. And you did an ICP test on the plastics; is that  
5 A. Yes, I did.  
6 Q. And with that, what element did you detect?  
because 7 A. I -- we actually checked for a couple elements,  
elements. 8 when we do the analysis, you can measure other  
The 9 specific one I looked for was calcium.  
for? 10 Q. All right. And what other elements did you check  
11 A. Aluminum, chromium.  
12 Q. Did you check for zinc?  
13 A. I can't recall.  
test; is 14 Q. Okay. Now, the -- that ICP test is an elemental  
15 that right?  
16 A. Yes.  
17 Q. And you've got -- that's the same periodic table of  
18 elements that we all learned in high school chemistry;  
correct? 19 A. Yes.  
20 Q. And calcium is one of those elements; correct?

21 A. Yes.  
22 Q. So the test does not identify calcium carbonate,  
does it?  
23 A. No.  
24 Q. So all you got was a reading that said calcium; is  
that  
25 right?

13114

Tony Tikuisis – Direct

1 A. Yes.  
2 Q. You did not get a reading that said calcium  
carbonate;  
3 correct?  
4 A. No.  
5 Q. You extrapolated or you reasoned from the finding  
calcium  
6 to calcium carbonate based on other information that  
you had;  
7 is that right?  
8 A. Yes.  
9 Q. Now, you also said that you -- your company does  
not  
10 disclose which specific antioxidant that you put in  
your resin  
11 beads to customers; is that right?  
12 A. Not on a routine basis, because that information is  
13 considered proprietary.

beads; 14 Q. Now, when you say "proprietary," you make resin  
15 correct?  
16 A. Yes.  
of what 17 Q. To make those resin beads last longer and do more  
18 your customers want, you put things in them before they  
go out 19 to the customer -- is that correct -- sometimes?  
20 A. Yes. Yes.  
sometimes is an 21 Q. And one of the things that you put in them  
22 antioxidant; correct?  
23 A. Yes.  
24 Q. And the specific antioxidant that you use is -- you  
25 consider proprietary; correct?

13115

Tony Tikuisis - Direct

1 A. Not the antioxidant itself, but the specific  
formulation 2 that we use is considered proprietary.  
3 Q. So that you do not regard yourself as obliged to  
disclose 4 that even to the customer who's buying it from you; is  
that 5 right?  
6 A. Not exactly. In some cases, we will. It depends  
on the

customer. 7 relationship that we have with that particular

and some 8 Q. All right. And so it's some customers you'll tell  
9 customers you won't; right?

10 A. Yes.

through 11 Q. And if I called you up on the phone and -- and got  
know all 12 to you and said, "Hello, Mr. Tikuisis. I'd like to  
you tell 13 the chemicals that you put into your products," would  
14 me?

15 A. Probably not.

16 MR. TIGAR: No further questions.

17 THE COURT: Mr. Mearns.

be 18 MR. MEARNS: No questions, your Honor. He may  
19 excused.

your 20 MR. TIGAR: He may be excused with our thanks,  
21 Honor.

You're 22 THE COURT: Appreciate your coming back.  
23 excused.

24 THE WITNESS: Thank you.

25 THE COURT: Next, please.



1 MR. TIGAR: Edward Killam.

2 THE COURT: Okay. He's been sworn.

3 You've been sworn before?

4 THE WITNESS: Yes, I have.

5 THE COURT: He's already appeared before.

6 MR. TIGAR: Yes, your Honor.

7 THE COURT: Thank you.

8 (Edward Killam was re-called.)

9 DIRECT EXAMINATION

10 BY MR. TIGAR:

11 Q. This is -- and may again. Mr. Killam, as a part of  
your  
12 work on this case, did you go hunting for recyclers in  
Kansas?

13 A. Yes, sir.

14 Q. Did you go to a company called Pure Country  
Recyclers?

15 A. Yes, I did.

16 Q. Tell the jury, when was that?

17 A. The first time I went was on November 7 of 1995.

18 Q. And did you go again?

19 A. Yes, I did.

20 Q. When was that?

21 A. On October 23 of 1997.

22 Q. When you went the first time, did you take some

pictures?

23 A. Yes, I did.

24 MR. TIGAR: May I approach, your Honor?

25 THE COURT: Yes.

13117

Edward Killam - Direct

1 BY MR. TIGAR:

2 Q. Showing you what I have marked as Defendant's  
D1807,

3 consisting of six pages, would you look at those and  
tell us,

4 are those the pictures you took in 1995?

5 A. Yes, they are all -- all the photographs I took.

6 MR. TIGAR: We offer Exhibit D1807.

7 MS. WILKINSON: No objection.

8 THE COURT: Received.

9 BY MR. TIGAR:

10 Q. Now --

11 THE COURT: And how many are there there?

12 MR. TIGAR: There are seven photographs, your  
Honor,

13 and they are pasted up on the pages numbered Bates' 1  
through

14 Bates' -- I'm sorry, your Honor. I apologize. There  
are six

15 photographs, numbered 1 through 6. I apologize.

16 THE COURT: Thank you.

17 BY MR. TIGAR:

18 Q. Where is Pure Country?

19 A. It's just outside of Marion, Kansas.

Is  
20 Q. And let me show you the first of our pictures here.  
21 that the sign we would see as we entered that business?

22 A. Yes, it is.

Country  
23 Q. And what sorts of things can you buy at Pure

24 Recyclers?

plastic  
25 A. The things I know that they have for sale are

13118

Edward Killam - Direct

1 barrels and steel drums.

2 Q. Now, are these new plastic barrels?

3 A. No, they're not. They are used.

the  
4 Q. All right. Let me put up the second photograph in  
5 series. What are we looking at here?

business  
6 A. This is on the -- the side of the business, on the  
7 property. These are among the drums and other items  
that are  
8 either in the process of being brought in to purchase  
or are

9 available for sale.

10 Q. And the third one?

11 A. Is another collection of the drums that they have  
for sale.

12 Q. And the fourth one here, what is this here? Is  
that a

13 drum?

14 A. Yes, it is. It's one of their plastic drums which  
they

15 are -- which is in use as well as being available for  
sale.

16 Q. And has the top been cut out of that one?

17 A. Yes. Of both, two barrels. They sell the drums  
either

18 with the lids intact, or they will cut them out for  
you.

19 Q. And here's a closeup. Is that a closeup of one of  
the

20 barrels with the lid cut out for you?

21 A. Yes. It is. That's the one they are using for  
collecting

22 cans coming in, and it's also available -- that's one  
of the

23 ones where they cut out the lids with a saber saw which  
they

24 have on the premises.

25 Q. And here is another picture, just another picture  
of some

Edward Killam – Direct

1 more drums?  
2 A. Yes. This is some of the ones that were inside. I  
didn't  
3 have a flash unit. If you'd look in the back of the  
picture,  
4 you can see there are more stored inside and available,  
as  
5 well.

6 Q. Now, back there in 1995, when you went, did they  
have white  
7 barrels?

8 A. Yes, they did.

9 Q. The -- and did they have whitish ones with blue  
plastic?

10 A. Yes. Blue lids and bottoms.

11 Q. Now, and at that time, what price were these drums?  
What  
12 could you get them for?

13 A. \$5 each.

14 Q. Now, you are familiar, are you not, sir, with two  
drums  
15 recovered from Mr. Nichols' residence? Have you seen  
those?

16 A. I'm familiar with all the drums recovered from the  
17 residence.

18 MR. TIGAR: All right. Two of them have  
already been

19 introduced in evidence, your Honor. At this time we  
would

marked. 20 offer D1806 and D1808, which is the two drums that we

21 MS. WILKINSON: No objection.

22 THE COURT: All right. They are received.

would at 23 MR. TIGAR: And to make our task easier, we

plastic 24 this time also offer D1812, D1813, and D1814, three

25 drums.

13120

Edward Killam – Direct

Honor. I 1 MS. WILKINSON: I haven't seen those, your

2 just want to take a look at them.

the 3 THE COURT: All right. Are they over there in

4 corner?

5 MR. TIGAR: Yes, your Honor.

6 MS. WILKINSON: Your Honor, I just have a few  
7 questions on voir dire.

8 THE COURT: All right.

9 VOIR DIRE EXAMINATION

10 BY MS. WILKINSON:

11 Q. Mr. Killam, we're talking about three barrels that  
12 Government -- Defense Exhibit 1812, 1813, and 1814;  
correct?

13 A. I haven't seen them marked, but I understand which

barrels

14 they are.

15 Q. Those are three barrels that you purchased; right?

16 A. That's correct.

17 Q. And you purchased them just recently?

18 A. Yes.

19 Q. In October of 1997?

20 A. Okay. Correct.

21 Q. Do you know whether these barrels were available  
for

22 purchase in any time between October, 1994, and April  
of 1995?

23 A. These very same barrels or the similar ones?

24 Q. These same -- the same-style barrels with the same  
markings

25 and the same chemicals that are listed there that were  
held in

13121

Edward Killam - Voir Dire

1 those barrels?

2 A. Yes. The same kind were available then.

3 Q. How do you know that?

4 A. I interviewed the owners of Pure Country Recycling  
about

5 their duration of business and the business practices.

6 Q. Okay. And you also interviewed them, didn't you,  
and found

house 7 out whether the barrels that were found in Mr. Nichols'

8 were still currently available?

9 A. I did not discuss with them the barrels found in  
10 Mr. Nichols' home.

11 Q. Did you write a report about what you did?

12 A. Yes, I did.

13 Q. And did you say that certain barrels were no longer  
14 available for purchase in that style and size?

15 A. From the owners of Pure Country Recycling?

16 Q. Yes.

17 A. I don't recall that with them.

Seaton? 18 Q. Did you speak to the plant manager, Mr. Glen

19 A. No. He's not with Pure Country Recycling.

20 Q. Who is he with?

21 A. He is with Associated Milk Producers.

22 Q. And is that where one of these barrels came from?

23 A. Yes. Where one of the barrels came from.

had 24 Q. Didn't he confirm for you that the barrel styles

25 changed from 1995?

13122

Edward Killam – Voir Dire

1 A. Yes. The one that the American Milk Producers has



changed.

2 Q. Maybe I'm not making it clear, and we're using the  
defense

3 exhibit numbers. Defense 1814 is a white plastic  
barrel with a

4 blue lid obtained from Associated Milk Producers;  
correct?

5 That's how it's marked in your exhibit list?

6 A. I think your description may be incorrect.

7 Q. Okay. Well, I'm reading from the one provided to  
me by the

8 defense.

9 MR. TIGAR: Mr. Killam doesn't have the  
exhibit list,

10 your Honor. That's something showed to counsel. Shall  
I place

11 it in front of him so he can answer the question?

12 THE COURT: Yes.

13 BY MS. WILKINSON:

14 Q. Mr. Killam, I may be confused, so let's start with  
1814.

15 Is that one that you bought from the Associated Milk  
Producers?

16 A. No, it is not.

17 Q. Okay. So when it says here that that's what it is,  
it's

18 incorrect?

19 A. It's incorrect.

20 Q. Okay. Well, then tell us what 1814 is.

21 A. The barrel that I bought from Associated Milk

Producers is

22 all white with a white lid and bottom.

23 Q. Okay. So when it says here it has a blue lid,  
that's

24 wrong?

25 A. That's incorrect.

13123

Edward Killam – Voir Dire

1 Q. All right. Is that one that has -- that you bought  
in

2 October of 1997 from Associated Milk Producers?

3 THE COURT: Maybe you ought to look at the  
exhibits.

4 MS. WILKINSON: I think it would help, your  
Honor. We

5 don't mind if the jury sees them.

6 MR. TIGAR: Yes, your Honor, it is confusing  
to us. I

7 have made a mistake in labeling which one is 1813,  
1814, which

8 one is black and white --

9 THE COURT: There is no objection to bringing  
them out

10 here and let the witness tell us what you've got.

11 BY MS. WILKINSON:

12 Q. Do you see D1814?

13 A. Yes, I can.

14 Q. D1813, do you see that?

15 A. Yes.

16 Q. And this is D1812.

17 A. Okay.

18 Q. All right. You tell me which one you purchased  
from the

19 Milk Producers and I'll read the Government -- the  
exhibit

20 number into the record.

21 A. Yes. The white one in the center, bearing the  
label XY12,

22 manufacturer's label.

23 Q. Is this the one I'm -- the one you're describing?

24 A. That one came from Associated Milk Producers.

25 Q. So that's D1814. Okay. So the only difference is  
that

13124

Edward Killam - Voir Dire

1 this is the right barrel, it just doesn't have any blue  
lid on

2 top of it; correct?

3 A. That's correct; right.

4 Q. Now, do you know whether this barrel was available  
for sale

5 back in 1995?

6 A. I believe that that identical barrel was not  
available for

7 sale from Associated Milk Producers.

8 Q. That's because the shape and size has changed;  
correct?

9 A. I don't believe the size has. I believe there have  
been  
10 modifications in shape at least.

11 Q. But this barrel, as it's currently constructed, was  
not  
12 available back in 1994 and 1995; correct?

13 A. That's my understanding.

14 MS. WILKINSON: We would object to 1814, your  
Honor.

15 BY MS. WILKINSON:

16 Q. How about 1812? Where did you buy that?

17 A. That one came from Pure Country Recycling.

18 Q. And that was available back in 1994 and 1995?

19 A. Yes, it was.

20 MS. WILKINSON: We have no objection to 1814  
(sic).

21 BY MS. WILKINSON:

22 Q. And what about 1813? Where did you buy that?

23 A. That also came from Pure Country Recycling.

24 Q. And that was available back in 1994 and 1995?

25 A. Yes, it was. It was the predecessor to the one  
that

13125

1 replaced it.

2 MS. WILKINSON: No objection to 1813.

D1813

3 THE COURT: All right. Well, I'll receive

4 and --

5 MR. TIGAR: 12 and 13.

6 THE COURT: Yeah. 12.

7 MR. TIGAR: Retire this barrel.

8 THE COURT: Okay.

9 DIRECT EXAMINATION CONTINUED

10 BY MR. TIGAR:

11 Q. Now, sir, all of the barrels that you've seen that  
are

12 involved in this case are similar in one respect, are  
they not?

13 A. Well, they are similar.

14 Q. And what is -- what is the way in which they are  
all

15 similar?

16 A. Well, they are all similar in size, general shape  
and

17 construction and material of construction.

18 Q. And what -- in looking now at the one recovered  
from

19 Mr. Nichols' house, which is in evidence as D1806,  
what's the

20 company that makes this product?

21 A. The company at that time was known as Klenzade.

barrel 22 Q. And it says Klenzade, Ecolab. What was in this  
23 originally?  
24 A. It's -- the broad label on it says XY12. My  
understanding  
25 is is that it's a cleansing compound, a cleansing  
chemical for

13126

Edward Killam - Direct

1 use in the dairy industry.  
2 Q. Okay. Now, and then that's the same cleansing  
chemical  
3 that's in the other one here, D1808; correct?  
4 A. Correct.  
5 Q. Now, this is called Klenzade Mandate; correct?  
6 A. Correct.  
7 Q. And that is a CIP acid sanitizer for dairy- and  
8 food-processing equipment; correct?  
9 A. That's what the label reads, yes.  
10 Q. And then this one is something called Bac-Flush;  
correct?  
11 A. Correct.  
12 Q. Now, when you went to Pure Country in 1995, how  
much did  
13 they want for one of these barrels?  
14 A. \$5.  
15 Q. And would they charge you \$5 to sell it to you like

this

16 or -- did they give you a choice to have the top cut  
off?

17 A. You could have the top cut off for free.

18 Q. Now, the barrel when you went to the dairy people  
-- okay.

19 I understand the barrel is not in evidence. But when  
you went

20 to the dairy people, would they sell you a barrel in  
1997?

21 A. Sure.

22 Q. And how much did they want for their barrels?

23 A. \$3.

24 Q. Now, did you look on these barrels to see if you  
could tell

25 who made them?

13127

Edward Killam - Direct

1 A. Yes, I did.

2 MR. TIGAR: Can he step down and show the  
jury, your

3 Honor?

4 THE COURT: He may, yes.

5 BY MR. TIGAR:

6 Q. Let's start with the one in Mr. Nichols' house. Is  
there

7 any indication on here of a manufacturer that you can  
see?

8 A. Not one that I can see.

9 Q. Okay. And is the same true of the other one,  
what's in

10 evidence as D1806?

11 A. I don't see a manufacturer's name.

12 Q. Okay. Now, these barrels, the blue and white, have  
this

13 writing on the side that shows the gallonage -- correct  
-- as

14 you fill them?

15 A. Correct. I see it.

16 Q. Now, do you see the same gallonage on the side of  
this

17 barrel which is in evidence as 1812?

18 A. Yes, I do.

19 Q. And can you -- with this one which has the top  
intact, can

20 you see a manufacturer?

21 A. Van Leer Plastics Worldwide -- Packaging Worldwide.  
22 Van Leer.

23 Q. Now, this barrel which is in evidence as 1813,  
another

24 dairy barrel, this shows some signs of having been out  
of

25 doors?

13128

Edward Killam - Direct



1 A. Yes, it does.

it? 2 Q. Is this in the same condition as when you purchased

3 A. It's cleaner. I wiped it off.

4 Q. Can you tell the jury who made this one.

5 A. Yes, I can.

does 6 Q. And looking here at an emblem on the side, and what

7 that say?

8 A. Smurfit.

9 Q. And that has some other information; correct?

10 A. Correct.

1995, did 11 Q. When you went out to Pure Country Recyclers in

are lined 12 you see a lot of barrels that resembled the four that

13 up in front of you?

14 A. Yes, I did.

15 MR. TIGAR: No further questions.

16 THE COURT: Ms. Wilkinson.

17 CROSS-EXAMINATION

18 BY MS. WILKINSON:

November 19 Q. Mr. Killam, you started looking at barrels back in

20 of 1995?

21 A. Approximately, yes.

22 Q. And you told us the first place you went was where?

23 A. Pure Country Recycling.

24 Q. Why did you go there?

25 A. It was recommended to me as a place where barrels  
were

13129

Edward Killam – Cross

1 available.

2 Q. Is that the only reason?

3 A. And its geographic location.

4 Q. Any other reasons?

5 A. No.

6 Q. None?

7 A. Nope.

8 Q. Did you go to any other barrel or recycling  
companies in

9 the fall of 1995?

10 A. For any reason?

11 Q. To look for barrels as you've described today.

12 A. I went to some other facilities which had barrels  
in

13 storage to take photographs of them.

14 Q. When you went to Pure County (sic) Recycling back  
in

15 November of 1994, you told us you interviewed the  
people there;

16 correct?

17 A. Correct.

18 Q. And you told us what they said about the barrels;  
right?

19 A. Yes.

20 Q. You also asked them whether they ever saw Mr.  
Nichols

21 purchase any barrels, didn't you?

22 A. Yes, I did.

23 Q. They didn't recall seeing him, did they?

24 A. No, they didn't.

25 Q. Now, Pure County Recycling is approximately how far  
from

13130

Edward Killam - Cross

1 the Martin Marietta quarry in Marion, Kansas?

2 A. I would say less than 10 miles.

3 Q. How far is it from the house where Mr. Nichols  
lived up

4 until September 30 or the weekend of October 1 and 2 of  
1994?

5 A. I'd say that would be an additional 5 or 6 miles,  
perhaps.

6 Q. Now, when you spoke to the folks at the Pure County

7 Recycling, they told you that they recycled these  
barrels;

8 correct?

9 A. Correct.

had 10 Q. You'll agree with me, won't you, that if someone  
recycled, we 11 manufactured four barrels and four barrels were  
12 still only have four barrels? Right?

13 A. I would agree.

available on 14 Q. Recycling them doesn't create any more barrels  
15 the market, does it?

16 A. No, it does not.

Nichols 17 Q. Now, you don't have any knowledge about where Mr.  
18 got the barrels that were in his house, do you?

19 A. Yes, I do.

20 Q. You have personal knowledge about that?

21 A. Yes.

22 Q. And the barrels --

objecting 23 MR. TIGAR: Excuse me, your Honor. I'm not  
24 to the hearsay, if she wants to elicit it.

25 THE COURT: All right.

13131

Edward Killam - Cross

1 MS. WILKINSON: Thank you.

2 BY MS. WILKINSON:

them; 3 Q. When you bought these barrels, they had lids on

4 correct?

5 A. That's correct.

6 Q. But there were also barrels available that did not  
have  
7 lids on them?

8 A. That's right.

9 Q. Now, after you bought the barrels at Pure Company  
(sic)  
10 Recycling in October of 1997, just a month and a half  
ago, did

11 you do any more research on barrels?

12 A. No. Not independent research.

13 Q. You were never asked to go and look at different  
chemical  
14 formulas for barrels?

15 A. Only the documents that were provided to the  
defense for  
16 discovery.

17 Q. All right. And did you contact any of the  
manufacturers to  
18 determine if any manufacturer used the same chemical  
recipe as  
19 Smurfit plastic did?

20 A. No, I did not.

21 Q. You didn't contact any of them?

22 A. No. None of them.

23 Q. You have no information, do you, Mr. Killam, that  
anyone  
24 else manufactured -- uses the formula that Smurfit

plastic does

25 to manufacture barrels, do you?

13132

Edward Killam - Cross

1 A. Not of my own knowledge, no.

2 Q. Now, Mr. Killam, you'll agree that going out to a  
recycling

3 plant isn't the only place that you can get barrels;  
right?

4 A. That's correct.

5 Q. And you know that you can call barrel companies  
themselves,

6 can't you?

7 A. Sure.

8 Q. And you can also use the Yellow Pages to find those  
barrel

9 companies, can't you?

10 A. Yes, you can.

11 Q. Let me let you take a look at what's already in  
evidence as

12 Government's Exhibit 569.

13 MR. TIGAR: I do object to this, your Honor.

14 THE COURT: Sustained.

15 BY MS. WILKINSON:

16 Q. Mr. Killam, did you contact the Coffeyville Recon,

17 Incorporated, business?

18 A. No, I did not.

19 Q. Did you contact Greif Brothers?

20 A. No, I did not.

21 MS. WILKINSON: We have no further questions,  
your

22 Honor.

23 THE COURT: All right. Any redirect?

24 REDIRECT EXAMINATION

25 BY MR. TIGAR:

13133

Edward Killam – Redirect

1 Q. Is it Pure County or Pure Country?

2 A. Pure Country.

3 Q. Pure Country. And who owned -- who owned Pure  
Country at

4 the time you were out there in 1995?

5 A. Sherman Kelsey and Frank Bailey.

6 Q. And did -- how do they sell most of their barrels?  
Are

7 they credit card, check, cash?

8 A. Cash.

9 Q. And did they -- can they -- were they able to  
recall the

10 identities of any of their purchasers?

11 A. No. They recalled only one barrel purchase which  
was by a

12 governmental agency, but none others.

13 Q. And what did they say was the reason they could  
recall that

14 one barrel purchase by a Government agency?

15 A. Because they remembered it was a large purchase of  
10 or 12

16 barrels and they came to pick it up with a truck and  
trailer

17 having government license plates on it.

18 Q. And was that the only one they were able to recall?

19 A. The only one.

20 Q. Now, did they explain how they get these barrels  
that they

21 sell for recycling purposes?

22 A. Yes, they do (sic).

23 Q. And did they make a difference between different  
kinds of

24 barrels that they would sell for different purposes?

25 A. Well, the barrels weren't different, but the former

13134

Edward Killam – Redirect

1 contents of the barrels was different.

2 Q. And how did the former contents of the barrels  
affect the

3 way in which Mr. Bailey and Mr. Kelsey would market  
these

4 things?



5 A. What they would do is they would ask people what  
their  
6 intended use of the barrel was. If they -- people said  
it was  
7 for trash, then they would sell them barrels such as  
these  
8 which formerly contained corrosives or detergents or  
something  
9 that could contaminate water; and typically, they would  
cut the  
10 lids off for trash barrels. If the people said they  
were going  
11 to use them for livestock feed or as water storage  
barrels,  
12 then they would steer them to a different set of  
barrels which  
13 had formerly contained food products like chocolate  
syrup and  
14 so forth. So it depended on what a person was going to  
use  
15 them for.

16 MR. TIGAR: Thank you very much, Mr. Killam.  
I have  
17 no further questions.

18 MS. WILKINSON: We don't have any further  
questions,  
19 your Honor.

20 THE COURT: All right.

21 MR. TIGAR: Your Honor, may I have a moment to  
move  
22 the evidence?

23 THE COURT: Yes.

24 MR. TIGAR: Thank you, Mr. Killam.

25 THE COURT: You may step down.

13135

1 MR. WOODS: Next witness is Daryl McCraw.

2 MR. TIGAR: May I have permission to leave the  
3 courtroom to wash my hands?

4 THE COURT: You may.

5 MR. TIGAR: Thank you, your Honor.

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

8 (Daryl McCraw affirmed.)

9 THE COURTROOM DEPUTY: Would you have a seat,  
please.  
10 Would you state your full name for the record  
and

11 spell your last name.

12 THE WITNESS: Daryl Lee McCraw, M-C-C-R-A-W.

13 THE COURTROOM DEPUTY: Thank you.

14 DIRECT EXAMINATION

15 BY MR. NEUREITER:

16 Q. Hello, Mr. McCraw. How are you?

17 A. All right. How are you doing?

18 Q. Where are you from, Mr. McCraw?

- 19 A. Tishomingo, Oklahoma.  
20 Q. Got to go a little slower.  
21 A. Tishomingo, Oklahoma.  
22 Q. Where do you live currently?  
23 A. Mannsville, Oklahoma.  
24 Q. And how old are you?  
25 A. 31.

13136

Daryl McCraw – Direct

- 1 Q. What is your educational background, sir?  
2 A. Refrigeration, heating, air-conditioning,  
electrical,  
3 plumbing.  
4 Q. You went to high school, you graduated from high  
school?  
5 A. Yes, sir.  
6 Q. And then you did some trade schools?  
7 A. Yes, sir.  
8 Q. Was that in conjunction with your work in the Navy?  
9 A. Yes, sir, it was.  
10 Q. What did you do in the Navy?  
11 A. Steam-propulsion engineer.  
12 Q. What ship did you serve on?  
13 A. U.S.S. New Jersey.

14 Q. Were you -- did you serve in Desert Storm in that  
--

15 A. No, sir, I did not.

16 Q. What time period were you in the Navy?

17 A. From 1985 to 1989.

18 Q. And what did you do after you got out of the Navy?

19 A. I came back to Oklahoma and then went back to  
Arizona and

20 moved up to Kingman, Arizona.

21 Q. So you lived for a time in Kingman, Arizona?

22 A. Yes, sir, I did.

23 Q. And what -- did there come a time when you were in  
Kingman,

24 Arizona, that you worked for State Security?

25 A. Yes, sir.

13137

Daryl McCraw - Direct

1 Q. And what time period was that, to the best of your  
2 recollection?

3 A. That was about '93.

4 Q. Tell the jury what State Security is.

5 A. It's an armed -- armed security company that does  
state

6 fairs and riot control and security control for the  
horse

7 racing in Kingman.

8 Q. Were you an armed guard for State Security?

9 A. Yes, sir.

10 Q. And for how long did you work at State Security?

11 A. My best knowledge, a little over a year.

12 Q. So starting in '93 and ending in '93, or did it go  
over in

13 1994?

14 A. Just into 1994.

15 Q. Did there come a time when you met a gentleman by  
the name

16 of Timothy McVeigh?

17 A. Yes, sir.

18 Q. Tell the jury how that happened.

19 A. He was my relief at MNX Truck Terminal.

20 Q. So he -- was MNX Truck Terminal one of the places  
that you

21 patrolled at State Security?

22 A. Yes, sir.

23 Q. And was Mr. McVeigh also employed at State  
Security?

24 A. Yes, sir, he was.

25 Q. So tell us about how you met him and --

13138

Daryl McCraw - Direct

1 A. Well, I met him working at MNX. He was -- I worked  
the

relieve 2 afternoon shift. He worked the graveyard shift, would  
weren't 3 me. And then when we did the state fair -- when we  
fair. 4 working at MNX, we would do crowd control at the state

Mr. 5 Q. Did you have occasion to go target shooting with  
6 McVeigh?

7 A. Yes, sir.

8 Q. And describe those situations for the jury, please.

would go 9 A. There was a little wash outside of Kingman that we  
10 target shooting and do tactical shoots just like --

Was 11 Q. Was this in conjunction -- I'm sorry to interrupt.  
12 this in conjunction with your work at State Security?

13 A. Yes, sir, it was.

tactical 14 Q. And you would do tactical shoots. What is a  
15 shoot?

situation or 16 A. Going into clearing a building on a hostage  
for -- 17 because some of the cases that we did were also escorts

at that 18 I don't know -- witnesses, different things like that  
19 time.

you -- 20 Q. So was there a -- an area set up with targets that  
21 you and Mr. McVeigh would -- would fire your weapons at

and

22 score points?

23 A. The company had the targets that we used.

24 Q. And was Mr. McVeigh knowledgeable about firearms?

25 A. Yes, sir.

13139

Daryl McCraw – Direct

1 Q. Did you grow up around firearms?

2 A. Yes, sir, I did.

3 Q. And you were in the military?

4 A. Yes, sir.

5 Q. So you know a lot about weapons?

6 A. Yes, sir.

7 Q. Did Mr. McVeigh know a lot about weapons?

8 A. Yes, he did.

9 Q. Did he know his weapons backwards and forwards?

10 A. Yes, sir.

11 Q. What kind of a shot was Mr. McVeigh?

12 A. He was an expert from our tactical shots.

13 Q. You're a pretty good shot, too?

14 A. Yes, sir.

15 Q. Were you and he the best shots there?

16 A. We were the only ones hitting the targets, yes,

sir.

at Mr. 17 Q. Did there come a time when you went to a gun show

18 McVeigh's invitation?

19 A. Yes, sir.

jury, 20 Q. Please -- describe how that came about for the

21 please.

wanted to 22 A. Well, one day after work, he asked me to -- if I

went 23 go to a gun show. And I wasn't working that day, and I

-- 24 and with a guest pass they left at the front desk, and

period 25 Q. To the best of your recollection, around what time

13140

Daryl McCraw - Direct

1 would this have been?

2 A. It was in April.

3 Q. And what year?

4 A. 1993.

at that 5 Q. And did Mr. McVeigh tell you he was doing anything

6 particular gun show?

7 A. Not really. Just come by and see him.

table 8 Q. He asked you to come by and see him. Did he have a

9 at that gun show?



10 A. Yes, he did.

11 Q. Okay. And did you go by and see Mr. McVeigh at  
that gun

12 show?

13 A. Yes, I did.

14 Q. What kind of things was Mr. McVeigh selling at that  
gun

15 show?

16 MS. WILKINSON: Objection, your Honor.  
Relevance.

17 THE COURT: Overruled.

18 THE WITNESS: Well, he --

19 THE COURT: You may answer.

20 THE WITNESS: He was selling survival  
magazines,

21 pamphlets, P38's.

22 BY MR. NEUREITER:

23 Q. Tell the jury what a P38 is.

24 A. It's a -- just a fancy name for a can opener from  
the

25 military.

13141

Daryl McCraw - Direct

1 Q. While you were there at that gun show, did there  
come a

2 time when you had a conversation with Mr. McVeigh about

3 explosives?

4 A. Yes, sir.

5 Q. Tell the jury what that conversation was about and  
what Mr.

6 McVeigh said.

7 A. The conversation, we were going over some of the  
pamphlets,

8 and he was talking on how easy it would be to make  
explosives

9 out of household chemicals.

10 Q. Did Mr. McVeigh lead you into that conversation, or  
did he

11 follow you into that conversation?

12 A. He led me into that conversation.

13 Q. Did there come a time when Mr. McVeigh tried to  
recruit you

14 into a militia?

15 A. Yes, sir.

16 Q. Tell the jury about that, please.

17 MS. WILKINSON: Objection, your Honor.

18 THE COURT: Well, we need time.

19 BY MR. NEUREITER:

20 Q. Okay. During the time you worked with Mr. McVeigh  
at State

21 Security, did you have a conversation with him about  
going and

22 taking some training courses?

23 A. Yes, sir.

24 MR. NEUREITER: May I ask the witness if he

could

25 describe those conversations, your Honor?

13142

Daryl McCraw - Direct

fix the 1 THE COURT: It would be helpful if we could  
2 time better.

3 MR. NEUREITER: Yes.

4 BY MR. NEUREITER:

period 5 Q. To the best of your recollection, what was the time  
6 that this occurred?

gun show 7 A. If I remember right, that was in April, around the  
8 time.

9 Q. Around the time -- same time as the gun show?

10 A. Yes, sir.

conversations, if 11 Q. Go ahead and tell the jury about those

12 you could.

-- or 13 A. It was a training camp up in -- somewhere up north  
14 not north, but in -- by Nevada.

who was 15 Q. And to interrupt, is that -- is this Mr. McVeigh  
16 explaining this to you?

17 A. Yes, sir.

18 Q. Okay. Go ahead and continue.  
19 A. It was a survival camp. And he asked me if I  
wanted to go,  
20 and I couldn't afford to take the time off from work.  
21 Q. So you didn't accompany Mr. McVeigh up to Nevada  
for that  
22 camp training?  
23 A. Yes, sir.  
24 Q. You did not?  
25 A. No, I did not, sir.

13143

Daryl McCraw - Direct

1 Q. And with respect to this conversation about the  
militia,  
2 did you -- did Mr. McVeigh lead you into that  
conversation?  
3 THE COURT: I didn't hear him say anything  
about  
4 militia.  
5 MR. NEUREITER: Oh, I'm sorry.  
6 BY MR. NEUREITER:  
7 Q. Did Mr. McVeigh suggest to you anything about a  
militia in  
8 the context of these conversations?  
9 A. Yes, sir, he did.  
10 Q. And what was that?

11 A. He just suggested it, showing me some of the  
pamphlets and  
12 some paperwork on the illegal (sic) of IRS and the new  
13 constitution.

14 Q. And was that in connection with the discussion  
about the  
15 training in Nevada?

16 A. Yes, it was.

17 Q. And with respect to these conversations, did Mr.  
McVeigh  
18 lead you into these conversations, or did he follow you  
into  
19 these conversations?

20 MS. WILKINSON: Objection to leading, your  
Honor.

21 THE COURT: Sustained.

22 BY MR. NEUREITER:

23 Q. Did Mr. McVeigh initiate these conversations?

24 A. Yes, he did.

25 Q. Okay. Did you speak with Mr. McVeigh about Waco?

13144

Daryl McCraw - Direct

1 A. Yes, sir, I did.

2 Q. And was this around the same time period in 1993?

3 MS. WILKINSON: Objection to leading again,  
your

4 Honor.

5 BY MR. NEUREITER:

6 Q. Around what time period was this that you were  
having  
7 conversations about Waco?

8 A. It was '93.

9 Q. And to give the -- the jury a sense of what month  
that was,  
10 do you have any recollection?

11 A. All this went down during the -- just after the gun  
show as  
12 a relief at work.

13 Q. This would have been in April of '93?

14 A. Yes, sir.

15 Q. What did Mr. McVeigh tell you about Waco?

16 A. He was just upset about the way it went down and  
that it  
17 was -- what they did was wrong. And any time you --  
the time  
18 that he brought it up, he was very upset about it.

19 Q. Okay. Did his expression change to anger when he  
spoke  
20 about Waco?

21 MS. WILKINSON: Objection to leading.

22 THE COURT: Sustained.

23 THE WITNESS: Yes, it did.

24 THE COURT: No.

25 BY MR. NEUREITER:

13145

Daryl McCraw - Direct

1 Q. Don't answer. When he says "sustained," you're not  
2 supposed to answer.

3                   Could you tell the jury anything about Mr.  
McVeigh's  
4 expression during these conversations about Waco.

5 A. He was very upset anytime you -- you mentioned it.

6 Q. Did you or Mr. McVeigh initiate conversations about  
Waco?

7 A. Not after that, no.

8 Q. Who --

9 A. He initiated it.

10 Q. Okay. That's the question. Did there come a time  
when Mr.

11 McVeigh gave you some literature?

12 A. Yes, sir.

13 Q. And when was that? Around what time period?

14 A. April of '93.

15 Q. And was this at the job?

16 A. No. This was at the gun show.

17 Q. He gave you some pamphlets?

18 A. Yes, sir.

19 Q. I'd like to display on the ELM0 D1805 which has not  
yet

20 been admitted. Zoom out. This is the first page of  
one, two,

to zoom 21 three, four, five, six -- seven pages. And I'm going  
this 22 in to the first line. Is -- do you remember seeing  
23 document before?  
24 A. Yes, sir, I do.  
25 Q. And what -- is this the document that Mr. McVeigh  
-- one of

13146

Daryl McCraw - Direct

1 the documents that Mr. McVeigh gave you?  
2 A. Yes, sir, it was.  
3 MR. NEUREITER: Move its admission, your  
Honor.  
4 MS. WILKINSON: No objection to that page.  
5 THE COURT: Well, what are you moving?  
6 MR. NEUREITER: I'm moving all five pages.  
7 MS. WILKINSON: We just need to hear the  
witness say  
8 he recognizes all of the pages.  
9 MR. NEUREITER: Okay. If I could approach,  
your  
10 Honor?  
11 THE COURT: Yes.  
12 BY MR. NEUREITER:  
13 Q. If you could just flip through all of the pages  
there and



14 tell me if that is the entire document that you -- the  
15 complete -- one of the complete documents that you  
received  
16 from Mr. McVeigh on that day.

17 A. Yes, sir, it is.

18 MR. NEUREITER: Okay. Move its admission.

19 MS. WILKINSON: No objection.

20 THE COURT: Received.

21 BY MR. NEUREITER:

22 Q. And to zoom out just a notch, can you read the --  
just the

23 first paragraph there, the first sentence. Is that big  
enough

24 for you to read?

25 A. Starting at the beginning of the top?

13147

Daryl McCraw - Direct

1 Q. Starting -- yes. Right at the beginning at the  
top.

2 A. "Following is a completion (sic) of various  
articles and

3 quotes gathered from numerous patriotic publications  
over the

4 past year."

5 Q. That's enough. That's fine.

6 And does the rest of this document contain  
quotations

7 from patriotic publications?

8 A. Yes, it does.

9 MS. WILKINSON: Objection -- I'll withdraw it,  
your  
10 Honor.

11 THE COURT: Thank you.

12 BY MR. NEUREITER:

13 Q. Now, I'd like to put up on the ELMO what has not  
yet been  
14 admitted, D1059. And tell me if you recognize this as  
another  
15 one of the -- the front page of another one of the  
documents  
16 that Mr. McVeigh gave you.

17 A. Yes, sir, I do.

18 Q. Okay. And this is a document that is Bates'  
stamped 1  
19 through 27. And I'm now flipping to the sixth Bates'  
stamped  
20 page which appears to be the beginning of another  
document. Do  
21 you recognize that as the beginning of another document  
that  
22 Mr. McVeigh gave you?

23 A. Yes, sir.

24 MR. NEUREITER: All right. Now, if I could  
approach,  
25 your Honor, and ask him to look at all the pages.

13148

Daryl McCraw - Direct

1 THE COURT: Yes.

2 BY MR. NEUREITER:

3 Q. Give you that and ask you if all those pages  
represent the

4 sum total of those two other documents that Mr. McVeigh  
gave

5 you.

6 MS. WILKINSON: Your Honor, could I just ask

7 Mr. Neureiter to move so I can observe the witness?

8 THE COURT: Yes.

9 BY MR. NEUREITER:

10 Q. You almost done?

11 A. Yes, I am.

12 Q. Are those -- is that exhibit a copy of the two  
documents

13 that Mr. McVeigh gave you on that day?

14 A. Yes, it is.

15 Q. And did you later turn these documents over to the  
FBI?

16 A. Yes, sir, I did.

17 Q. After Mr. McVeigh gave you these documents, did you  
read

18 them?

19 A. I thumbed through them. Didn't really get in depth  
on

20 them.

21 Q. But you thumbed through them?

22 A. Yes, sir.

23 MR. NEUREITER: Pass the witness.

24 THE COURT: Do you want to offer the exhibit?

25 MR. NEUREITER: Oh, I apologize. I offer  
D1059.

13149

1 MS. WILKINSON: No objection.

2 THE COURT: Received.

3 You may cross-examine.

4 MS. WILKINSON: Thank you.

5 CROSS-EXAMINATION

6 BY MS. WILKINSON:

7 Q. Good afternoon, sir.

8 A. All right. How are you doing?

9 Q. Good. How are you?

10 A. Just fine.

11 Q. When you spoke to Mr. McVeigh about Waco, he  
brought up the

12 subject; correct?

13 A. Yes, ma'am.

14 Q. You told him that you didn't agree with him; isn't  
that

15 right?

16 A. That's right.  
17 Q. And did he tell you he didn't want to talk to you  
about it  
18 anymore after that?  
19 A. Yeah. We went no further.  
20 Q. Once he knew you didn't agree with him?  
21 A. Right.  
22 Q. Now, did he mention to you in 1993 that he  
sometimes went  
23 to Michigan?  
24 A. Yes, ma'am, he did.  
25 Q. All right. During your conversations with him  
about these

13150

Edward Killam - Cross

Mr. 1 documents that have been introduced to the jury, did  
2 McVeigh ever tell you that he wanted to overthrow the  
3 government?  
4 A. No, ma'am.  
5 Q. Did he ever predict that this would --  
6 MR. NEUREITER: Objection, your Honor.  
7 THE COURT: Sustained as to what he didn't  
say.  
8 BY MS. WILKINSON:  
9 Q. Did Mr. McVeigh ever predict that there would be

civil

10 unrest as a result of the government action at Waco?

11 MR. NEUREITER: Objection, your Honor.

12 THE COURT: Sustained for what he did not say.

13 MS. WILKINSON: Maybe I'm not phrasing it --

14 BY MS. WILKINSON:

15 Q. Did he say it?

16 THE COURT: I'm not going to go through  
everything

17 that he did not say.

18 MS. WILKINSON: I understand, your Honor. If  
you're

19 asking me if I have a good faith basis to believe that  
he did

20 say this, I do. Only for this statement that I'm  
asking.

21 THE COURT: If you're going to do that, you'll  
have to

22 give the time and the place and who was present so that  
the

23 witness has an adequate opportunity to be informed what  
you're

24 asking him about.

25 MS. WILKINSON: Yes, your Honor. I'm sorry.

13151

Edward Killam - Cross

1 BY MS. WILKINSON:

2 Q. Back in April of 1993, when you discussed Waco that  
first  
3 time, did Mr. McVeigh predict to you that there would  
be civil  
4 unrest as a result of the government action in Waco?

5 A. What do you mean by "civil unrest"?

6 Q. Well, did he talk about that citizens would be  
upset?

7 A. Not -- not to my knowledge.

8 Q. Did he talk about citizens taking action?

9 A. No, ma'am.

10 Q. Sir, do you remember Mr. McVeigh saying anything  
about

11 civil unrest to you in conjunction with Waco back in  
April of

12 1993?

13 A. No, I don't, because once we talked about it, we  
didn't

14 talk any further.

15 Q. Did you keep in touch with Mr. McVeigh back in the  
fall of

16 1994?

17 A. No, I did not.

18 Q. Did you keep in touch with him in -- from January  
through

19 April of 1995?

20 A. No, ma'am.

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

22 THE COURT: Anything else of this witness?

23 MR. NEUREITER: One moment, your Honor.

24 No further questions, your Honor. We excuse  
the

25 witness.

13152

1 MS. WILKINSON: We agree.

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

3 MR. WOODS: Steve Hodge.

4 THE COURT: All right.

5 THE COURTROOM DEPUTY: Would you raise your  
right

6 hand, please.

7 (Dale Hodge affirmed.)

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

9 Would you state your full name for the record  
and

10 spell your last name.

11 THE WITNESS: My full name is Dale Steven  
Hodge,

12 H-O-D-G-E.

13 THE COURTROOM DEPUTY: Can you lean forward a  
little

14 so the microphone will pick you up. Thank you.

15 DIRECT EXAMINATION



16 BY MR. WOODS:  
17 Q. Good afternoon, Mr. Hodge. Tell the jury where you  
live.  
18 A. I live in Amherst, New York.  
19 Q. And what do you do for a living?  
20 A. I work as an assistant database administrator for  
Data  
21 Management Company.  
22 Q. And where is that company located?  
23 A. It's located in Amherst.  
24 Q. Okay. What is your educational background?  
25 A. I have a bachelor's degree in business  
administration from

13153

Dale Hodge - Direct

1 Daemen College.  
2 Q. What year did you get that?  
3 A. I graduated in '89.  
4 Q. Okay. And did you go to work for this company at  
that  
5 time?  
6 A. No. I worked briefly for a -- Pick Way, Pick Way  
Shoes.  
7 Q. All right. Do you know Timothy McVeigh?  
8 A. Yes, I do.  
9 Q. Will you tell the jury when and where you first met

Timothy

10 McVeigh.

11 A. All right. I first met Tim when he and his family  
built a  
12 house across the street from where I was living. That  
would  
13 have been -- I would have been in the fifth grade back  
then.

14 Q. Did you become acquainted and friends with Mr.  
McVeigh?

15 A. Yes.

16 Q. And what grade -- if you were in the fifth grade,  
what  
17 grade was he in, if you recall?

18 A. He would have been in the fourth grade.

19 Q. Did you go through the school system together?

20 A. Yes.

21 Q. What city were you going to school in?

22 A. Lockport. We went to Star Point.

23 Q. Lockport, New York?

24 A. Yes.

25 Q. And tell the jury where that is, what major city  
it's near.

13154

Dale Hodge - Direct

1 A. That would be close to Buffalo or in between  
Buffalo and

2 Lockport.

3 Q. All right. And the two of you went through high  
school

4 together; is that correct?

5 A. Yes.

6 Q. And he was a year behind you?

7 A. Yes.

8 Q. And were you close friends during that time?

9 A. Yes, we were.

10 Q. Did you associate together and run around together?

11 A. Yes.

12 Q. Okay. After high school, what did you do?

13 A. I went on to college.

14 Q. All right. And did you keep in touch with Mr.  
McVeigh?

15 A. Yes, I did.

16 Q. Did he continue to live across the street from you?

17 A. Yeah. For -- well, after high school, no. His  
parents

18 split up and he moved to with his father, who built a  
house on

19 Campbell Boulevard, which is just around the corner.

20 Q. How close was that on Campbell Boulevard around the  
corner?

21 How close was it still to your house?

22 A. It's probably about 2 miles.

23 Q. Okay. Now, while you were in college, did you keep  
up with

24 what Mr. McVeigh was doing?

25 A. Yes.

13155

Dale Hodge - Direct

after 1 Q. Do you recall whether or not Mr. McVeigh had a job  
2 high school?

3 A. Yes, he did.

4 Q. And what type of jobs did he have, if you recall?

working 5 A. Immediately after high school, I think he was still  
6 at Burger King; and then from there, he went on to  
Burke 7 Security.

8 Q. Okay. And what year was that that he graduated  
from high 9 school?

10 A. It would have been '86.

Burke 11 Q. All right. And he worked for Burger King and then  
12 B-U-R-K-E, Security?

13 A. Right.

14 Q. How long did he hold that job at Burke Security?

15 A. I don't know exactly. A year, maybe.

16 Q. Do you recall whether or not Mr. McVeigh entered  
the Army?

17 A. Yes, he did.

18 Q. And do you remember approximately what time that  
was, what

19 year?

20 A. Approximately -- it would have been about '87, '88.

21 Something like that.

22 Q. Okay. And do you know how long he stayed in the  
Army?

23 MS. WILKINSON: Objection.

24 THE WITNESS: Until right after the Gulf War.

25 THE COURT: What's the objection?

13156

Dale Hodge - Direct

1 MS. WILKINSON: Just whether he has personal  
2 knowledge, or not.

3 THE COURT: Were you in correspondence with  
him during  
4 that time?

5 THE WITNESS: When --

6 THE COURT: How do you know he was in the  
Army?

7 That's the question.

8 THE WITNESS: Oh, yeah. He -- he wrote to me.

9 BY MR. WOODS:

10 Q. I was about to get to that.

11 A. Yeah.

12 Q. Let me establish the time period that he was in the  
Army.

13 Do you recall when it was that he got out of the Army?

14 A. Yeah. Not too long after the Gulf War. It would  
have been

15 end of '91.

16 Q. All right. During that period of time, did you  
correspond

17 with Mr. McVeigh and he corresponded with you?

18 A. Yes.

19 Q. Can you give us approximately how many letters you  
20 exchanged during that time that he was in the Army?

21 A. I guess approximately about 66.

22 Q. Well, let me jump ahead just for a minute. After  
Mr.

23 McVeigh's arrest, did you contact the FBI and turn over  
some

24 letters to the FBI?

25 A. Yes, I did.

13157

Dale Hodge - Direct

1 Q. Now, did those letters span a period of time  
through the

2 Army and then after the Army in '93 and '94?

3 A. Yes, they did.

4 Q. And do you recall what the total number of letters  
were

5 that you turned over to the FBI?

6 A. I believe 66.

7 Q. Okay. Now, let's go back to the time during the  
period

8 that he was in the Army. Was there anything unusual  
about the

9 correspondence at that time, or were you just telling  
each

10 other what you were doing?

11 A. No. It was just pretty much what was happening.

12 Q. Okay. After the -- after Mr. McVeigh's Army  
service, the

13 end of '91, where did he go, if you know?

14 A. He came back to Buffalo, and he was working -- he  
got a job

15 at Burns Security.

16 Q. Okay. How long did he keep that job, if you  
recall?

17 A. About a year, I guess.

18 Q. This would be the year of '92?

19 A. Yes.

20 Q. From January to January of '93? January of '92 to  
January

21 of '93? Approximately that time period?

22 A. Yeah.

23 Q. And did you have personal contact with Mr. McVeigh  
during

24 that time and not correspond with him by letter?

25 A. Yes. I did.

13158

Dale Hodge - Direct

1 Q. Did you see him frequently?

2 A. No. After he got back from the Army, he tended to  
keep  
of.

3 more to himself. He was kind of tough to get a hold  
4 Q. All right. Where was he living at that time?

5 A. He lived for a while with his father on Campbell,  
and then  
6 he got an apartment of his own up in Lockport.

7 Q. All right. Did you ever see his apartment?

8 A. Yes.

9 Q. Okay. So you had some contact with him during this  
time;  
10 is that correct?

11 A. Yes, I did.

12 Q. Did you notice any change in Mr. McVeigh?

13 A. Well, like I said, he kept more to himself. He  
made  
14 himself kind of hard to get a hold of. And he -- he  
seemed

15 more political whenever we got together. He -- he  
talked a lot

16 about listening to Radio Free America, listening to  
Rush

17 Limbaugh, and things like that.

18 Q. All right. During that period of '92, did he give



you any

19 books or pamphlets to read?

The

20 A. Yes, he did. He -- I know specifically he gave me

21 Turner Diaries to read.

Turner

22 Q. All right. Did you have a discussion about The

23 Diaries after he gave it to you?

24 A. Sure.

what?

25 Q. Did you return it to him, or did you keep it, or

13159

Dale Hodge - Direct

1 A. I returned it to him.

articles out

2 Q. Okay. Did he give you pamphlets, any Xeroxed

3 of magazines to read during that time?

4 A. No. I don't believe at that time he did.

left the

5 Q. All right. Did there come a time when Mr. McVeigh

6 Lockport area?

7 A. Yes.

8 Q. And do you recall when that was?

9 A. It would have been about the beginning of '93.

10 Q. Okay.

11 A. January, February.

12 Q. Did he tell you where he was going?  
13 A. No. He wouldn't tell me.  
14 Q. Did you have any contact with him after that time  
via  
15 letters or personal contact?  
16 A. Yeah. He wrote to me.  
17 Q. Okay. Did he give you an address where you could  
write to  
18 him?  
19 A. Yeah. Eventually, he did.  
20 Q. What address do you recall, or addresses during the  
year  
21 '93?  
22 A. Just in Flint, Michigan.  
23 Q. All right. An address in Flint, Michigan?  
24 A. Right.  
25 Q. Okay. Did he write to you during that time?

13160

Dale Hodge - Direct

1 A. Yes, he did.  
2 Q. Okay. What were the nature of the letters?  
3 A. Very political. There was nothing personal in them  
at all.  
4 Q. Okay. Can you tell the jury what you mean by  
"political."  
5 A. Well, he was trying very hard to sell me on various

6 theories of conspiracies and things like that.

7 Q. Regarding what?

8 A. Regarding federal government. He -- I never  
completely

9 understood it all, but he seemed to feel that there  
were

10 conspiracies, trying to limit people's freedoms and so  
on.

11 Q. Were they of the nature of being antigovernment?

12 A. Yes.

13 Q. During the year '94, did you have further contact  
with Mr.

14 McVeigh?

15 A. Yeah. By letter.

16 Q. Did there come a time in your correspondence where  
Mr.

17 McVeigh ended the friendship?

18 A. Yes.

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

20 Honor?

21 THE COURT: Yes.

22 BY MR. WOODS:

23 Q. Let me show you what's been marked for  
identification

24 purposes only as D1811, and I'll ask you to look at  
that. Have

25 you seen that before, Mr. Hodge?

13161

Dale Hodge - Direct

1 A. Yes, it is (sic).

2 Q. Okay. Is that one of the letters that you received  
from

3 Mr. McVeigh?

4 A. Yes.

5 Q. Do you recognize the handwriting?

6 A. Yes.

7 Q. How are you able to recognize the handwriting?

8 A. I've seen Tim write. I mean, over the years that  
we've

9 grown up, I've had plenty of opportunities to see him  
write.

10 Q. Okay. And was this the last letter you received  
from him?

11 A. Yes, it is.

12 Q. What's the date on it?

13 A. July 14, '94.

14 Q. Okay. So this is the last of the 66 letters that  
you had

15 saved and turned over to the FBI?

16 A. Yes.

17 Q. And in this letter, can you give the -- without  
reading

18 every -- there's 23 pages plus some attached Xerox  
articles; is

19 that correct?

20 A. Yes.

just a 21 Q. Without reading every word, can you give the jury

he 22 flavor of what Mr. McVeigh was telling you and then why  
23 ended his friendship with you.

it, 24 A. This thing -- it's very antigovernment. He's -- in

the 25 he's spelling out the Cons -- not the Constitution --

13162

Dale Hodge - Direct

could 1 Declaration of Independence, he said, in words that I  
that I had 2 understand. He was writing in response to a letter

common 3 written to him, you know. I was trying to find some  
decided 4 ground and open a dialogue, but -- and he eventually

to be -- 5 that our ideologies were too different in order for us  
6 continue to be friends.

that you 7 Q. Okay. Does he refer to Waco within that letter  
8 recall?

9 A. Yes, he does.

10 Q. And in what manner does he refer to Waco?

11 A. He felt that the government had deliberately

murdered the

12 people in Waco; that it wasn't an accident.

13 Q. Had -- do you recall when the Waco incident  
occurred?

14 A. Yes.

15 Q. And what -- what is your recall as to the date that  
that

16 happened?

17 A. It was April 19.

18 Q. Of what year?

19 A. 1995.

20 Q. Pardon me?

21 A. '95.

22 Q. No. For Waco?

23 A. Huh?

24 Q. For Waco. Not the Oklahoma City bombing. I'm  
sorry. I

25 wasn't clear.

13163

Dale Hodge - Direct

1 A. '93.

2 Q. Did you notice any change in Mr. McVeigh's letters  
after

3 the Waco incident in April of '93?

4 A. They were still very political, very  
antigovernment. He

5 talked a lot about Waco, though.

6 Q. Okay.

7 A. He was very hot on the subject.

8 Q. During that period of time, from April of '93 until  
this

9 letter where he ends your friendship, does this letter  
have

10 attached photocopies of articles from various  
conservative

11 magazines?

12 A. Yes.

13 Q. Can you just give us an idea from which periodicals  
those

14 articles appear and what the subject matter is. And  
you can

15 feel free to look at them. It's the attachments in the  
back.

16 A. Right.

17 MS. WILKINSON: Your Honor, I'd only ask that  
he move

18 it into evidence. I don't believe Mr. --

19 MR. WOODS: We'd offer it into evidence, your  
Honor.

20 THE COURT: This is D1811?

21 MR. WOODS: 1811, yes, your Honor.

22 MS. WILKINSON: We have no objection, your  
Honor.

23 THE COURT: All right. It's received. Thank  
you.

24 BY MR. WOODS:

25 Q. Do you recall whether or not some of the articles  
come from

13164

Dale Hodge - Direct

1 Soldier of Fortune?

2 A. Yeah. Soldier of Fortune.

3 Q. Okay. Had he also -- prior to that date in July,  
'94, when

4 he ended his friendship with you, had he sent you  
articles

5 before that were photocopied out of newspapers or --

6 A. Sure.

7 Q. -- conservative magazines?

8 A. Frequently.

9 Q. Had you saved those, also?

10 A. No, I didn't save those.

11 Q. Just the letters?

12 A. Yeah.

13 Q. But on this particular one, the -- when you turned  
it over

14 to the FBI, the article was still attached; is that  
correct?

15 A. Yeah. He had written a lot of stuff on a lot of  
them, so I

16 kept it all.

17 Q. And did you have any contact from that point on,  
July, '94,



18 with Mr. McVeigh, Mr. Hodge?

19 A. No.

witness,  
20 MR. WOODS: Okay. Thank you. We'd pass the  
21 your Honor.

22 THE COURT: All right. Ms. Wilkinson.

23 MS. WILKINSON: Yes, your Honor.

24 CROSS-EXAMINATION

25 BY MS. WILKINSON:

13165

Dale Hodge - Cross

1 Q. Good afternoon, Mr. Hodge.

2 A. Hi.

3 Q. We've spoken before; right?

4 A. Yes.

5 Q. And you've explained to the jury that you had sent  
a letter

6 to Mr. McVeigh just prior to receiving this letter from  
him on

7 the 14th of July, 1994; correct?

8 A. Correct.

9 Q. In that letter, did you tell Mr. McVeigh in  
substance that

10 you didn't agree with his political views?

11 A. Yes.

12 Q. And were you discussing the justification of taking

13 violence against the government?

14 A. Yes.

with 15 Q. And did you tell Mr. McVeigh that you didn't agree  
16 that?

17 A. Yes.

and 18 Q. And when he wrote back to you in D1811, did he try  
19 persuade of why violence could be justified against the  
20 government?

21 A. Yes, he did.

you in 22 Q. And when you didn't agree with that, did he tell

you 23 words or substance that you were on different paths and

24 could no longer be friends?

25 A. Yes.

13166

Dale Hodge - Cross

to show 1 MS. WILKINSON: Your Honor, may I use the ELMO  
2 certain portions of the letter?

3 THE COURT: Yes.

4 BY MS. WILKINSON:

front of 5 Q. Mr. Hodge, you have a copy of the letter up in

6 you?

7 A. Yes.

8 Q. I'm going to start by displaying page 5, if I  
could.

9 Do you see that on your screen?

10 A. Yes.

11 Q. Let me see if I -- now, during this letter, you  
said Mr.

12 McVeigh was trying to explain to you how the  
Declaration of

13 Independence was -- not how it was worded but what it  
meant;

14 correct?

15 A. Correct.

16 Q. And how it justified the Revolutionary War and  
violence

17 against the government?

18 A. Yes.

19 Q. All right. And down here at the bottom, see where  
I'm

20 pointing?

21 A. Yes.

22 Q. There are rights that again you hold as a human  
being that

23 no man or government has the right to take away from  
you. One

24 would be your right to self-defense; correct?

25 A. Correct.

13167

Dale Hodge – Cross

1 Q. And was Mr. McVeigh starting there by talking to  
you about  
2 your ability to retaliate or one's right to retaliate  
if he  
3 were assaulted?

4 A. Yes.

5 Q. If you could look now, turn in your document, in  
the  
6 letter, to page 15, please.

7 Did Mr. McVeigh suggest in this letter, "One  
who did  
8 not support the Constitution was guilty of sedition"?

9 A. Yes.

10 Q. All right. Let me have you focus on 15 here, just  
to make  
11 it a little easier. If we could start here where it --  
right

12 above, and it says and, "It follows that" these --  
"those who

13 betray or subvert the Constitution are guilty of  
sedition

14 and/or treason, are domestic enemies and should and  
will be

15 punished accordingly. It also stands to reason that  
anyone who

16 sympathizes with the enemy or gives aid or comfort to  
said

17 enemy is likewise guilty. I have sworn to uphold and  
defend

18 the Constitution against all enemies, foreign or  
domestic, and

19 I will."

20 Mr. Hodge, there where it's underlined "I  
will," did

21 you underline that or did Mr. McVeigh?

22 A. He did.

23 Q. Okay. "and I will because not only did I swear to,  
but I

24 believe in what it stands for in every bit of my heart,  
soul

25 and being."

13168

Dale Hodge - Cross

1 He wrote that to you back in July of '94?

2 A. Yes.

3 Q. And down there at the bottom, did he tell you what  
he

4 predicted would happen in the United States?

5 A. Uh-huh.

6 Q. Did he say, "Blood will flow in the streets, Steve.  
Good

7 vs. evil. Free men vs. socialist wannabe slaves. Pray  
it is

8 not your blood, my friend"?

9 A. Yes.

10 Q. Can you turn to page 17, please. When you received

this

11 letter in July of 1994, you had exchanged many letters  
with Mr.

12 McVeigh concerning the government; correct?

13 A. Correct.

14 Q. And his letters had become more and more agitated?

15 A. Yes.

16 Q. And more focused?

17 A. Uh-huh.

18 Q. And he -- I think you -- have you said before that  
he

19 stated or suggested to you that he was looking for a  
soul mate,

20 someone who shared his views?

21 A. No. He didn't really say -- I don't think he said  
that.

22 Q. Have you said that before about Mr. McVeigh?

23 A. I know he was trying to convince me of his -- his  
views.

24 Q. And he was trying to convince you that he was  
right;

25 correct?

13169

Dale Hodge - Cross

1 A. Correct.

2 Q. And did there come a time in this letter when he  
told you

3 he was sure he was right?

4 A. Yes.

5 Q. Can you look at the top of page 17. Did he say to  
you, "I

6 know in my heart that I am right in my struggle, Steve.  
I have

7 come to peace with myself, my God, and my cause. And I  
feel

8 that I do not have to justify myself to anyone, to  
defend my

9 position. Never have I felt this way before when I  
found the

10 real truth. I know it inside. The struggle now is not  
one of

11 insecurity -- am I insane -- but one of how people --  
how can

12 people not see what I do as the obvious truth?"

13 Did he say that to you?

14 A. Yes.

15 Q. And throughout this letter, did he suggest to you  
that you

16 could not understand the obvious truth?

17 A. Yes.

18 Q. Did he suggest to you that you didn't understand  
what the

19 government was really doing?

20 A. Yes.

21 Q. And that violence was justified?

22 A. Yes.

23 Q. Did he suggest to you that Waco had been the straw

that

24 broke the back of Lady Liberty?

25 A. Yes, he did.

13170

Dale Hodge – Cross

1 Q. And did he tell you that that meant war?

2 A. Yes.

3 Q. After Mr. McVeigh wrote you this letter in July of  
1994, he

4 never wrote to you again?

5 A. No.

6 Q. He never called you again?

7 A. No.

8 Q. So you don't know who he was with in the fall of  
1994?

9 A. No, I don't.

10 Q. And you don't know what he was doing in January  
through

11 April of 1995, do you?

12 A. No, I don't.

13 MS. WILKINSON: We have no further questions,  
your

14 Honor.

15 MR. WOODS: Just two, your Honor.

16 THE COURT: All right.

17 REDIRECT EXAMINATION



18 BY MR. WOODS:  
19 Q. Mr. Hodge, in the portions that Ms. Wilkinson just  
read to  
20 you, McVeigh is always expressing that "I," "I," "I."  
Is that  
21 correct?  
22 A. Yes. He is.  
23 Q. Never says "we"; is that correct?  
24 A. No.  
25 Q. Do you know Terry Nichols?

13171

Dale Hodge - Redirect

1 A. No, I don't.  
2 Q. McVeigh ever mention Terry Nichols to you?  
3 A. No, he hasn't. Not that I remember.  
4 MR. WOODS: Thank you. No further questions.  
5 MS. WILKINSON: Just one more.

6 RE-CROSS-EXAMINATION

7 BY MS. WILKINSON:  
8 Q. Mr. Hodge, Mr. McVeigh never mentioned any of his  
friends  
9 to you, did he?  
10 A. No. Not really.  
11 MS. WILKINSON: No further questions.  
12 THE COURT: I take it he's excused.

13 MR. WOODS: Yes, your Honor.  
14 THE COURT: You may step down. You're  
excused.  
15 MR. WOODS: Kyle Kraus.  
16 THE COURT: All right.  
17 THE COURTROOM DEPUTY: Would you raise your  
right  
18 hand, please.  
19 (Kyle Kraus affirmed.)  
20 THE COURTROOM DEPUTY: Would you have a seat,  
please.  
21 Would you state your full name for the record  
and  
22 spell your last name.  
23 THE WITNESS: Kyle Kraus, K-R-A-U-S.  
24 THE COURTROOM DEPUTY: Thank you.  
25 DIRECT EXAMINATION

13172

Kyle Kraus - Direct

1 BY MR. NEUREITER:  
2 Q. Mr. Kraus, how are you?  
3 A. Good.  
4 Q. How old are you, Mr. Kraus?  
5 A. 24.  
6 Q. Where are you from?

7 A. Amherst, New York.

8 Q. What's your educational background?

9 A. Computers and business.

10 Q. Did you graduate from high school?

11 A. Yes, I did.

12 Q. Did you go to college?

13 A. Yes.

14 Q. Where did you go to college?

15 A. Portland State and the University of Buffalo.

16 Q. And did you graduate from the University of  
Buffalo?

17 A. No, I have not yet.

18 Q. Are you presently employed?

19 A. Yes.

20 Q. And what do you do?

21 A. I do corporate internets and intranets and web  
marketing.

22 Q. Are you related to Timothy McVeigh?

23 A. Yes, I am.

24 Q. Tell the jury how you're related to Timothy  
McVeigh.

25 A. I'm his second cousin. My mother and his father  
are first

13173

Kyle Kraus - Direct

1 cousins.

with Mr. 2 Q. And did you, while you were growing up, interact

3 McVeigh and his family --

4 A. Yes.

5 Q. -- on occasion?

6 A. Yes.

would 7 Q. Tell the jury how often and on what occasions you

8 meet with Mr. McVeigh and his family.

whether it 9 A. We would meet, you know, several times a year,

We have a 10 was just on a friendship basis or a family function.

together. We 11 fairly large family, so we spent a lot of time

have 12 spent annually every Christmas together, and then we

13 summer family reunions.

relative to 14 Q. Did you share a special bond with Mr. McVeigh

15 the other relatives who would gather together?

more 16 A. Yeah. We were -- we were pretty good -- we were

17 friends, you know, than -- than just relatives.

were in 18 Q. Was he closer in age to you than other relatives

19 age to you?

20 A. Yes, he was.

book? 21 Q. Did there come a time when Mr. McVeigh sent you a

22 A. Yes.

23 Q. And what -- describe for the jury when that  
occurred.

24 A. That was in the fall of 1991: He had sent the book  
to me.

25 Q. What book did he send to you?

13174

Kyle Kraus - Direct

1 A. The Turner Diaries.

2 Q. I'm going to put on the ELMO what's been marked for  
3 identification as D1816.

4 And do you recognize this book?

5 A. Yes.

6 Q. And if I zoom in to the initials in the corner, do  
you

7 recognize those initials?

8 A. Yes. Agent Briggs.

9 Q. Is this the copy of The Turner Diaries that Timothy  
McVeigh

10 sent to you?

11 A. Yes.

12 MR. NEUREITER: Move its admission, your  
Honor.

13 MS. WILKINSON: No objection.

14 THE COURT: Received.

15 That was 1816?

16 MR. NEUREITER: 1816, your Honor.

17 THE COURT: Thank you.

18 BY MR. NEUREITER:

19 Q. And when you received this book from Mr. McVeigh,  
did you

20 understand where he was at the time?

21 A. Pardon me?

22 Q. When you received this book from Mr. McVeigh, did  
you

23 understand where he was at the time?

24 A. Yes.

25 Q. Where was he when he sent you this book?

13175

Kyle Kraus - Direct

1 A. He was in Kansas.

2 Q. And was anything accompanying the book?

3 A. Yeah. Just a letter saying hello and, you know,  
that he

4 thought I would take a look at this book.

5 Q. In the letter, did he ask you to read it?

6 A. Yes, he did.

7 Q. Did there come a time later when you were able to  
speak

8 with Mr. McVeigh about this book?

9 A. Yes.

10 Q. When was that?

11 A. That was in Christmas of 1991.

12 Q. Describe that conversation.

13 A. We spoke. We spoke about it at the time the Brady  
bill and

14 issues on the Second Amendment were coming into play  
and we had

15 spoke briefly about that. He had asked me if I read  
the book

16 and what I thought of the book and what it had to do  
with what

17 was going on -- what was current events in 1991.

18 Q. Had you read the book?

19 A. Yes, I did.

20 Q. And did you and Mr. McVeigh share an interest in  
firearms?

21 A. Yes.

22 Q. And did you discuss that in the context of this  
book?

23 A. Yes, we did.

24 Q. And describe that a little bit more for the jury.

25 A. We -- you know, we were both -- I worked as a -- as  
a clerk

13176

Kyle Kraus - Direct

1 at a hunting and fishing store. We both, you know,  
owned

2 firearms and -- and you know, for -- for target

shooting and

3 hunting and so forth, and you know, we both felt that,  
you

4 know, the Brady bill was coming into effect, and we  
didn't know

5 where legislation was going as far as gun control. And  
that

6 was a big issue at the time as far as where gun control  
was

7 going.

8 Q. And did Mr. McVeigh tell you what he thought this  
book

9 represented?

10 A. Yeah. He felt that that was the -- that was  
possible,

11 that -- that gun control could get that tight if bills  
like the

12 Brady bill were continued to be passed.

13 Q. Did there come a time when Mr. McVeigh sent you  
another

14 book?

15 A. Yes.

16 Q. And what book was that?

17 A. The Hunter.

18 Q. And what time frame, if you can tell the jury, did  
Mr.

19 McVeigh send you the Hunter?

20 A. It was about six months later, in the spring of  
1992.

21 Q. I want to put on the ELMO what has been marked for



22 identification as D1815. Zoom out first.

23 Do you recognize the front cover of this book?

24 A. Yes, I do.

25 Q. And what is that?

13177

Kyle Kraus - Direct

1 A. That's the initials by Agent Briggs in the corner.

McVeigh

2 Q. And is this the copy that you were sent by Timothy

3 in late 1991?

4 A. It was in -- sent to me in spring of 1992.

were

5 Q. I'm sorry. Is this the copy of the book that you

6 sent?

7 A. Yes.

8 Q. And did you read this?

9 A. I read partway through the book.

about

10 Q. Did you ever have a conversation with Mr. McVeigh

11 this particular book?

12 A. No. Not specifically about that book.

13 Q. You kept these two books?

14 A. Yes, I did.

15 Q. And did you -- where did you keep them?

16 A. In my home office on a bookshelf.

17 Q. Just on a bookshelf in your home?

18 A. Yes.

19 Q. And there came a time when the FBI came and seized  
them?

20 A. Yes.

21 Q. What kind of car did Mr. McVeigh have at the time  
you knew

22 him?

23 A. He had a Chevrolet Spectrum.

24 Q. Was there anything unusual about that Chevrolet  
Spectrum?

25 A. It was -- there was a -- there was a turbo model.  
It was a

13178

Kyle Kraus - Direct

1 special edition.

2 Q. How fast did Mr. McVeigh drive, if you knew?

3 MS. WILKINSON: Objection. Relevance.

4 THE COURT: Overruled.

5 THE WITNESS: Depending. I mean, you know, he  
was

6 always maybe just driving a little -- driving faster  
than the

7 speed limit.

8 BY MR. NEUREITER:

9 Q. Did he -- did you and he once go for a ride in that  
10 Spectrum when -- and did you pass another vehicle?

11 A. Yes.

12 Q. What vehicle did you pass when you were riding  
together?

13 A. We passed a 'Vette. A Corvette.

14 Q. Was he proud of how fast his car could go?

15 MS. WILKINSON: Objection, your Honor.

16 THE COURT: What's the purpose of this?

17 MR. NEUREITER: Your Honor, there's a question  
of Mr.

18 McVeigh drives his car on a regular basis very fast.

19 THE COURT: This is what year?

20 MR. NEUREITER: This is 1991, your Honor.

21 THE COURT: I will overrule the objection.  
You may

22 answer.

23 THE WITNESS: Okay. Could you repeat the  
question for

24 me?

25 BY MR. NEUREITER:

13179

Kyle Kraus - Direct

1 Q. Was he proud of how fast his car could go?

2 A. Yes.

3 Q. Did Mr. McVeigh tell you anything about what  
driving across

4 Ohio was like?

and  
you had  
5 A. Just that it was not very patrolled on the highway,  
6 that you could do excessive speeds to make up time if  
7 to make up time.

8 Q. Did he use a particular German phrase?

9 A. No.

German  
10 Q. Did he use a phrase that's used to describe the  
11 highways, to describe --

Midwest.  
12 A. Yes. Yeah, he would call it the Autobahn of the

car's  
13 Q. Okay. And did he ever tell you anything about his  
14 gas mileage in relation to its speed?

doing 50  
he  
15 A. He would mention that it didn't matter if you were  
16 or 120, the -- because of the way the car was designed,  
17 always got great gas mileage, so he could travel long  
distances  
18 without having to stop much.

19 MR. NEUREITER: One moment.

20 THE COURT: Yes.

not have  
time.  
21 MR. NEUREITER: I've been reminded that I may  
22 offered D1815, your Honor and I ask to offer it at this

23 MS. WILKINSON: We have no objection.

24 THE COURT: Received.

25 MR. NEUREITER: We pass the witness.

13180

Kyle Kraus - Direct

1 THE COURT: All right. Any questions?

2 CROSS-EXAMINATION

3 BY MS. WILKINSON:

4 Q. Good afternoon, Mr. Kraus.

5 A. Hi.

6 Q. We've talked before?

7 A. Yes.

8 Q. And you said that Mr. McVeigh sent you D1816, The  
Turner

9 Diaries back in 1991?

10 A. That's correct.

11 Q. And you got the Hunter about six months later?

12 A. That's correct.

13 Q. You've looked at both the Hunter and The Turner  
Diaries,

14 haven't you?

15 A. Yes, I have.

16 Q. They are written by the same author?

17 A. Yes, they are.

18 Q. And did Mr. McVeigh say to you why he had sent you  
the

19 Hunter?

20 A. Based on our conversation at Christmastime that,  
you know,  
21 I was -- you know, that I was interested in what the  
Government  
22 was doing with gun control and the Second Amendment,  
that, you  
23 know, that had interested me and that that book was  
kind of a  
24 follow-up to the first book.  
25 Q. When you had the discussion of The Turner Diaries,  
you had

13181

Kyle Kraus - Cross

1 it -- or you read it because you were interested in gun  
control  
2 issues; right?  
3 A. That's correct.  
4 Q. And you talked to Mr. McVeigh about that over  
Christmas?  
5 A. Yes.  
6 Q. 1991? And then he told you that he -- or at some  
point, he  
7 sent you the Hunter, telling you this was a follow-up?  
8 A. Yes.  
9 Q. You never finished reading the Hunter, did you?  
10 A. No, I did not.  
11 Q. Why is that?

12 A. The books were very powerful -- they were very  
powerful and  
13 written in a lot of ways in which I wouldn't agree  
with. And  
14 seeing as it was very much like The Turner Diaries, it  
just --  
15 it wasn't a book that interested me. It didn't share  
my  
16 opinion of what I thought on gun control. It was a  
little more  
17 extreme.

18 MS. WILKINSON: No further questions.

19 MR. NEUREITER: The witness is excused.

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

21 excused.

22 Next, please.

23 MR. WOODS: Andrea Peters.

24 THE COURTROOM DEPUTY: Would you raise your  
right

25 hand, please.

13182

Kyle Kraus – Cross

1 (Andrea Peters affirmed.)

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

3 Would you state your full name for the record  
and

4 spell your last name.

S. 5 THE WITNESS: Andrea Marie Peters, P-E-T-E-R-

6 THE COURTROOM DEPUTY: Thank you.

7 MR. WOODS: Thank you, your Honor.

8 DIRECT EXAMINATION

9 BY MR. WOODS:

10 Q. Good afternoon, Ms. Peters.

11 A. Hello.

12 Q. Tell the jury where you live, please.

13 A. Lancaster, New York.

14 Q. How are you employed?

15 A. I work at I.R. Mueller Corp.

16 Q. And what kind of business is that?

17 A. It's a security business.

18 Q. Okay. Do you know Timothy McVeigh?

19 A. Yes, I do.

20 Q. And when did you first meet Timothy McVeigh?

21 A. Approximately in the middle of '92.

22 Q. Okay. Where was that?

23 A. I met him in Tonawanda, New York, when I was  
working at

24 Burns Security.

25 Q. All right. What was your position at Burns  
Security?



13183

Andrea Peters - Direct

1 A. At the time, a receptionist.

2 Q. And was Mr. McVeigh working at Burns Security,  
also?

3 A. Yes, he was.

4 Q. Do you recall approximately when he started there?

5 A. Yeah. It -- approximately in the middle of '92.

6 Q. Okay. And how long did he stay, if you recall?

7 A. Towards the end of '92.

8 Q. What was his position at Burns Security?

9 A. When I got to know him, he was a scheduling  
supervisor.

10 Q. All right. Did you become friends with Mr.  
McVeigh?

11 A. Yes, I did.

12 Q. And was that a platonic relationship, rather than a  
13 romantic relationship?

14 A. Yes, a platonic.

15 Q. Okay. Did you have any correspondence with Mr.  
McVeigh

16 after he quit Burns Security in late '92?

17 A. Yes. After he left in '92. Yes.

18 Q. Okay. Did he tell you where he was going when he  
left in

19 '92?

20 A. He told me he was going to Kansas to take a toll-  
taking

21 job.

22 Q. A toll-taking job?

23 A. Right.

24 Q. Okay. Did you receive any correspondence from him  
in '93?

25 A. No.

13184

Andrea Peters - Direct

1 Q. Did you talk to him on the phone?

2 A. No.

3 Q. Okay. When was the next time you saw Mr. McVeigh?

4 A. I -- it was at the end of '94.

5 Q. All right. What month?

6 A. November of '94.

7 Q. Okay. And where were you when you saw Mr. McVeigh?

8 A. We went to a Brennan's restaurant.

9 Q. Okay. How did it come about that you arranged a  
meeting --

10 how did that come about? Did he call, or what?

11 A. He was back in town for his grandfather's funeral,  
and he

12 put a letter in my mailbox. And when I had received  
the letter

13 when I got home from work, I phoned him and we went  
out.

14 MR. WOODS: All right. May I approach the  
witness,

15 your Honor?

16 THE COURT: Yes.

17 BY MR. WOODS:

18 Q. Let me show you what has been marked for  
identification

19 purposes as D76. Do you recognize that letter?

20 A. Yes, I do.

21 Q. Have you -- you recognize the writing there?

22 A. Yes, I do.

23 Q. Okay. Is that the letter you received from Tim  
McVeigh in

24 November of '94?

25 A. Yes, it is.

13185

Andrea Peters - Direct

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

2 D76.

3 MR. MACKEY: No objection.

4 THE COURT: Received.

5 BY MR. WOODS:

6 Q. And in the letter, did he give a return address, or  
was

7 this just placed in your mailbox in an envelope?

8 A. Yeah. It was just placed in my mailbox with my  
name on it.

9 Had no return address.

10 Q. Okay. At that time, in November of '94, did you  
know where

11 Mr. McVeigh was living?

12 A. Not when I had received the letter.

13 Q. Okay.

14 A. No.

15 Q. What did he say, in essence, in the letter?

16 A. Basically, that he was in town. He wanted to get  
together.

17 He was leaving for the weekend to leave to Michigan to  
visit

18 some buddies and do some male bonding; and other than  
that, he

19 wanted to get together before he left again.

20 Q. Okay. And did you then arrange to get together?

21 A. Yes.

22 Q. And where did you meet?

23 A. At Brennan's restaurant.

24 Q. Okay. And did you have a conversation with Mr.  
McVeigh at

25 that time?

13186

Andrea Peters – Direct

1 A. Yes, I did.

2 Q. Okay. Did he say where he was living?

car,  
sights.

3 A. Basically, he told me he was just living out of his  
4 working on a farm by day. He wanted to travel, see the  
5 So he didn't really have -- didn't really have any real  
6 residence at the time.

7 Q. Did he give you an idea of what part of the country  
he was  
8 living in or operating out of?

9 A. No. But he did mention that, you know, he was  
around  
10 Michigan and Kansas and that area.

11 Q. Okay. And this is in November of '94?

12 A. Correct.

13 Q. Okay. Did you ask him how he was making a living?

14 A. Yeah. I asked him how he was supporting himself,  
and he  
15 said that he was basically just working on a farm by  
day.

16 Q. Okay. Did he say anything about gun shows?

17 A. No, he didn't.

18 Q. All right. Did he say what his plans were, what he  
19 intended to do in the immediate future?

20 A. He said he did want to travel and see the country.  
Since  
21 he didn't have a job to tie him down and he was young  
enough,  
22 not with a family, it would be a good opportunity to  
travel,

23 see the country; and then after that, he would settle  
down and  
24 find a job.  
25 Q. Okay. In your friendship with Mr. McVeigh and the

13187

Andrea Peters – Direct

1 conversations you had with him, did it ever involve  
political  
2 discussions?

3 A. Briefly. We did talk about it, but nothing real  
extensive.

4 Q. Okay. Did he ever give you any pamphlets to read,  
any  
5 copies of articles or books or anything like that?

6 A. No. Never.

7 Q. Okay. Did you ever express any interest in  
discussing that  
8 with him?

9 A. No.

10 Q. Okay.

11 A. Huh-uh.

12 Q. And this November meeting: How did it end? Was  
there a  
13 promise to keep in touch, or how did it end?

14 A. Yeah. It was getting late. We were -- we had  
already been

15 together for three, four hours. My cousin, Melanie,  
happened

16 to come in and -- time to go home.

17 Q. Okay.

18 A. Just keep in touch, see you later.

19 Q. I'm sorry?

20 A. Keep in touch. We decided to keep in touch and --

21 Q. Did he indicate to you how long he was going to be  
in the

22 Lockport, New York area?

23 A. From the letter -- I only have what I have from the  
letter.

24 I sensed that he was leaving that weekend to go to  
Michigan and

25 then he'd be back for another week or two, and then I  
sensed

13188

Andrea Peters - Direct

1 that he was leaving again. From there, I don't know  
where he

2 was going to go.

3 Q. Okay. After parting that evening in November '94,  
did you

4 receive another letter from him?

5 A. Yes, I did.

6 Q. And approximately how long was that?

7 A. A week or two after that.

8 MR. WOODS: Okay. Your Honor, may I approach  
the

9 witness?

10 THE COURT: Yes.

11 BY MR. WOODS:

12 Q. Ms. Peters, let me show you what's been marked for  
13 identification purposes as D75. Do you recognize that  
letter?

14 A. Yes, I do.

15 Q. Do you recognize the handwriting?

16 A. Yes, I do.

17 Q. Okay. And was that the letter that was addressed  
to you?

18 A. Yes, it was.

19 Q. And did it come in an envelope that was postmarked?

20 A. Yes, it was.

21 MR. WOODS: Okay. Your Honor, we would offer  
into

22 evidence D75.

23 MR. MACKEY: No objection.

24 THE COURT: Received.

25 BY MR. WOODS:

13189

Andrea Peters – Direct

1 Q. That's a very short letter, Ms. Peters. If you  
would, just

2 read that into evidence.



3 A. Starting from the beginning?

4 Q. Yes.

5 A. Hey, Gorgeous. Poof goes your head, I know. I can  
take a

6 hint, but this is my address anyway. If you ever need  
etc. (2)

7 anything, let me know. (1) someone killed, blown up,  
stock

8 a shoulder. (3) refuge. (4) fertilization from good  
Don't

9 when that clock starts ticking. I'll always listen.

10 hesitate to drop me a line. People may change  
superficially

11 but not underneath. Remember that. Take care and  
merry

12 Christmas. Tim. Tim McVeigh, 1711 Stockton Hill Road,  
No.

13 206, Kingman, Arizona, 86401. P.S. It took class  
character for

14 your boss to leave his office so we could talk. Very  
tactful.

15 Good man."

16 Q. All right. Is that the first time you had been  
given an

17 Arizona address?

18 A. Yes.

19 Q. Okay. And what is the postmark date on the  
envelope that's

20 attached to that letter?

21 A. December 13.

22 Q. Okay. And does it give a return address on the

envelope?

23 A. Yes.

24 Q. And what address is that?

25 A. I believe -- I can't read it, but I think it was  
the 1711

13190

Andrea Peters - Direct

1 Stockton Hill Road, No. 206, Kingman, Arizona, 86410  
address.

2 Q. Okay. Now, did you have any further contact with  
3 Mr. McVeigh after that December 13 letter that was  
mailed to  
4 you giving an Arizona address?

5 A. No, I did not.

6 Q. No phone contact, no letter contact?

7 A. No.

8 MR. WOODS: Okay. Thank you. We would pass  
the  
9 witness, your Honor.

10 THE COURT: Mr. Mackey.

11 CROSS-EXAMINATION

12 BY MR. MACKEY:

13 Q. Just a few questions, if you don't mind.

14 Just for clarification, you have remained,  
have you

15 not, friends with Mr. McVeigh?

16 A. Yes, I have.

17 Q. And have been in touch with him at least by  
correspondence

18 since his conviction?

19 A. Yes.

20 Q. Back in 1994, '95, it's your testimony, however,  
that you

21 had one night's conversation at Brennan's of three or  
four

22 hours' length?

23 A. Right.

24 Q. And had not talked to him for many, many months  
prior to

25 that date?

13191

Andrea Peters – Cross

1 A. Correct.

2 Q. And had no face-to-face conversations with him  
after that?

3 A. Correct.

4 Oh, no. He did stop in to my work as he left  
the next

5 day to say goodbye. Other than that, I didn't have any  
other

6 contact with him.

7 Q. All right. And the only items of correspondence  
that you

8 could find and that have been turned over and presented

here to

9 this jury are these two dated --

10 A. Right.

11 Q. -- one in November of '94 and one in December of  
'94; is

12 that right?

13 A. That's correct.

14 Q. The conversations at Brennan's, to the best of your  
15 recollection: That was in late November, 1994?

16 A. That is correct.

17 Q. All right. Was not early November, 1994?

18 A. No.

19 MR. MACKEY: All right. Thanks.

20 THE WITNESS: Uh-huh.

21 MR. WOODS: Nothing further, your Honor.

22 THE COURT: All right. I take it she's  
excused.

23 MR. WOODS: Yes, your Honor.

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

25 I think we'll take our recess at this time,  
members of

13192

1 the jury. And now it's midafternoon. We'll take the  
2 midafternoon recess. And again, of course, please

continue to

3 do as you've been doing, avoiding discussion of the  
case,

4 keeping open minds, and staying away from anything  
outside the

5 evidence that could influence you.

6 You're excused now. 20 minutes.

7 (Jury out at 3:11 p.m.)

8 THE COURT: We'll be in recess.

9 (Recess at 3:11 p.m.)

10 (Reconvened at 3:30 p.m.)

11 THE COURT: Be seated, please.

12 (Jury in at 3:31 p.m.)

13 THE COURT: All right, Mr. Woods.

14 MR. WOODS: Yes, your Honor. Brian Profic.

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

16 (Brian Profic affirmed.)

17 THE COURTROOM DEPUTY: Would you state your  
full name

18 for the record and spell your last name.

19 THE WITNESS: Brian F. Profic, last name P-R-  
O-F-I-C.

20 DIRECT EXAMINATION

21 BY MR. NEUREITER:

22 Q. Hello, Mr. Profic. How are you?

23 A. Okay.

24 Q. Where you are from, Mr. Profic?

25 A. Cheektowaga, New York. Suburb of Buffalo.

13193

Brian Profic – Direct

1 Q. That's up in upstate, western New York?

2 A. Yes, sir.

3 Q. What do you for a living, Mr. Profic?

4 A. I'm an over-the-road tractor-trailer driver now.

5 Q. How old are you?

6 A. 33.

7 Q. Are you married?

8 A. Yes.

9 Q. Did there come a time when you knew Timothy  
McVeigh?

10 A. Yes, I did.

11 Q. And in what connection was that?

12 A. I was his boss at a site when I was a security  
officer.

13 Q. And give us a time frame here. Did you work as a  
security

14 officer at one time?

15 A. Yes.

16 Q. And where was that?

17 A. I worked at a site called Calspan Corporation in  
18 Cheektowaga, New York, through Burns Security, my  
employer.

Burns 19 Q. And what was the time period when you worked for

20 Security at Calspan?

21 A. From September 1, 1990, to June 30, 1995.

22 Q. And was there a time when Mr. McVeigh was  
underneath your

23 supervision?

24 A. Yes, he was.

25 Q. And what was that time period?

13194

Brian Profic - Direct

1 A. It would be around -- in the 1992, early '93 time.

2 Q. Was that at Burns Security?

3 A. For Burns Security at the Calspan site.

4 Q. And could you tell the jury exactly how it was that  
you

5 interacted with him at the site or off the site.

6 A. As far as off the site, there was no interaction.  
It was

7 only on the site. I was the site supervisor in charge  
of all

8 the guards. I was on the shift from 7 a.m. to 3 p.m.

9 Tim McVeigh worked there occasionally, mostly  
on the

10 3 p.m. to 11 p.m. shift with some occasional night  
shifts of 11

11 to 7 and some of 7 a.m. to 3 p.m.

12 Q. And would you see him as the shifts changed?

13 A. Yes. I would see him as shifts would change. Yes.

14 Q. Would you talk with him at that time?

15 A. Yes.

16 Q. Was it Mr. McVeigh's practice to bring literature  
to the  
17 job site?

18 A. Yes. Sometimes he did.

19 Q. And would you talk with him about that literature?

20 A. Sometimes. It would be different magazines or  
something he  
21 would bring in. General conversation about it.

22 MR. NEUREITER: If I could approach the  
witness, your  
23 Honor, with three exhibits.

24 THE COURT: All right.

25 MR. NEUREITER: D1824, D1825, and D1826.

13195

Brian Profic - Direct

1 BY MR. NEUREITER:

2 Q. Do you recognize those documents, Mr. Profic?

3 A. Yes, I do.

4 Q. And what are those documents?

5 A. These were ones that Tim McVeigh had given to me to  
look  
6 at.



7 Q. And had he brought those documents to the work  
site?

8 A. Yes, he did.

9 Q. And you discussed them?

10 A. Not really discussed them. He just asked if I  
would like

11 to look at them. He was showing other guards and  
Calspan

12 employees, and he asked me if I wanted to look at them,  
so I

13 did.

14 Q. Did you take them home?

15 A. Yes, I did.

16 Q. And did you file them away somewhere or keep them  
in your

17 home?

18 A. Yeah. It happened maybe about six months after we  
had

19 moved to a new home, so we had one like spare bedroom;  
and it

20 got thrown into the pile with everything else we had in  
there.

21 Q. Did you read through them a little bit?

22 A. The one, I browsed through and read a small  
articles in

23 that. The other two I didn't even look forward past  
just the

24 top cover of them.

25 Q. Okay. And after the Oklahoma City bombing, did the  
FBI

13196

Brian Profic - Direct

1 come and interview you?

2 A. Yes, they did.

3 Q. At that time, did you provide to the FBI those  
three

4 exhibits, D1824, 1825 and 1826?

5 A. Yes, I did. I told them that I had them in my  
ownership;

6 that they were in my home. And I went and got them and  
met

7 them a second occasion and gave them these documents.

8 MR. NEUREITER: We offer them, your Honor.

9 MR. MACKEY: Your Honor, may we have an  
approximate

10 date as to when he got them from Mr. McVeigh?

11 THE COURT: Yes. Do you have a recollection  
of when

12 you received these documents?

13 THE WITNESS: It was sometime in the middle of  
1992.

14 MR. MACKEY: No objection.

15 THE COURT: Received.

16 MR. NEUREITER: If I may retrieve the  
documents, your

17 Honor?

18 THE COURT: Yes.

the 19 MR. NEUREITER: Your Honor, I'll just publish  
20 first page of each one, if that's all right.

21 THE COURT: All right.

22 MR. NEUREITER: I'll start with D1825.

23 BY MR. NEUREITER:

and 24 Q. Is this first page entitled "The Kingdom of Moltz,"  
the 25 then in the back it has a copy of the Constitution of

13197

Brian Profic - Direct

1 United States?

2 A. Yes, it does. Yes.

You Can 3 Q. D1826: Is this entitled "De-Taxing America. How  
4 Legally Stop Paying Income Tax (and Why You Should)"?

5 A. Yes, it is.

is 6 MR. NEUREITER: And for the record, this is a  
7 multipage document which is not Bates' stamped but it  
pages 8 attached via rubber band. I want to make sure all the  
9 stay together.

do it? 10 THE COURT: Do you think the rubber band will

of some 11 MR. NEUREITER: We'll try to find a paper clip

12 substance to keep the document together.

13 THE COURT: All right.

14 MR. NEUREITER: And last one, D1824.

15 BY MR. NEUREITER:

16 Q. Is that an entire copy of a newspaper entitled "The  
White  
of the  
17 Patriot, "Worldwide Voice of the Aryan People, Knights  
18 Ku Klux Klan, A New Beginning"?

19 A. Yes, it is.

20 MR. NEUREITER: We pass the witness, your  
Honor.

21 THE COURT: Mr. Mackey, questions?

22 CROSS-EXAMINATION

23 BY MR. MACKEY:

24 Q. Mr. Profic, when you received those materials from  
25 Mr. McVeigh, I take it it was shortly after you had  
moved into

13198

Brian Profic - Cross

1 a new home?

2 A. Yes.

3 Q. Large enough home you had a spare room you could  
put a lot  
4 of stuff in?

5 A. Yes.

the 6 Q. And that's where those materials stayed until after

7 bombing?

8 A. Yes, sir.

move to 9 Q. I take it you had no occasion, then, to relocate or

materials 10 yet another residence after the time you got those

11 and before the bombing; is that correct?

12 A. Yes.

decide 13 Q. Had no opportunity to go through your materials and

14 what it was you'd keep and what it was you'd pitch?

15 MR. NEUREITER: Objection, your Honor.

16 THE COURT: What's the objection?

17 MR. NEUREITER: To the relevance.

18 THE COURT: Overruled.

19 THE WITNESS: Yes.

20 BY MR. MACKEY:

21 Q. So you didn't do that?

22 A. No.

23 MR. MACKEY: Thank you, Mr. Profic.

24 THE COURT: Anything else from this witness?

25 MR. NEUREITER: Court's indulgence.

1 No further questions.

2 THE COURT: Are you excusing him?

3 MR. NEUREITER: Yes.

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

5 THE WITNESS: Thank you, sir.

6 MR. WOODS: Al Warnement.

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

8 (Albert Warnement affirmed.)

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

10 Would you state your full name for the record  
and

11 spell your last name.

12 THE WITNESS: Albert Owen Warnement,

13 W-A-R-N-E-M-E-N-T.

14 DIRECT EXAMINATION

15 BY MR. NEUREITER:

16 Q. Hello, Mr. Warnement. How are you today?

17 A. Good morning -- good afternoon, rather.

18 Q. Tell the jury where you're from, Mr. Warnement.

19 A. I'm originally from Michigan. Right now I live at  
Fort

20 Hood, Texas.

21 Q. Are you a soldier?

22 A. Yes, sir.

23 Q. Tell the jury about how old you are.  
24 A. 32, sir.  
25 Q. And what is your educational background?

13200

Albert Warnement - Direct

1 A. High school grad, about two years of college.  
2 Q. And then you went to the Army?  
3 A. No. I picked up college while I've been in the  
Army.  
4 Q. How long have you been in the Army?  
5 A. 13 years.  
6 Q. What's your current rank?  
7 A. Staff sergeant.  
8 Q. What is your responsibility where you are down in  
Fort  
9 Hood?  
10 A. Right now I'm the company master gunner for Delta  
Company  
11 28 Infantry, Fort Hood.  
12 Q. In that capacity, are you charged with a particular  
13 vehicle?  
14 A. Yes. I'm the gunner for the commanding officer of  
the  
15 company, and I am responsible to train all the crews  
inside the  
16 company on Bradley gunner.

17 Q. Tell the jury exactly what the Bradley gunner is.  
18 A. Bradley gunnery is when we take the Bradley  
fighting  
19 vehicle out and qualify with it.  
20 Q. Is the Bradley fighting vehicle an armored  
personnel  
21 carrier?  
22 A. Right. It's an armored personnel carrier for  
transporting  
23 infantry to the battlefield.  
24 Q. And you man the gun?  
25 A. Currently, yes.

13201

Albert Warnement - Direct

1 Q. And was there a time when you knew Mr. Timothy  
McVeigh?  
2 A. Yes, sir.  
3 Q. When was that?  
4 A. From the fall of 1988 to -- I served with him till  
the fall  
5 of 1990.  
6 Q. And after that, did you remain in contact with Mr.  
McVeigh  
7 via correspondence?  
8 A. Some.  
9 Q. Tell the jury how you first came to meet Timothy  
McVeigh in



10 1988.

Riley,  
11 A. We were assigned to the same unit together at Fort  
12 Kansas.

arrived  
13 Q. And were you already at Fort Riley and Mr. McVeigh  
14 at -- explain how that happened.

he was  
15 A. Right. I was assigned there about two weeks before  
16 with most of the rest of the officers and NCOs in that  
unit.

call a  
17 Then Mr. McVeigh arrived as part of the -- what they  
18 "cohort." All the privates and enlisted soldiers that  
came out  
19 of basic training together came to Fort Riley.

20 Q. Did you outrank Mr. McVeigh?

21 A. Yes, sir.

22 Q. Did you supervise him in some capacity?

23 A. Not initially.

him?  
24 Q. Did there come a time when you came to supervise

the  
25 A. Right. After about a year, when we -- when we got

13202

Albert Warnement - Direct

1 Bradley fighting vehicle, he became my gunner.

2 Q. And what was your job in the Bradley fighting  
vehicle at

3 the time when Mr. McVeigh was your gunner?

4 A. I was the Bradley commander.

5 Q. And did you and your Bradley with Mr. McVeigh  
arming the

6 gun win an award at some time?

7 A. Yeah. They gave out a unit award. We were the  
second or

8 third best in the battalion. We got a belt buckle, a  
unit

9 coin, and a pat on the back.

10 Q. Did you -- at that time period, did you socialize  
with

11 Mr. McVeigh outside of work?

12 A. Some.

13 Q. Describe that for the jury.

14 A. We used to go shooting together, and then there  
were a

15 couple of like unit barbecues, that type thing.

16 Q. Did you provide a service to Mr. McVeigh with  
respect to

17 his firearms?

18 A. Right. I kept his privately owned weapons at my  
house.

19 Q. Why was that?

20 A. Because when you live in the barracks, if you have  
a

21 privately owned weapon or want to have one, you've got  
to keep

22 it in the unit arms room; and most people that have a  
privately  
23 owned weapon like at least occasionally to go shoot it,  
target  
24 practice or whatever. And it's quite a pain to get the  
company  
25 commander to allow you to take it out on the weekend.  
You've

13203

Albert Warnement - Direct

1 got to get a memorandum signed and then get the unit  
armor to  
2 come in and open the arms room. So with the company  
3 commander's permission, we registered his weapons to be  
kept at  
4 my house, my government quarters on Fort Riley.

5 Q. And the two of you would go shooting occasionally?

6 A. Occasionally.

7 Q. Did you become friends?

8 A. Yeah. Pretty good.

9 Q. Now, you were a non-commissioned officer at the  
time?

10 A. Yes, sir.

11 Q. Mr. McVeigh was a private?

12 A. No. By that time, he was a specialist, I believe.

13 Q. Was he promoted quickly within the ranks?

14 A. Very quickly.

15 Q. Describe that for the jury.

16 A. Okay. Well, at the time the unit -- all the  
enlisted

17 soldiers arrived out of basic training, there was  
probably, oh,

18 100 of them or so that were all the same rank; and  
every month

19 only a couple of them could get promoted. And in the  
two years

20 I was there with him, Mr. McVeigh went from Private E2  
to

21 Specialist Promotable, while most of his peers were  
still PFCs.

22 Q. So did he study up on the things he needed to study  
up to

23 become promoted?

24 A. Yes, sir.

25 Q. Did that include reading Army manuals?

13204

Albert Warnement - Direct

1 A. Sure enough.

2 Q. Did those Army manuals include information on  
explosives?

3 A. Yes, sir.

4 Q. And did those Army manuals include information on  
how to

5 make improvised explosive devices?

6 A. Probably.

7 Q. Was it your observation -- or was it your  
observation that

8 Mr. McVeigh was diligent in researching these  
materials?

9 A. He was diligent in everything he did.

10 Q. He was a good soldier?

11 A. Yes, sir.

12 Q. Did there come a time when you went -- when you  
were

13 transferred to Germany?

14 A. Yes, sir.

15 Q. And what time period was that?

16 A. In October of 1990.

17 Q. Did you continue to correspond with Mr. McVeigh?

18 A. I believe we exchanged like one letter during the  
buildup

19 period of Desert Storm/Desert Shield period; and then  
from late

20 '92 to mid 1993, we exchanged probably five or six  
letters.

21 Q. Okay. Before you went to Germany -- by the way,  
did

22 Mr. McVeigh give you a book at some point?

23 A. Yes, sir.

24 Q. What book was that?

25 A. The Turner Diaries.

Albert Warnement – Direct

1 Q. What did he tell you when he gave you that book?

2 A. Not much. He just said, "Here, check this out."

3 Q. And what did you do with the book?

4 A. I took it home, started to read it, then kind of  
scanned  
5 through it; and then I took it back and gave it back to  
him,  
6 told him to get rid of it.

7 Q. Why did you tell him to get rid of it?

8 A. It was racist.

9 Q. You went to Desert Storm?

10 A. Yes, sir.

11 Q. Were you serving in the same unit with Mr. McVeigh  
in  
12 Desert Storm?

13 A. No, sir.

14 Q. After Desert Storm, where did you go back to?

15 A. Back to Germany.

16 Q. What time period was that?

17 A. Well, I was actually assigned to Germany from 1990  
to 1993.

18 Q. Okay.

19 A. And then Desert Storm in there.

20 Q. And after Desert Storm, where did -- to your  
knowledge did

21 Mr. McVeigh go?

22 A. Somewhere in the correspondence, he told me he

tried out

23 for Special Forces, and then he told me he'd gotten  
out.

24 Q. He'd gotten out of the Army?

25 A. Yes.

13206

Albert Warnement - Direct

1 Q. Did you return to the United States after your  
stint in

2 Germany?

3 A. Yes, sir.

4 Q. And that was in the 1993 time period?

5 A. Yes, sir. The fall of 1993.

6 Q. And you told us a moment ago that you exchanged  
five or six

7 letters with Mr. McVeigh during that time period?

8 A. While I was still in Germany, right.

9 Q. And after you returned, did you attempt to contact  
10 Mr. McVeigh?

11 A. No, sir.

12 Q. Did there come a time when you tried to call his  
dad in

13 upstate New York?

14 A. That was before I -- before I initiated  
correspondence with

15 him after Desert Storm.

16 Q. Okay. All right. Describe some of the kinds of  
letters  
17 that you were receiving from Mr. McVeigh when you talk  
about  
18 five or six letters that you got.

19 A. The actual letters wouldn't really say too much,  
just kind  
20 of buddy-buddy, chatty things. But they -- each  
letter, there  
21 was a -- there would always be a bundle of pamphlets or  
reading  
22 material.

23 Q. Do you recall what the literature that he was  
sending you  
24 related to?

25 A. It was mostly antigovernment-type things. I can't  
think of

13207

Albert Warnement - Direct

1 any names, but antigovernment. They opposed what they  
called  
2 the New World Order, foreign commanders in charge of  
U.S.  
3 troops. They opposed that, citing Somalia, that sort  
of thing.

4 Q. Was any of literature related to Ruby Ridge?

5 A. Some. Ruby Ridge.

6 Q. Describe that for the jury. The jurors may not  
know what



7 Ruby Ridge was.

8 A. Ruby Ridge was a standoff; and I can't remember  
exactly

9 when it happened, but it involved a -- a guy they  
classified as

10 a white separatist, Mr. Weaver, who I guess decided he  
didn't

11 want to be part of society, so he took his family up to  
the

12 woods.

13 Q. And the literature that Mr. McVeigh sent you: Was  
that

14 related to that incident?

15 A. Yeah. It said that the federal law enforcement  
agencies

16 had, you know, gone overboard in trying to apprehend

17 Mr. Weaver.

18 Q. Did some of the literature relate to the L.A.  
riots?

19 A. Some.

20 Q. Describe that for the jury, if you could.

21 A. That mostly related to legality of using regular  
army

22 combat troops in a domestic riot-control situation, a  
violation

23 of the Posse Comitatus Act.

24 Q. And after the Waco incident, did you continue to  
receive

25 some literature from Mr. McVeigh?

Albert Warnement - Direct

1 A. Yes, sir.

2 Q. Was some of that literature related to the Waco  
incident?

3 A. Yes, sir.

4 Q. Could you describe that for the jury?

5 A. Again, it described federal law enforcement as  
being an

6 over-the-top, taking-civil-liberties-away-from-the-  
average-

7 American, big-brother type of deal.

8 Q. And you told us that it related also -- the  
literature

9 generally related to the New World Order as well.

10 A. Right.

11 Q. Did there come a time when Mr. McVeigh sent you a  
12 videotape?

13 A. Yes, sir.

14 Q. Could you describe any note, if there was one, that  
15 accompanied that videotape and what the videotape was  
about.

16 A. I don't remember the exact words that was on the  
letter,

17 but he said, you know, "You need to watch this. This  
tells the

18 truth about Waco," and that was about it.

19 Q. And was the videotape itself related to the Waco  
incident?

but it 20 A. Right. I don't remember exactly what the name was,  
really 21 was -- it had a lawyer's name on the label, and I never  
My VCR 22 watched it. I never watched it, to tell you the truth.  
know what 23 was broken. I never got it fixed, so I don't really  
24 exactly was on there.  
witness, if I 25 MR. NEUREITER: I'd like to approach the

13209

Albert Warnement - Direct

1 may, your Honor.  
2 THE COURT: Yes.  
3 MR. NEUREITER: Actually, this one is small  
enough we 4 could just put it on the ELMO.  
5 BY MR. NEUREITER:  
6 Q. Show you D -- what we have labeled D1562B. And  
it's a 7 slight difference from what's written on our list.  
8 MR. NEUREITER: Counsel want to see it?  
9 BY MR. NEUREITER:  
10 Q. Do you recognize this particular document, sir?  
11 A. No, sir.  
12 Q. Do you recognize the handwriting down here in the

lower

13 left-hand corner?

14 A. Yes, sir.

15 Q. And whose handwriting is that?

16 A. Mr. McVeigh's.

your

17 MR. NEUREITER: Now, I would like to approach,

inside an

18 Honor, to show the witness D1652A, which is a book

19 envelope, and D1823, which is the envelope itself.

20 THE COURT: All right.

21 BY MR. NEUREITER:

D1823?

22 Q. Do you recognize that envelope, which is D16 --

23 A. No. I've never seen it before. I've heard of it.

24 Q. Do you recognize the handwriting on that envelope?

25 A. Yes, sir.

13210

Albert Warnement - Direct

1 Q. Whose handwriting is that?

2 A. Tim's.

3 Q. And can you read the date of the stamp?

4 A. It's postmarked Lockport, New York, March 25, 1992.

5 Q. And can you read the return address?

York,

6 A. Tim McVeigh, 6289 Campbell Boulevard, Lockport, New

7 14094.

8 Q. And can you --

9 MR. NEUREITER: We offer the envelope itself.

10 MS. WILKINSON: Your Honor, I have some voir  
dire.

11 THE COURT: All right.

12 VOIR DIRE EXAMINATION

13 BY MS. WILKINSON:

14 Q. Good afternoon, Sergeant Warnement.

15 A. How are you doing, ma'am?

16 Q. You -- after the bombing in Oklahoma City, the FBI  
17 contacted you, didn't they?

18 A. Yes, ma'am.

19 Q. And did you determine that someone had sent you a  
package  
20 to your mother's address?

21 A. My mother found it. I had forgotten about it.

22 Q. You had never seen that package, had you?

23 A. No, ma'am.

24 Q. You couldn't identify that envelope from your  
personal  
25 knowledge?

13211

Albert Warnement - Voir Dire

1 A. No, I have never seen it.

you? 2 Q. And you don't know what was inside that package, do

3 A. I know what my mother told me was inside it.

4 Q. But you from your own personal knowledge --

5 A. No.

6 MS. WILKINSON: We object, your Honor.

7 THE COURT: Objection sustained.

8 DIRECT EXAMINATION CONTINUED

9 BY MR. NEUREITER:

McVeigh? 10 Q. How many letters did you receive from Timothy

11 A. Five or six.

D1562B. Do 12 Q. You recognize -- I'm showing you on the ELMO

13 you recognize that handwriting as Timothy McVeigh's  
14 handwriting?

15 A. Yes, sir.

the 16 Q. And in the upper left-hand corner, do you recognize

17 date?

18 A. Yes, sir.

19 Q. Does that appear to be the same handwriting?

20 A. Appears to be.

Honor. 21 MR. NEUREITER: We do offer D1562B, your

22 MS. WILKINSON: Objection, your Honor.

23 THE COURT: Sustained.

24 BY MR. NEUREITER:

25 Q. Mr. Warnement, in the time that you knew Timothy  
McVeigh,

13212

Albert Warnement - Direct

1 did you come to learn how fast he drove his car?

2 A. Yeah.

3 Q. And did you come to learn how quickly he could make  
the

4 round trip to Buffalo, New York, from central Kansas?

5 A. He could do it on a four-day pass.

6 Q. So leaving Thursday, he could be back by 8 a.m.  
Monday?

7 A. Yes. Well, after formation, Wednesday night.

8 Q. And how far is that? Do you know?

9 A. I have no idea. It's quite a ways.

10 MR. NEUREITER: Court's indulgence?

11 THE COURT: Yes.

12 MR. NEUREITER: Nothing further, your Honor.

13 THE COURT: Ms. Wilkinson?

14 MS. WILKINSON: Yes, your Honor.

15 CROSS-EXAMINATION

16 BY MS. WILKINSON:

17 Q. Sergeant Warnement, you told the jury that you  
received

18 some letters from Mr. McVeigh after you got out of the

Army.

19 Is that right?

20 A. Yes, ma'am.

21 Q. That was during the 1992-1993 period?

22 A. Yes, ma'am.

23 Q. And in, or attached to those letters, or included  
in the

24 envelopes were some pamphlets and antigovernment  
literature?

25 A. Yes, ma'am.

13213

Albert Warnement - Cross

1 Q. And did you notice some of the return addresses on  
those

2 envelopes?

3 A. Yes, ma'am.

4 Q. Did you notice that some of those letters came from  
5 Michigan?

6 A. Yes, ma'am.

7 Q. Did you write back to Mr. McVeigh at that address  
in

8 Michigan?

9 A. I generally wrote back to the last return address I  
got.

10 Q. Do you recall writing back to the address in  
Michigan?

11 A. Yes, ma'am.



from 12 Q. And do you recall receiving a letter in response

13 Mr. McVeigh?

14 A. Yes, ma'am.

Michigan with 15 Q. Did he tell you in that letter that he was in

16 Mr. Terry Nichols?

17 A. Yes, ma'am.

18 Q. And that was during the time that he sent you those  
19 pamphlets and literature?

20 A. Yes, ma'am.

receive from 21 Q. Now, the pamphlets and literature that you did

22 Mr. McVeigh: Did you keep those?

23 A. No, ma'am.

24 Q. Did you throw them all away?

25 A. Yes, ma'am.

13214

your 1 MS. WILKINSON: We have no further questions,

2 Honor.

3 THE COURT: Any other questions?

4 REDIRECT EXAMINATION

5 BY MR. NEUREITER:

6 Q. Mr. McVeigh gave you The Turner Diaries on what  
date that  
7 you recall, around?

8 A. I have no idea. I don't remember, sir.

9 Q. It was during your first stint in Kansas; correct?

10 A. Right.

11 Q. Okay. And you recognized at that time that that  
book had  
12 some racist content?

13 A. Yes, sir.

14 Q. Did you continue to remain friends with Mr. McVeigh  
after  
15 he gave you that book?

16 A. Yes, sir.

17 MR. NEUREITER: No further questions.

18 RE-CROSS-EXAMINATION

19 BY MS. WILKINSON:

20 Q. Mr. Warnement, at one time did you receive a letter  
from  
21 Mr. McVeigh where he was questioning whether you were  
actually  
22 fulfilling your oath to the Constitution by serving in  
the  
23 military?

24 A. Yes, ma'am.

25 Q. Did he tell you that you should get out of the  
military and

Albert Warnement – Recross

foreign 1 defend and protect the Constitution from all enemies,  
2 and domestic?

3 A. Yes, ma'am.

4 Q. After that, were you upset with him?

5 A. Yes, ma'am.

6 Q. Did you tell him -- did you write back to him?

7 A. Yes, ma'am.

talk to 8 Q. And did you tell him that you didn't really care to  
9 him again?

10 A. Yes, ma'am.

11 MS. WILKINSON: No further questions.

12 THE COURT: Excusing the witness?

13 MR. NEUREITER: Yes, your Honor.

You're 14 THE COURT: All right. You may step down.  
15 excused.

16 THE WITNESS: Thank you, sir.

17 THE COURT: Next, please.

18 MR. WOODS: John Pulaski.

right 19 THE COURTROOM DEPUTY: Would you raise your  
20 hand, please.

21 (Richard Pulaski affirmed.)

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

23 Would you state your full name for the record  
and

24 spell your last name.

25 THE WITNESS: Richard John Pulaski, P-U-L-A-S-  
K-I.

13216

Richard Pulaski - Direct

1 DIRECT EXAMINATION

2 BY MR. NEUREITER:

3 Q. Hello, Mr. Pulaski. How are you?

4 A. Pretty good.

5 Q. Where are you from, sir?

6 A. Buffalo, New York. Actually I live in the town of  
7 Cheektowaga, just outside of Buffalo.

8 Q. For the court reporter, that's Cheektowaga. How is  
that  
9 spelled?

10 A. C-H-E-E-K-T-O-W-A-G-A.

11 Q. What is your educational background, sir?

12 A. Finished high school, had some college. I've taken  
some  
13 trade school. Right now I'm a machinist, CIC  
machinist.

14 Q. Did you spend some time in the military, sir?

15 A. Yes, I did.

16 Q. And when was that?

17 A. That was the National Guard. I went in  
approximately 1990,

18 got out in 1996, honorable discharge. It was a  
National Guard,

19 and I was a military police officer.

20 Q. Didn't ask you how old you are. How old are you?

21 A. I'm 26 years old.

22 Q. Did there come a time when you worked at Burns  
Security?

23 A. Yes, there was.

24 Q. And what was Burns Security?

25 A. It was a security company, mostly just like rental  
people

13217

Richard Pulaski - Direct

1 to like check sites. I worked at a hotel outside, a  
parking

2 lot, to make sure people's cars wouldn't get broken  
into.

3 Worked at the Buffalo Zoo at night to check the gates  
and make

4 sure none of the animals got out.

5 Q. And the time period precisely when you worked there  
to the

6 best of your recollection?

7 A. Probably '90, '91.

8 Q. Did you know a gentleman by the name of Timothy  
McVeigh?

9 A. Yes, I did.

10 Q. And how did you know Mr. McVeigh?

11 A. He trained me at the Buffalo Zoo to do the site.

12 Q. If you could just talk into the microphone.

13 A. I'm sorry.

14 Q. That's all right.

15 A. He trained me at the Buffalo Zoo to make rounds at  
the site

16 and check the gates.

17 Q. And over the time that you worked there, how many  
times did

18 you interact with Mr. McVeigh?

19 A. Well, for the first week, probably four days,  
because he

20 trained me. And then periodically he'd come back and  
check on

21 me, oh, a couple times for -- maybe --

22 Q. Was he the site supervisor?

23 A. Yes. From what I remember, he was the site  
supervisor.

24 Q. So he'd come and check on you to make sure you were  
doing

25 your job?

13218

Richard Pulaski - Direct

there. 1 A. Yeah, as well as the other guards if they were

2 Q. Did you and he have discussions about your military  
3 background?

4 A. Briefly. Just he asked me what I did, where I  
trained.

5 Q. Did you ever socialize outside of the job?

6 A. No, I didn't.

7 Q. Was there ever an offer to socialize outside of the  
job?

8 A. Yes. He asked me one time to go out after work for  
a

9 drink, but I never went with him because at the time I  
had a

10 borrowed car and I didn't want to take it anywhere  
except home.

11 Q. Did there come a time during this short period when  
you

12 knew Mr. McVeigh that he gave you a book?

13 A. Yes, he did.

14 Q. And what book was that?

15 A. The Turner Diaries.

16 Q. I'd like to show on the ELMO what's been marked for  
17 identification as D1818.

18 Do you recognize this as the front cover of  
the book

19 that he gave you?

20 A. Yes, it is.

21 Q. And for clarification, this is not the copy that he  
gave

22 you, is it?

23 A. I have no idea. I --

24 Q. What did you eventually do with the copy that he  
gave you,

25 to your recollection?

13219

Richard Pulaski - Direct

1 A. I read part of it, but it really wasn't that good  
of a

2 book, so I just put it in my bookshelf and -- until it  
3 happened. I called the FBI and turned it over.

4 Q. You turned that book over to the FBI?

5 A. Right. I gave it to them.

6 Q. But there is no way that you can tell whether or  
not this

7 particular copy is the one that Timothy McVeigh gave

you?

8 A. It looks like it. I couldn't tell you if it is or

not.

9 Q. Okay. You read parts of the book?

10 A. Yeah. Just briefly. It wasn't that good of a  
story, so I

11 didn't finish reading it.

12 Q. Did Mr. McVeigh say anything to you when he gave  
you the

13 book?

14 A. Yeah. He just said, "Read it and tell me what you



think

15 about it."

16 Q. Did you ever have any further conversations with

17 Mr. McVeigh about The Turner Diaries?

18 A. No, I didn't. Like a week later, he left the  
Buffalo Zoo

19 site and I never seen him again.

20 MR. NEUREITER: We pass the witness, your  
Honor.

21 MS. WILKINSON: No questions.

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

23 excused.

24 MR. WOODS: Tony Palmer.

25 THE COURTROOM DEPUTY: Would you raise your  
right

13220

1 hand, please.

2 (Anthony Palmer 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: Anthony Neil Palmer, P-A-L-M-E-  
R.

7 THE COURTROOM DEPUTY: Thank you.

8 DIRECT EXAMINATION

9 BY MR. NEUREITER:

10 Q. Hello, Mr. Palmer. How are you?

11 A. Good.

12 Q. Where are you from, Mr. Palmer?

13 A. Originally from Kentucky.

14 Q. And where did you come to Denver from?

15 A. Fort Riley, Kansas.

16 Q. Are you a little nervous today?

17 A. A little bit.

18 Q. Okay. How old are you, sir?

19 A. 37.

20 Q. Are you a single parent?

21 A. Yes, I am.

22 Q. Are you a soldier at Fort Riley?

23 A. Yes, sir.

24 Q. What's your rank?

25 A. Sergeant First Class.

13221

Anthony Palmer – Direct

1 Q. How long have you been at Fort Riley?

2 A. Since '87.

3 Q. Did there come a time when you knew a gentleman by

the name

4 of Mr. Timothy McVeigh?

5 A. Yes, sir. He was in my company.

6 Q. Did you train Timothy McVeigh?

7 A. That was part of my job, yes, sir.

8 Q. What did you train Mr. McVeigh on?

9 A. Just basic infantry skills and tactics.

10 Q. Over the course of the time -- what was the total  
time

11 period that you knew Mr. McVeigh?

12 A. Till after Saudi Arabia. About '91.

13 Q. And did there come a time when you knew that Mr.  
McVeigh

14 had left the Army?

15 A. Yes, sir, there was.

16 Q. And do you recall when that occurred?

17 A. It was sometime during '91. He had went for  
Special Forces

18 training, and he ETSed out of the Army after that.

19 Q. You've got to fill us in on the jargon. He ETSed?

20 A. ETSed. That's extended time of service. In other  
words,

21 he got out of the Army.

22 Q. Did you notice -- how close did you know Mr.  
McVeigh over

23 the time he was at Fort Riley?

24 A. I was just an NCO in the company, and he was one of  
the

25 soldiers there.

13222

Anthony Palmer – Direct

1 Q. And did you observe whether he had good soldiering  
skills?

2 A. Yes, sir, I did.

3 Q. What were your observations in that regard?

4 A. He was an outstanding soldier.

5 Q. And did you notice any change in him after he came  
back  
6 from his attempt to join Special Forces?

7 A. I only saw him once after that, and I really didn't  
notice  
8 at all. It was only for a few minutes.

9 Q. After Mr. McVeigh left the Army, did you receive  
some  
10 correspondence from him?

11 A. Yes, sir, I did.

12 Q. Do you have that correspondence any longer?

13 A. No, sir, I do not.

14 Q. Do you remember around what time period that  
15 correspondence -- you received that correspondence?

16 A. It was around -- it was in '92. It was right  
before I left  
17 to Korea, so it had to be '92 time frame.

18 Q. And describe to the best of your recollection what  
that

19 correspondence contained.  
20 A. There was some neo-Nazi hate literature in it and a  
letter  
21 from Timothy McVeigh.  
22 Q. And what did the letter say?  
23 A. He was -- it was just expressing his disappointment  
in the  
24 government and different -- his different views about  
things.  
25 I didn't really take the time to read the whole letter.

13223

Anthony Palmer - Direct

1 Q. What did you do with the letter and the materials?  
2 A. I threw it away, sir.  
3 Q. Why did you do that?  
4 A. I was equal opportunity representative for the unit  
at the  
5 time, and I didn't feel I needed to be reading anything  
like  
6 that.

7 MR. NEUREITER: Court's indulgence?

8 THE COURT: Yes.

9 MR. NEUREITER: Pass the witness, your Honor.

10 CROSS-EXAMINATION

11 BY MS. WILKINSON:

12 Q. Good afternoon, Sergeant Palmer.

13 A. Good afternoon.

14 Q. You knew Timothy McVeigh back in Fort Riley,  
Kansas, didn't

15 you?

16 A. Yes, ma'am.

17 Q. So you had been stationed there once before?

18 A. In Fort Riley?

19 Q. Or have you been there the whole time?

20 A. I had one break. I went to Korea in '94 -- or '93  
and came

21 back in '94.

22 Q. So when was it that you were stationed with Mr.  
McVeigh at

23 Fort Riley?

24 A. From I believe it was the latter part of '87 until  
around

25 September -- to the early part of '91.

13224

Anthony Palmer - Cross

1 Q. Mr. Nichols was stationed there -- Mr. Terry  
Nichols was

2 stationed there at that time, also, wasn't he?

3 A. Yes, ma'am.

4 Q. And he was in the same platoon?

5 A. As?

6 Q. As Mr. McVeigh?

7 A. I believe for a while, he was; and then he was  
moved to 8 headquarters platoon.

9 Q. And did you know Mr. Nichols at all at that time?

10 A. Yes, I did.

11 Q. And did you know that Mr. Nichols and Mr. McVeigh  
were 12 friends while they were in the Army?

13 A. As far as work relation, yes, I did.

14 MS. WILKINSON: We have no further questions,  
your 15 Honor.

16 MR. NEUREITER: Just one, your Honor.

17 THE COURT: Yes.

18 REDIRECT EXAMINATION

19 BY MR. NEUREITER:

20 Q. Do you know why Mr. Nichols left the Army?

21 A. No, sir, I do not.

22 MR. NEUREITER: No further questions, your  
Honor.

23 THE COURT: Excused?

24 MS. WILKINSON: Yes.

25 MR. NEUREITER: Yes, your Honor.

excused.

1 THE COURT: You may step down. You're

2 THE WITNESS: Yes, sir.

3 MR. WOODS: Lauren Aldinger.

4 THE COURT: All right.

right

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

7 (Lauren Aldinger affirmed.)

please.

8 THE COURTROOM DEPUTY: Would you have a seat,  
9 Would you state your full name for the record  
and  
10 spell your last name.

11 THE WITNESS: Lauren Merville Aldinger,  
12 A-L-D-I-N-G-E-R.

13 THE COURTROOM DEPUTY: Thank you.

14 DIRECT EXAMINATION

15 BY MR. NEUREITER:

16 Q. Hello, Ms. Aldinger. How are you doing?

17 A. Just fine.

18 Q. Where are you from?

19 A. From Dallas, Texas.

20 Q. Is that where you grew up?

21 A. Yes.

22 Q. Is that where you went to high school?

23 A. Yes. I also went to college there.



- 24 Q. Where did you go to college?  
25 A. Southern Methodist University.

13226

Lauren Aldinger – Direct

- 1 Q. How old are you?  
2 A. I'm currently 25 years old.  
3 Q. And it's "Missus," I take it; so you're married?  
4 A. Yes.  
5 Q. What were you studying at SMU?  
6 A. My major was psychology and my minor was  
photography.  
7 Q. Did there come a time when you and a friend of  
yours  
8 decided to take a road trip when you were at SMU?  
9 A. Yeah. One spring break --  
10 Q. Just "yes" is fine.  
11 A. Yes.  
12 Q. To the best of your recollection, when was that?  
13 A. Spring break of 1993, March.  
14 Q. And where did you go?  
15 A. We went to Mt. Carmel, just south of Waco, Texas.  
16 Q. What was your friend's name at that time?  
17 A. Michelle Rauch.  
18 Q. And what was your objective in driving to Waco  
during

19 spring break?

20 A. Our objective was to see if we could pass the press  
21 just barricades near the cult compound during the siege and  
meet up 22 kind of see what was going on and who was there and  
23 with some people.

24 Q. Now, you were a photography minor; is that right?

25 A. Correct.

13227

Lauren Aldinger – Direct

1 Q. And did Ms. Rauch have a course of study she was  
following?

2 A. Yes. She -- her major was in communications as a  
reporter.

3 Q. So was your spring break trip a combining of your  
interest 4 in journalism and photography?

5 A. Correct.

6 Q. If you could just tell the jury what you saw when  
you got 7 to Waco.

8 A. Well, essentially, we couldn't get past the press  
9 a hill barricades at first, so we decided we would go back to

10 where we had seen some vendors. And off to the left  
side was a

11 man we were kind of interested in speaking with because

he was

12 unlike the other vendors, in that he was not screaming  
about  
13 his beliefs. He didn't have loud and garish posters  
around  
14 him, and he just kind of seemed calm and quiet. So we  
15 approached him.

16 Q. What was -- he was calm and quiet. Was he selling  
17 anything?

18 A. He was selling bumper stickers on the hood of his  
car.

19 Q. And did your -- did Ms. Rauch interview this  
gentleman?

20 A. Yes, she did. She spoke with him for probably  
about 10 or  
21 15 minutes and took notes.

22 Q. And over the course of the time you were there, did  
you  
23 have your camera?

24 A. Yes, I did.

25 Q. And did you take some snapshots both of this  
gentleman and

13228

Lauren Aldinger - Direct

1 other parts of Mt. Carmel?

2 A. Yes, I did.

3 MR. NEUREITER: I'd like to put on the ELM0 D  
-- what

4 has been marked for identification as D1821.

5 BY MR. NEUREITER:

6 Q. I ask you if you recognize that.

7 A. Yes. It's one of three photographs I took of  
McVeigh's car

8 and himself.

9 Q. Have you subsequently come to learn who the  
gentleman was

10 that you met?

11 A. Yes. That was Timothy McVeigh.

12 MR. NEUREITER: And -- we offer D1821.

13 MR. MACKEY: No objection.

14 THE COURT: Received.

15 BY MR. NEUREITER:

16 Q. And if you could just -- if you can make them out  
--

17 MR. NEUREITER: We move to publish.

18 BY MR. NEUREITER:

19 Q. If you could make them out, if you could read for  
the

20 record the bumper stickers that Mr. McVeigh was  
selling.

21 A. Okay. The first one says "A Man With a Gun is a  
Citizen, A

22 Man Without a Gun is a Subject."

23 The second one says, "Politicians Love Gun  
Control."

24 And off screen, if I can refer to my negative,  
I can

25 tell you what the third one said.

13229

Lauren Aldinger – Direct

1 Q. Would it refresh your recollection to refer to your  
2 negative?

3 A. Yes.

4 Q. Do you have your negatives there in front of you?

5 A. Yes.

6 MR. NEUREITER: Your Honor, if she may refer  
to her  
7 negative to refresh her recollection?

8 THE COURT: Any objection?

9 MR. MACKEY: No.

10 THE WITNESS: The third one says, "Fear the  
Government  
11 that Fears Your Gun."

12 BY MR. NEUREITER:

13 Q. And that's your recollection of what it said?

14 A. Correct.

15 MR. NEUREITER: We now put on the ELMO what  
has been  
16 marked for identification as D1820.

17 BY MR. NEUREITER:

18 Q. Is that another photograph that you took on that  
day?

19 A. Yes.

20 Q. And was Mr. McVeigh selling that as well?

21 A. Yes.

22 MR. NEUREITER: We offer it, your Honor.

23 MR. MACKEY: No objection.

24 THE COURT: Received.

25 BY MR. NEUREITER:

13230

Lauren Aldinger - Direct

1 Q. If you could just read that into the record.

is a

2 A. "A Man With a Gun is a Citizen, A Man Without a Gun

3 Subject."

4 MR. NEUREITER: We now put on the ELMO D1819.

5 BY MR. NEUREITER:

you took

6 Q. Ask you if that is another one of the photographs

7 on that day.

8 A. Yes.

9 MR. NEUREITER: We offer it, your Honor.

10 MR. MACKEY: No objection.

11 THE COURT: Received.

12 BY MR. NEUREITER:

of on

13 Q. And is that the gentleman that you took the picture

14 that day?

15 A. Yes.

16 Q. In Waco?

17 We'll zoom in to allow the jury to see who  
that is,

18 and I ask you to identify the person who appears to be  
taking

19 notes and speaking with Mr. McVeigh.

20 A. That's Ms. Michelle Ann Rauch.

21 MR. NEUREITER: No more questions.

22 THE COURT: Mr. Mackey.

23 MR. MACKEY: Just a few, your Honor.

24 CROSS-EXAMINATION

25 BY MR. MACKEY:

13231

Lauren Aldinger – Cross

1 Q. Good afternoon. How are you?

2 A. Just fine, thank you.

3 Q. I have just a couple questions for you.

4 You were describing an event that took place  
in March

5 of 1993. Is that correct?

6 A. Yes.

7 Q. Were you and your friend from college drove down to  
Waco,

8 Texas.

9 A. Correct.

10 Q. Drawn by news of the event of the siege?

11 A. Yes.

12 Q. That had been going on for some time at that point;  
13 correct?

14 A. Yes.

15 Q. You told the members of the jury that when you  
first got

16 there, you went to the checkpoint and were denied  
access. Is

17 that correct?

18 A. Correct.

19 Q. You didn't have valid press credentials or other  
20 authorization?

21 A. That's correct.

22 Q. So you left that area and went elsewhere?

23 A. Yes.

24 Q. In doing so, you noticed a number of other people  
outside

25 the compound area, the other side of the checkpoint,  
that were

13232

Lauren Aldinger – Cross

1 selling items?

2 A. Correct.



3 Q. And talking?

4 A. Yeah.

5 Q. Sometimes in a loud voice?

6 A. Yes.

7 Q. Drawing attention to themselves?

8 A. Yes.

9 Q. And you noticed by contrast Mr. McVeigh sitting on  
the hood

10 of his car nearby?

11 A. Yes.

12 Q. And it was that contrast that drew you to Mr.  
McVeigh?

13 A. Me specifically, yes.

14 Q. All right. You and Ms. Rauch had a conversation  
with

15 Mr. McVeigh; is that correct?

16 A. That's correct.

17 Q. You at least overheard the conversation between he  
and

18 Ms. Rauch, and you in fact engaged in conversation with  
him as

19 well?

20 A. That's correct.

21 Q. And that conversation took place or lasted about 10  
to 15

22 minutes.

23 A. That's correct.

24 Q. You described him as calm and quiet in his outward

25 demeanor?

13233

Lauren Aldinger – Cross

1 A. Correct.

2 Q. You noticed, did you not, that Mr. McVeigh  
exhibited

3 intelligence?

4 A. Yes.

5 Q. He was rational?

6 A. Yes.

7 Q. He was clear in his conversation with you?

8 A. Yes.

9 Q. And in 10 to 15 minutes' time, you knew exactly  
where he

10 stood on the issues you discussed?

11 MR. NEUREITER: Objection.

12 THE COURT: What's the objection?

13 MR. NEUREITER: To the speculation about what  
she knew

14 he knew.

15 THE COURT: Overruled.

16 BY MR. MACKEY:

17 Q. In the course of that 10- to 15-minute conversation  
--

18 A. Could you repeat the question, please.

19 Q. Sure. Did you understand exactly where Mr. McVeigh

stood

20 on the issues that you talked about?

21 A. Yes.

22 MR. MACKEY: Nothing else.

23 THE COURT: Redirect?

24 MR. NEUREITER: No, your Honor.

25 THE COURT: All right. You're excused.

13234

1 MR. NEUREITER: Court's indulgence.

2 MR. WOODS: Sandy Crigler.

right

3 THE COURTROOM DEPUTY: Would you raise your

4 hand, please.

5 (Sandra Crigler affirmed.)

please.

6 THE COURTROOM DEPUTY: Would you have a seat,

and

7 Would you state your full name for the record

8 spell your last name.

R.

9 THE WITNESS: Sandra K. Crigler, C-R-I-G-L-E-

10 THE COURTROOM DEPUTY: Thank you.

11 MR. WOODS: Thank you, your Honor.

12 DIRECT EXAMINATION

13 BY MR. WOODS:

14 Q. Good afternoon, Ms. Crigler. Will you tell the  
jury where

15 you live, please.

16 A. Lake Havasu City, Arizona.

17 Q. How are you employed?

18 A. I'm employed by Bill's Auto and Truck Repair or  
Bill's

19 Rentals.

20 Q. What type of business is that?

21 A. An auto repair shop and a truck rental dealership.

22 Q. Okay. Can you pull that microphone over a little  
bit so

23 all the jury can hear you.

24 That's okay. It's stationary. If you can  
just be a

25 little close to it.

13235

Sandra Crigler – Direct

1 What type of rentals do you have there at that  
2 business?

3 A. We rent Ryder trucks.

4 Q. Okay. And do you accept reservations over the  
phone?

5 A. Yes, we do.

6 Q. For Ryder rentals?

7 A. Yes, we do.

8 Q. How long have you had that business there?  
9 A. The rental business?  
10 Q. Yes, ma'am.  
11 A. Probably 17 years or so.  
12 Q. Okay. Do you advertise in the papers, in the phone  
book?  
13 A. The corporation does. We don't.  
14 Q. Okay. I want to show you what's been marked in  
evidence  
15 and is in evidence as Government's Exhibit 553, and  
I'll ask  
16 you to look at a phone number right here with "Ryder  
Truck  
17 Rental One Way" in Havasu. Do you recognize that phone  
number?  
18 A. I do.  
19 Q. Is that your phone number?  
20 A. Yes, it is.  
21 Q. How long have you had that phone number?  
22 A. 17 years.  
23 Q. Okay. This is a phone call or a record of a call  
made on  
24 April 5 of '95, 3:43 in the afternoon, and it's 42  
seconds in  
25 duration.

13236

Sandra Crigler – Direct

1                   Did you have an occasion to receive a visit  
from the           2           FBI shortly after the bombing in Oklahoma City of April  
19?               3           A. I did.  
                  4           Q. Okay. Do you recall approximately when it was that  
the FBI           5           visited with you?  
                  6           A. Not the exact date, just after the bombing.  
                  7           Q. I'm --  
                  8           A. Not the exact date, just after the bombing.  
                  9           Q. Just after the bombing? Okay. Did they ask you  
about this       10          particular call?  
                  11          A. Yes, they did.  
                  12          Q. Did they have records of it in their possession?  
                  13          A. They said they did.  
                  14          Q. Were you able to think back and recall this  
particular       15          call?  
                  16          A. Yes, I was.  
                  17          Q. How were you able to do that?  
                  18          A. We're on a computer system, and we type in a first  
and last        19          name into the computer.  
                  20          Q. Okay. What name did you type into the computer?  
                  21          A. Timothy McVeigh.  
                  22          Q. That is the name that the government agents gave

you to

23 type in?

24 A. No. The customer calling gave me that name, the  
person who

25 called.

13237

Sandra Crigler - Direct

1 Q. Okay. How did you know to go back and punch that  
name in

2 on this day when the FBI comes to you?

3 A. Oh, they gave me the name.

4 Q. Okay. Okay. And were you then able to refresh  
your memory

5 from your records there at Ryder rental?

6 A. No. I had no written record of it.

7 Q. Then how were you able to recall?

8 A. When I typed his name in, I spelled it M-C-V-E-Y;  
and it

9 didn't look right to me, so I asked him to spell his  
name. And

10 he spelled it and gave me his first name.

11 And then when at home that night, I told my  
daughter

12 that McVeigh had called me for a truck rental.

13 She said, "Who's McVeigh?"

14 I said, "Oh, that's the guy that's on 'Back to  
the

15 Future.'" "

And we 16 She said, "That's not McVeigh. It's McFly."

17 laughed at that.

18 Q. All right. And was that incident with your  
daughter -- did

19 that help you refresh your memory as to that call?

was 20 A. When they contacted me, yes. It just -- the memory

21 back then.

22 Q. I see. The day of the call, when you actually got  
the call

23 on April 5, you went home and told your daughter?

24 A. Correct.

recall 25 Q. I see. So that is an incident that caused you to

13238

Sandra Crigler - Direct

1 that it was Tim McVeigh --

2 A. Right.

3 Q. -- that called on April 5?

4 A. Right.

5 Q. Did you ask for a spelling when he called you?

look 6 A. Yes, I did, because I spelled it wrong. It didn't

7 right to me.

8 Q. Do you recall any of the details of the phone



conversation

9 as to the inquiry that he was making of you?

10 A. It was a local rental, meaning that he would bring  
the

11 truck back to me.

12 Q. Did he say where he was going with it?

13 A. I don't recall where he was going or how many miles  
he was

14 going.

15 Q. Do you recall how many days he wanted the truck  
for?

16 A. I do not recall that.

17 Q. This is a very short-duration call of 42 seconds.  
Do you

18 recall how the conversation ended?

19 A. I always just ask for the reservation, and he must  
have

20 said no; so I didn't print anything up.

21 Q. You were trying to firm up whether or not he was  
going to

22 reserve?

23 A. Right.

24 Q. After he had asked some questions, you were firming  
up?

25 A. Yes, uh-huh. They can guarantee it with a credit  
card or

13239

Sandra Crigler - Direct

1 whatever.

2 Q. Okay. And at that time, what did he say, if  
anything?

3 A. I don't remember what he said, but he didn't  
reserve.

4 Q. Okay. Now, you will notice that there is a call  
right  
Oklahoma. Did

5 after this at 3:46 to a David Millar in Muldrow,  
Did

6 you refer the caller to that particular number?

7 A. I did not.

8 Q. Did you refer the caller to any number?

9 A. No.

10 Q. Did you have an opportunity to, or did the person  
just say

11 he wasn't going to reserve and hang up?

12 A. He wasn't going to reserve and hung up.

13 Q. Okay. And do you know anything about that next  
call at

14 all?

15 A. Nothing.

16 Q. Do you know what the Imperial Motel in Kingman,  
Arizona,

17 is? Have you ever been to Kingman?

18 A. Yes.

19 Q. Do you know where that is?

20 A. Approximately.

21 Q. Where is it?

major 22 A. I would say it's on Andy Devine or one of those  
23 streets, Stockton Hill or Andy Devine or Beal Street.  
April 5 24 Q. Did you know Mr. Timothy McVeigh at that time on  
25 when he called on April 5 inquiring about a  
reservation?

13240

Sandra Crigler – Direct

1 A. No.  
2 MR. WOODS: Thank you. Pass the witness, your  
Honor.  
3 THE COURT: Ms. Wilkinson.  
4 CROSS-EXAMINATION  
5 BY MS. WILKINSON:  
6 Q. Good afternoon, Mrs. Crigler.  
7 A. Hello.  
8 Q. You told us that this call was relatively short; is  
that  
9 right?  
10 A. Yes.  
11 Q. It usually takes longer than 42 seconds to make a  
12 reservation, doesn't it?  
13 A. Yes.  
14 Q. You don't remember much about this telephone call?  
15 A. No, I don't.

16 Q. But you have checked your records and you know that  
Timothy  
17 McVeigh never rented a truck in his name from your  
business;  
18 correct?  
19 A. That's correct.  
20 Q. And he didn't make a reservation that day?  
21 A. He did not.  
22 Q. You had nothing in the computer to show that he had  
called  
23 in?  
24 A. I did not.  
25 Q. Now, do you know how far away Las Vegas is from  
your

13241

Sandra Crigler - Cross

1 dealership?  
2 A. Yes.  
3 Q. How far away is it?  
4 A. 150 miles.  
5 Q. Are there other dealers in Kingman?  
6 A. One dealer -- one Ryder dealer.  
7 Q. Is there a Ryder dealer in Bullhead City?  
8 A. Yes.  
9 Q. And are you aware of how many dealerships there are  
for

10 Ryder across the United States?

11 A. Approximately 5200.

12 MS. WILKINSON: No further questions.

13 MR. WOODS: Nothing further, your Honor.

You're  
14 THE COURT: All right. You may step down.  
15 excused.

16 MR. WOODS: John Kelso.

right  
17 THE COURTROOM DEPUTY: Would you raise your  
18 hand, please.

19 (John Kelso 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.

23 THE WITNESS: John Edward Kelso, K-E-L-S-O.

24 THE COURTROOM DEPUTY: Thank you.

25 MR. WOODS: Thank you, your Honor.

13242

John Kelso - Direct

1 DIRECT EXAMINATION

2 BY MR. WOODS:

3 Q. Good afternoon, Mr. Kelso.

4 A. Good afternoon.

5 Q. Tell the jury where you live, please.

6 A. Lawrence, Kansas.

7 Q. How are you employed?

8 A. Engineer on Burlington Northern Railroad.

9 Q. How long have you had that job?

10 A. Since '94.

11 Q. Where did you grow up, sir?

12 A. Herington, Kansas; Texas; Newton, Kansas. Majority  
of my

13 time in Herington.

14 Q. What years were you in Herington before you  
graduated from

15 high school?

16 A. '60 -- around '66 through '82.

17 Q. All right. When did you graduate from high school?

18 A. '83. 1983.

19 Q. Did you happen to work in the Herington area after  
20 graduation from high school?

21 A. Yes, I did.

22 Q. What type of employment did you have?

23 A. I worked for Hamm rock quarry for six months prior  
to going

24 to work for the railroad.

25 Q. What type of work did you do at the quarry?

John Kelso – Direct

1 A. Drove truck, drove backhoes, done some blasting,  
moved a  
2 lot of rock.  
3 Q. Okay. Explain to the jury what you mean by doing  
some  
4 blasting at the quarry.  
5 A. I assisted a guy named Bob Nesland in drilling  
holes in the  
6 ground and packing the holes with dynamite and blowing  
slab  
7 rock up for the rock crushers.  
8 Q. Did you use dynamite, or did you use something in  
addition  
9 to dynamite?  
10 A. Used dynamite and a chemical called "Perel."  
11 Q. Called what?  
12 A. "Perel."  
13 Q. Did you ever use ammonium nitrate and fuel oil,  
ANFO?  
14 A. All we used was a stuff called "Perel."  
15 Q. What was that, to your knowledge?  
16 A. To my best knowledge, it is some type of diesel  
mixture in  
17 a dry form, pellet form.  
18 Q. Do you know whether or not that was a premix form  
of  
19 ammonium nitrate and fuel oil?  
20 A. Not a hundred percent. I mean, I know it was

little

21 red-and-white pellets.

22 Q. Okay. Did you -- you worked on that job for a  
number of

23 months and then entered the railroad. Is that correct?

24 A. That's correct.

25 Q. Was there a time that you went into the Army?

13244

John Kelso - Direct

1 A. Active Army, or reserve?

2 Q. Let's start with the reserves.

3 A. I started the reserves in 1982. February 12.

4 Q. How long did you stay in the reserves?

5 A. I still am active in the reserves.

6 Q. Was there a time when you went on active duty?

7 A. Yes. I believe February, '89, through March, '92.

8 Q. In February, '89, when you went on active duty,  
where were

9 you assigned?

10 A. First assigned to Fort Sill, Oklahoma. Then I was  
assigned

11 to Fort Benning, Georgia. Then assigned to Fort Riley,  
Kansas,

12 all within about a four- or five-month period.

13 Q. Okay. When did you get to Fort Riley, Kansas, if  
you



14 recall?

15 A. October, '89.

16 Q. Did you meet a person by the name of Tim McVeigh?

17 A. Yes, I did.

18 Q. Okay. And what unit was he assigned to -- what  
unit were

19 you assigned?

20 A. We were both assigned to Charlie Company 216  
Infantry, Fort

21 Riley.

22 Q. Did you know Terry Nichols at that time?

23 A. No, I did not.

24 Q. Was he -- what month was it you got to Fort Riley?

25 A. October, '89.

13245

John Kelso - Direct

1 Q. All right. Do you know whether or not Mr. Nichols  
was

2 present in the Army in Fort Riley at that time?

3 A. I assume he wasn't. I mean I --

4 Q. You didn't meet him. Is that correct?

5 A. No, I did not meet him.

6 Q. You met Mr. McVeigh?

7 A. Yes, I did.

8 Q. Did you meet a Michael Fortier?

9 A. Yes, I did.

next 10 Q. How long did you stay at Fort Riley before you were

11 assigned somewhere, if you were?

12 A. I never was. I spent my whole tour at Fort Riley.

overseas? 13 Q. Was there an occasion when you were assigned

days of 14 A. Yes. I was assigned, I believe, last couple of

15 December of '90 through May of '91.

16 Q. To where?

17 A. Saudi Arabia.

Storm? 18 Q. Was that part of the Desert Shield and then Desert

19 A. That is correct.

20 Q. And were you in the same unit with Mr. McVeigh?

21 A. Yes, I was.

22 Q. And was that the unit that was there at Fort Riley?

23 A. Yes, it was.

McVeigh back 24 Q. Now, was there a time where you lived with Mr.

25 in Herington?

13246

John Kelso - Direct

1 A. Yes, there was.

2 Q. And what period of time was that, sir?

3 A. That was the fall, maybe August, September of '91.

4 Q. Is this after you both returned from Saudi Arabia?  
Is that

5 correct?

6 A. That is correct.

7 Q. Now, did Mr. McVeigh go through Special Forces  
training

8 after returning from Saudi Arabia, to your knowledge?

9 A. Well, he left the unit when we were still in  
country, in

10 Saudi Arabia and he went to Special Forces' Q course to  
see if

11 he could make Special Forces school, which at the time,  
he

12 didn't. But this all trans -- or it happened while we  
were

13 still in Saudi Arabia. He was already with the unit  
when we

14 got back, and he had already failed out.

15 Q. He did not pass --

16 A. No.

17 Q. -- enter Special Forces; is that correct?

18 A. That's correct.

19 Q. So he was back at Fort Riley in the unit and you  
come back

20 home. Is that correct?

21 A. That's correct.

22 Q. What time did you get back home? May, '91, did you  
say?

23 A. Mid May, '91.

24 Q. Now, what was the circumstance where you were  
living with

25 Mr. McVeigh? Where was that?

13247

John Kelso - Direct

1 A. In Herington, Kansas.

2 Q. Was that in off-base housing that you and he -- was  
it just

3 the two of you, or were there other people there?

4 A. There was three of us.

5 Q. Who was the other person?

6 A. Richard Cerney.

7 Q. Was this off-base housing that the three of you got  
while

8 you were still assigned at Fort Riley?

9 A. Yes, we were (sic).

10 Q. Did you drive back and forth to the fort every day?

11 A. Yes, we did.

12 Q. Did Mr. McVeigh have a car?

13 A. Yes, he did.

14 Q. Did you ever ride with him?

15 A. Maybe once every couple weeks we did because we all  
had

16 different jobs.

17 Q. Would you describe for the jury Mr. McVeigh's  
driving?

18 A. Very, very fast. No conscience for laws at all.

19 Q. All right. How long did you live with Mr. McVeigh?

20 A. About a period of one month.

21 Q. What happened? What was the division, if any?

22 A. Just a real strange, weird guy, and just didn't  
share the

23 same views that me and Cerney had, so we just opt --  
somebody

24 was leaving, and it was going to be him.

25 Q. Was he asked to leave?

13248

John Kelso - Direct

1 A. Yes, he was.

2 Q. Okay. And where did he go, to your knowledge?

3 A. He went to -- down on Broadway Street in Herington,  
Kansas,

4 with a man named Royal Witcher.

5 Q. Is that another soldier at Fort Riley?

6 A. That is correct.

7 Q. So he stayed in the Herington area; is that  
correct?

8 A. That is correct.

9 Q. Do you recall when Mr. McVeigh left the Army?

10 A. Yes, I do.

11 Q. Approximately when was that?

12 A. I thought -- it was either the last part of '91 or  
first  
13 part of '92. Somewhere --  
14 Q. After that time, did you have any further contact  
with  
15 Mr. McVeigh?  
16 A. No, I did not.  
17 Q. Did you see any mutual friends where you would  
discuss  
18 whereabouts with each other?  
19 A. Within maybe the first six months, I'd talk to  
Royal  
20 Witcher maybe once or twice or -- but all within, you  
know --  
21 right away after we got out.  
22 Q. Okay.  
23 A. Just knew he was in New York.  
24 Q. When you were in Saudi Arabia, did you associate  
with  
25 Mr. McVeigh?

13249

John Kelso - Direct

1 A. Yes. From time to time, I did.  
2 Q. Was there ever a time that Mr. McVeigh was aware of  
your  
3 background in explosives?  
4 A. Not that I can recall or that was ever discussed.

5 Q. Okay. What other explosive training did you have?

6 A. Military explosives.

7 Q. Was that prior to April, '95?

8 A. Yes, it was.

9 Q. Okay. Was it prior to or during the time that you  
knew

10 Mr. McVeigh?

11 A. No, it was not.

12 Q. Okay. On the arrest -- I want to jump ahead now to  
13 April 19, 1995. There was a bombing in Oklahoma City.  
Do you

14 recall where you were living at that time?

15 A. Yes, I do.

16 Q. Where was that, sir?

17 A. Alliance, Nebraska.

18 Q. On April 21, Friday, did you have an occasion to  
see that

19 Mr. McVeigh was arrested?

20 A. Yes, I did.

21 Q. And what did you do after seeing Mr. McVeigh on  
television?

22 A. I called the FBI 1-800 number.

23 Q. And were you interviewed that day by the FBI?

24 A. I don't remember if it was that day or the next  
day, but I

25 think it was that day, that evening.

13250

John Kelso - Direct

1 Q. Do you recall who it was that interviewed you?

2 A. Yes. A guy named Ron Raywalt and a man named  
Robert Webb.

3 Q. Did the interview take a while?

4 A. Yes, it did.

5 Q. Okay. Did the agents advise you they had records  
that

6 Mr. McVeigh had called you on April 17?

7 MR. RYAN: Objection, your Honor. Hearsay.

8 THE COURT: Overruled.

9 BY MR. WOODS:

10 Q. Did the agents advise you that they had records  
that

11 Mr. McVeigh had called you on April 17 before the  
bombing?

12 A. He had commented that he had tried to attempt to  
call me.

13 Q. Okay. And did the agents tell you where he was  
calling

14 from?

15 A. Hotel in Junction City.

16 Q. Do you recall the name of it?

17 A. I believe it was the Dreamland.

18 Q. Okay. Did you have any recall of having talked to  
19 Mr. McVeigh on that date?

20 A. No. I know for a fact I didn't talk to him on that  
day.



21 Q. You were on the road with the railroad?  
22 A. I was in Guernsey, Wyoming, on that day.  
23 Q. Do you have an answering machine at your house?  
24 A. Yes, I do.  
25 Q. Had you -- when they asked you this on the Friday,

the

13251

John Kelso - Direct

1 21st, about four days earlier on the 17th, did you  
recall a  
2 message on your answering machine that could have or  
could not  
3 have been from Mr. McVeigh?

4 A. There was a message on my machine -- that is  
correct --  
5 but, you know, it could have -- or could have been  
anybody.

6 Q. Sure. Do you recall what the message was on the  
machine?

7 A. Yeah. The message precisely said, "He's not home,  
he must  
8 be at work."

9 Q. Now, did Mr. McVeigh know where you were from; that  
you  
10 were from Herington?

11 A. Yes, he did.

12 Q. Do you have a lot of friends in Herington?

13 A. Yes, I do.

14 Q. Would it be easy to obtain your whereabouts by  
asking  
15 people around Herington where you presently work?

16 A. If he asked the right people, which wouldn't be  
hard to do  
17 in that small town, somebody would have known where I  
was at.

18 Q. And is your phone listed in Alliance, Nebraska,  
where you  
19 were living at that time?

20 A. Yes, it is.

21 Q. Could you call information to get your number?

22 A. Yes, you can.

23 Q. You're not sure whether or not that was McVeigh's  
voice on  
24 the machine?

25 A. No, I don't -- I wouldn't have any idea who it was.

13252

John Kelso - Direct

1 Q. And had -- did you have any contact, then, with Mr.  
McVeigh  
2 for the year prior to that bombing?

3 A. No. Last day I talked to him was the day he left  
the Army.

4 MR. WOODS: Thank you, Mr. Kelso.

5 THE COURT: Mr. Ryan?

6

CROSS-EXAMINATION

7 BY MR. RYAN:

8 Q. Good afternoon.

9 A. How are you doing?

10 Q. I understand you grew up in Herington.

11 A. That is correct.

12 Q. You joined the Army reserves?

13 A. Yes.

14 Q. Went to college, played college football; is that  
right?

15 A. That is correct.

16 Q. And then you later joined the Army, and at some  
point you

17 met up with Tim McVeigh?

18 A. That is correct.

19 Q. And you were stationed in Saudi Arabia together  
during

20 Desert Storm/Desert Shield?

21 A. That is correct.

22 Q. And you were awarded a Bronze Star for your  
activity in

23 combat. Is that true?

24 A. That is correct.

25 Q. Now, when you were with -- stationed in the same  
unit with

John Kelso – Cross

Is 1 Mr. McVeigh, Mr. Nichols had already left the military.

2 that right?

3 A. That is correct.

Why -- how 4 Q. And you told us that -- I don't think you have.

McVeigh and 5 did it come to be that you and Mr. Cerney and Mr.

6 yourself were living together for a month?

7 A. The problem was when we came back from Saudi Arabia, they

8 had a cohort unit which everybody belonged, was ETSed, which

9 means the end of their tours were over, so they were leaving.

10 And we got excess amount of new privates into Fort Riley into

11 our unit, so the highest ranking people living in the barracks

12 are forced to move; and all three of us were told by the first

13 sergeant that we had, I think, two or three days to be out of

14 the barracks.

15 So for financial reasons, three of us got together to

16 get a house because we didn't have a lot of time to hunt and

17 look and this and that, so that's how it came about.

18 Q. And the stint living together with Mr. McVeigh lasted a

19 month?  
20 A. If that long. I don't think it was even a month.  
21 Q. He was weird?  
22 A. Very weird.  
23 Q. He was strange?  
24 A. Yes.  
25 Q. He was a racist?

13254

John Kelso – Cross

1 A. Correct.  
2 Q. And his racist views turned people off, didn't  
they?  
3 A. Yes, they did.  
4 Q. Turned you off?  
5 A. Yes.  
6 Q. He hated the government?  
7 A. Yes.  
8 Q. That turned you off?  
9 A. Yes.  
10 Q. Turned people off when he started doing that,  
didn't it?  
11 A. Yes, it did.  
12 Q. Unless they agreed with him?  
13 A. That's correct.

14 Q. Now, he was a good soldier, though?

15 A. Real good soldier.

16 Q. Was he the kind of person that people used?

17 A. Yes. A lot.

18 Q. And how so?

19 A. For -- a lot of people borrowed money from him. It  
was --

20 it was like a loan shark. And everybody that was  
downtown

21 drunk, he'd drive down and pick them up.

22 And he'd drive some -- there was a handful of  
guys

23 from Indiana, and he'd drive them home for the holidays  
and

24 stuff and drive all the way back to Fort Riley; and  
when they

25 were ready to come back, he'd drive all the way back to  
Indiana

13255

John Kelso - Cross

1 and pick them up. And just a lot because he had car  
and for

2 buying guns and just stuff like that.

3 Q. Had few friends?

4 A. Very -- yeah -- few.

5 Q. And if someone pointed Tim McVeigh in the right  
direction

6 with a plan, he could be counted on to carry it out?

7 A. That is correct.

8 Q. Now, at my request, did you review all of the phone  
records

9 from the Dreamland Motel which have been introduced in  
this

10 trial, Exhibit 295?

11 A. Yes, I have.

12 Q. And did you find at any time any phone record  
placed from

13 the Dreamland Motel for the week prior to the bombing  
in

14 Oklahoma City to your residence?

15 A. No, I did not.

16 Q. You say that while you were working as an engineer  
with the

17 railroad, when you came in from -- back into town, you  
heard a

18 recording.

19 A. That is correct. At that time, I was working as a  
20 conductor on the railroad.

21 Q. Excuse me. As a conductor. And that recording  
could have

22 been anyone?

23 A. Correct.

24 Q. You have no more reason to believe it was Tim  
McVeigh than

25 any other person on this earth.

1 A. No.

2 Q. You did not recognize the voice as that of Tim  
McVeigh?

3 A. No, I did not.

4 MR. RYAN: That's all I have, your Honor.

5 MR. WOODS: Nothing further, your Honor.

6 THE COURT: All right. We're excusing him, I  
guess.

7 MR. WOODS: Yes, your Honor.

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

9 MR. WOODS: Your Honor, we have a change in  
the order.

10 Mr. Darvin Bates.

11 THE COURTROOM DEPUTY: Would you raise your  
right

12 hand, please.

13 (Darvin Bates affirmed.)

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

15 Would you state your full name for the record  
and

16 spell your last name.

17 THE WITNESS: Darvin Ray Bates, B-A-T-E-S.

18 THE COURTROOM DEPUTY: Thank you.

19 DIRECT EXAMINATION

20 BY MR. THURSCHELL:



21 Q. Good afternoon, Mr. Bates.  
22 Mr. Bates, are you married?  
23 A. Yes.  
24 Q. How long?  
25 A. 44 years.

13257

Darvin Bates – Direct

1 Q. Where do you live?  
2 A. Waurika, Oklahoma.  
3 Q. And how long have you lived there?  
4 A. I was born there.  
5 Q. Ever held public office there?  
6 A. Yes.  
7 Q. What offices?  
8 A. I was a city councilman and also the mayor.  
9 Q. Now, are you working presently?  
10 A. No.  
11 Q. Okay. Retired?  
12 A. Yes.  
13 Q. I'm going to direct your attention back to the  
period April  
14 and May of 1995. Did you own a business at that time?  
15 A. Yes, sir.  
16 Q. And what was that?

17 A. The Old South Waffle Shop in Duncan, Oklahoma.

18 Q. Okay. Now, what was the Old South Waffle Shop?

19 A. It was a breakfast, lunch, and a dinner-type  
restaurant.

20 Q. Okay. Now, was that a -- one of the franchise --

21 A. No, sir.

22 Q. -- waffle shops? No? And where was this business  
located?

23 A. At 1511 South Highway 81 in Duncan, Oklahoma.

24 MR. THURSCHELL: Your Honor, may I approach?

25 THE COURT: Yes.

13258

Darvin Bates - Direct

1 BY MR. THURSCHELL:

2 Q. Sir, would you unfold that exhibit that I've just  
given

3 you, D1801 for identification, and tell the jury  
whether that

4 is an accurate map of the state of Oklahoma.

5 A. Yes, it is.

6 MR. THURSCHELL: Your Honor we move the  
admission of

7 Defense Exhibit D1801.

8 MR. RYAN: No objection.

9 THE COURT: Received.

10 MR. THURSCHELL: Your Honor, I ask to

publish.

11 THE COURT: Yes.

12 BY MR. THURSCHELL:

13 Q. Mr. Bates, I'm going to show you one section of  
this map

14 and ask whether you can see Duncan, Oklahoma.

15 A. Yes, sir, sure can.

16 Q. Can you take the pen that's attached to a wire in  
front of

17 you and mark on the screen with a circle where Duncan,  
18 Oklahoma, is.

19 You actually have to reach underneath and  
touch the

20 television screen itself.

21 A. Oh.

22 Q. There we go.

23 Now, can you at the same time -- could you  
show the

24 jury where Oklahoma City is and if it's on the map?

25 A. Well, it's barely showing north of over in Norman  
there.

13259

Darvin Bates - Direct

1 Q. Just north. So now -- this is going to take your  
markings

2 off.

3 If I slide it down a little bit, can you see

Oklahoma

4 City?

5 A. Yes, sir.

6 Q. About how far away in terms of miles is Oklahoma  
City from

7 Duncan?

8 A. Approximately 75 miles.

9 Q. Okay. And do you see Highway 81 that you referred  
to

10 earlier on the map?

11 A. Yes, sir.

12 Q. Can you point to that on the screen with your pen?

13 That runs straight through Duncan?

14 A. Yes, sir.

15 Q. Thank you, sir.

16 Now I want to show you what's been previously  
admitted

17 as Exhibit D1731.

18 And I want to ask you: Have you ever seen  
this sketch

19 before? Not the individual depicted but first the  
sketch

20 itself.

21 A. Yes, sir.

22 Q. Where and when did you see it?

23 A. Shortly after the tragedy in Oklahoma City.

24 Q. And where did you see it?

25 A. I saw it on the TV and in the newspaper.

13260

Darvin Bates – Direct

1 Q. Okay. And how was it identified, if you recall?

2 A. John Doe No. 2.

3 Q. All right. Would that be the other individual who  
was seen

4 with Mr. McVeigh?

5 A. Yes, sir.

6 MR. RYAN: Objection, your Honor.

7 THE COURT: Sustained as to the question, and  
the

8 answer is stricken.

9 BY MR. THURSCHELL:

10 Q. Now I want to show you what has been -- has not yet  
been

11 admitted on the ELMO marked as Defense Exhibit 1698 for

12 identification and ask you, sir, whether you've ever  
seen this

13 sketch before.

14 A. Yes, sir.

15 Q. And where and when have you seen that sketch?

16 A. On the TV and also in the newspapers.

17 Q. And how was it identified at that time?

18 A. John Doe No. 2.

19 MR. THURSCHELL: We move the admission of  
D1698.

20 MR. RYAN: No objection.  
21 THE COURT: Received.  
22 MR. THURSCHELL: May it be published?  
23 THE COURT: Yes.  
24 MR. THURSCHELL: Thank you.  
25 BY MR. THURSCHELL:

13261

Darvin Bates - Direct

1 Q. Now, Mr. Bates, have you ever met someone who  
closely  
2 resembled these sketches that I've just showed you?  
3 A. Yes, sir.  
4 Q. Okay. And before we get into the specifics, did  
there come  
5 a time that you informed the FBI of everything that you  
had  
6 learned about this particular individual?  
7 A. Yes, sir.  
8 Q. How long after you first met the individual did you  
inform  
9 the FBI of what you knew?  
10 A. Third day.  
11 Q. Now, let me go back and to your initial encounter  
with this  
12 person. When was it?  
13 A. When was it? Approximately a month after the

tragedy in

14 Oklahoma City.

15 Q. Do you recall the precise date?

16 A. No, sir.

17 Q. The precise number of days after the bombing?

18 A. No, sir.

this

19 Q. Would it refresh your memory if I asked whether

going on?

20 encounter occurred while rescue operations were still

21 Do you remember?

22 A. I couldn't recall.

of the

23 Q. Okay. But you recall it was within a month or so

24 bombing?

25 A. Correct.

13262

Darvin Bates – Direct

you

1 Q. Okay. Now, do you recall what day of the week that

2 first met this individual?

3 A. Yes, sir.

4 Q. What day was that?

5 A. A Wednesday.

6 Q. Okay. Why do you remember that it was a Wednesday?

7 A. Well, I was at the waffle shop, and we was short a

8 dishwasher and --

9 Q. Well, before we get to that, is there a specific  
reason

10 that you remember that it was a Wednesday that you met  
the

11 person on?

12 A. I don't know how you could forget what day it was  
you met

13 somebody like that.

14 Q. Okay. Well, let's leave that for now.

15 Tell us about the circumstances in which you  
met this

16 person. What time of day was it?

17 A. Approximately 3 or 4 p.m.

18 Q. All right. And where did you meet him?

19 A. At the waffle shop.

20 Q. Okay. Tell us about it. What happened?

21 A. Well, we was short a dishwasher; and I was setting  
(sic) at

22 the end of the counter, and a gentleman walked in and  
asked for

23 a job washing dishes. And I asked him -- I said, "Can  
you wash

24 dishes?"

25 And he said, "Yes, sir."

13263

Darvin Bates - Direct



1                   And I said, "Are you from Duncan?"

2                   And he said, "No, sir."

3    Q.   Did you offer him a job --

4    A.   Yes, sir.

5    Q.   -- anyway?   Okay.   How long did he end up working  
at your

6    restaurant?

7    A.   Three days.

8    Q.   All right.   Now, can you tell the jury first how he  
was

9    dressed?

10   A.   He had on khaki pants and a sport shirt and a  
green-type

11   military cap with a bib on it.

12   Q.   Do you recall his height?

13   A.   Well, he's not as tall as I am.   He was probably in  
this

14   area here.

15   Q.   And you're pointing there to about your neck or  
chin level?

16   A.   Well, probably right here.

17   Q.   Okay.   Top of your shoulders?

18   A.   Yeah.

19   Q.   How tall are you, sir?

20   A.   6-foot-1.

21   Q.   Recall his complexion?

22   A.   Yes, sir.

23 Q. And what would that be?

24 A. It was an olive complexion.

25 Q. Okay. And hair color?

13264

Darvin Bates - Direct

1 A. Black.

2 Q. And how long was his hair?

3 A. It was short.

4 Q. All right. Do you recall his eyes?

5 A. Yes, sir.

6 Q. And what -- do you recall what color they were?

7 A. Yes, sir.

8 Q. What were they?

9 A. It was dark, very dark, like black or dark brown.

10 Q. And could you tell his ethnic background?

11 A. I felt what his ethnic background was part Asian  
and white.

12 He was -- had -- there was characteristics about him  
that even

13 though his -- he had real good English, excellent  
English. His

14 actions were similar to actions -- people of -- from  
the

15 Philippines or that there -- very friendly.

16 Q. What about his appearance, sir? What race or  
ethnic

17 background did his appearance make him -- make you  
think of?

18 A. Well, he was -- he wasn't a hundred percent white.  
He was  
19 part Spanish or part Filipino or part Asian of some  
type.

20 Q. Okay. And could you tell approximately his age?

21 A. Yes. I asked him his age, and I believe at the  
time he  
22 told me he was either 25 or 26 years old.

23 Q. Okay. And did he give you his name?

24 A. Yes.

25 Q. Do you recall what it is?

13265

Darvin Bates - Direct

1 A. No. I could never pronounce his name, and he said,  
"Just  
2 call me John."

3 Q. Okay. Well, let's call him John, then, for  
purposes of  
4 identification here.

5 Now, you said you gave him a job. Did he  
start  
6 working that day?

7 A. Yes, sir.

8 Q. What was he doing?

9 A. Washing dishes.

10 Q. Okay. And did you start him right away?

11 A. Yes, sir.

12 Q. And did you have any conversation with him while he  
was  
13 working?

14 A. Yes, sir.

15 Q. And could you tell us about that. What did you  
say, what  
16 did he say?

17 A. I asked him where he was from, and he said Kingman,  
18 Arizona.

19 Q. Did you ask him anything further about that?

20 A. I asked him, "What brings you to Duncan, Oklahoma?"

21 And he said he didn't know.

22 I said, "Well, do you have friends or  
relatives in  
23 Duncan?"

24 And he said no.

25 And I asked him some questions about Kingman,  
Arizona.

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Darvin Bates - Direct

1 Q. Now, what questions about Kingman, Arizona, did you  
ask  
2 him?

3 A. I asked him if he was coming from the east  
traveling west

4 in Kingman, Arizona, what was the name of the first  
exit in  
5 Kingman.  
6 Q. And, sir, were -- at the time, were you familiar  
with  
7 Kingman, Arizona?  
8 A. Yes. My wife and I had been through there five or  
six  
9 times on vacation over the last 10 or 15 years.  
10 Q. Did he know what the first exit was?  
11 A. Yes, sir.  
12 Q. Traveling from east to west?  
13 A. Yes, sir.  
14 Q. Did you ask him any other questions about Kingman,  
Arizona?  
15 A. Yes, sir.  
16 Q. What were they?  
17 A. I asked him the name of the first service station  
that you  
18 come to when you turn north off of Interstate 40 going  
to Las  
19 Vegas.  
20 Q. And did he know the name of that --  
21 A. Yes. He said it was a Pilot station.  
22 Q. Was that to your best knowledge -- is that correct?  
23 A. That's correct.  
24 Q. Okay.  
25 A. They built a new station since then between the

Pilot and

13267

Darvin Bates – Direct

1 the highway, but that was correct.

2 Q. Now, sir, why were you asking him these questions  
about

3 Kingman, Arizona?

4 A. Why?

5 Q. Yes.

6 A. Well, because of his resemblance to John Doe No. 2,  
I had  
7 an uneasy feeling.

8 Q. Okay. So at the time he walked in, you had seen  
the  
9 sketches of John Doe No. 2 already on television?

10 A. Yes, sir.

11 Q. At the time you asked him these questions about  
Kingman,

12 Arizona, were you aware that from television or other  
sources

13 that Kingman, Arizona, was associated in some way with  
the  
14 Oklahoma City bombing case?

15 A. No, sir.

16 Q. You had not heard that?

17 A. No, sir.

18 Q. Have you subsequently come to learn that that is

the case?

19 A. Yes, sir.

for a 20 Q. Now, what shift -- you hired him. Did you hire him

21 particular shift?

22 A. Yes, sir.

23 Q. What shift was that?

24 A. 2 p.m. till 10.

observe 25 Q. 2 till 10? All right. And as far as you could

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Darvin Bates - Direct

employee? 1 during the three days he worked there, was he a good

2 A. Yes, sir.

had come 3 Q. Did you -- by the way, did you ever ask him how he

4 to Duncan?

5 A. Yes, sir.

6 Q. What did he tell you?

a man 7 A. All he could tell me was that he caught a ride with

8 in a pickup.

9 Q. Okay. Did he tell you where he was coming from?

10 A. No, sir.

11 Q. What direction?

12 A. No, sir.

13 Q. Did you ever see him with his own vehicle?

14 A. He had a bicycle.

15 Q. He had a bicycle?

16 A. Yeah. A new bicycle.

17 Q. Now, did he return for work the next day?

18 A. The second day?

19 Q. Yes.

20 A. Yes, sir.

21 Q. Worked a full shift?

22 A. Yes, sir.

23 Q. During this time period, were your suspicions about  
him and  
24 his appearance -- the fact that he resembled to your  
mind John  
25 Doe No. 2 -- were they allayed, or were they heightened  
during

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Darvin Bates - Direct

1 this period? Were you more concerned, or less  
concerned?

2 A. More concerned.

3 Q. All right. Did you eventually contact the FBI  
about these

4 suspicions?

5 A. Yes, sir.



6 Q. When did you contact the FBI?

7 A. Friday morning.

8 Q. So that would be the third day after he initially  
-- your  
9 initial contact with him?

10 A. Yes, sir.

11 Q. Okay. What time on Friday morning?

12 A. Probably 5 minutes after 8.

13 Q. All right. Tell us -- tell the jury what you did.

14 A. Well, my first call was to Oklahoma City, and a  
lady  
15 answered in the FBI office there. I gave her my name  
and my  
16 address and the purpose of the call.

17 Q. What did you tell her the purpose of the call was?

18 A. I told her I had some pertinent information  
concerning John

19 Doe No. 2 that I felt might be of interest to the  
Federal  
20 Bureau of Investigation.

21 Q. Okay. Did you give her any more details?

22 A. I started to go into the details, and she said I  
would have  
23 to call the Lawton office.

24 Q. Okay.

25 A. And I asked for the Lawton telephone number, and  
she said

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Darvin Bates - Direct

it up or  
1 I'd have to -- she didn't have it or I'd have to look  
2 some way get the number.

up  
3 Q. She said she didn't have it; you'd have to look it  
4 yourself?

5 A. Right.

6 Q. Did you do that?

7 A. Yes, sir.

8 Q. When -- did you call the Lawton FBI office?

called the  
9 A. Yes. The same morning at approximately 8:30, I  
10 Lawton office.

11 Q. All right. Tell us about that phone call.

her my  
12 A. Well, a lady answered the phone there, and I gave  
13 name, my place of business, my telephone number and  
address

information  
14 very clearly. And I told her I had some pertinent

Federal  
15 that might be available or might be valuable to the

16 Bureau of Investigation concerning John Doe No. 2.

17 Q. And did you try to give her some of the details?

me  
18 A. And I started to go into the details, and she told  
19 that --

20 MR. RYAN: Objection, your Honor.

21 MR. THURSCHELL: Your Honor, I think it's --

22 THE COURT: What are you offering it for?

23 MR. THURSCHELL: Just eliciting the reaction

of the

24 FBI, not offered for the truth per se but --

25 THE COURT: All right. Overruled.

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Darvin Bates - Direct

1 BY MR. THURSCHELL:

2 Q. You can answer.

3 A. She told me I would have to call back after 9 p.m.

and ask

4 for Agent so-and-so and I could talk to him.

5 Q. Now, you said 9 p.m.?

6 A. I mean 9 a.m. I'm sorry.

7 Q. All right. What -- what did you do after that?

8 A. Well, I called back after 9:00 that morning.

9 Q. Do you recall exactly or approximately what time

you

10 called?

11 A. Well, the phone record should bear it out, but it

was

12 probably 5 minutes after 9. It was close to 9:00.

13 Q. Okay. And tell us about that phone call.

14 A. I called and went through the process, and then I

talked to

15 the agent -- FBI agent and gave him my name, my  
address,

16 telephone number, where place of business is at; and at  
first

17 he said now, "Where is your business at?"

18 Q. Let me just stop you there for a second. Did you  
tell him

19 that someone who matched one of the sketches that had  
been

20 televised had come to your place of business?

21 A. Yes, sir.

22 Q. And that that person was working there?

23 A. Yes, sir.

24 Q. Did you give the agent a description, your own  
description

25 of what the person looked like?

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Darvin Bates - Direct

1 A. Yes.

2 Q. Did you mention the fact that this person had told  
you that

3 he was from Kingman, Arizona?

4 A. Yes.

5 Q. And --

6 A. Well, I don't know if I told him he was from  
Kingman or

7 not.

8 Q. Okay. All right. Did you tell the agent that this  
person

9 would be coming to work for you at your place of  
business at

10 2:00 that afternoon?

11 A. Yes, sir.

12 MR. RYAN: Your Honor, I object to leading.

13 THE COURT: Well, it's harmless leading.  
Overruled.

14 We're at 5:00. We'll recess.

15 MR. THURSCHELL: Thank you, your Honor.

16 THE COURT: You'll have to --

17 MR. THURSCHELL: I'm sorry. I just have very  
little

18 more, but if you want to continue tomorrow  
morning . . .

19 THE COURT: Well, there is going to be

20 cross-examination.

21 MR. THURSCHELL: That's true.

22 THE COURT: All right. You'll have to step  
down now.

23 You may step out now. We'll have you back in  
the

24 morning.

25 THE WITNESS: Oh. Thank you.

1 THE COURT: Members of the jury, we'll --  
having  
2 arrived at the 5:00 hour, one minute past, we will  
recess as  
3 promised and you will go your own ways. And, of  
course,  
4 continue to follow all of the cautions given at all of  
the  
5 times that we recess, keeping open minds, remembering  
that you  
6 will hear more witnesses, see more exhibits, other  
parts of the  
7 trial being arguments by the lawyers, instructions by  
me. So  
8 again, it's necessary for you to withhold judgment in  
your own  
9 mind about anything concerning this case and to, of  
course, not  
10 discuss it with anyone else, including other jurors,  
and not to  
11 see anything outside the evidence or hear anything  
outside the  
12 evidence that could influence you.

13 You're excused till 8:45 tomorrow morning.

14 (Jury out at 5:02 p.m.)

15 THE COURT: All right. We'll be in recess.

16 (Recess at 5:02 p.m.)

17 \* \* \* \* \*

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3 DEFENDANT'S EXHIBITS

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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 8th day of December, 1997.

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Paul Zuckerman

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Carpenter

Bonnie

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