

**Monday, April 28 (afternoon)**

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLORADO

Criminal Action No. 96-CR-68

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIMOTHY JAMES McVEIGH,

Defendant.

REPORTER'S TRANSCRIPT

(Trial to Jury - Volume 67)

Proceedings before the HONORABLE RICHARD P. MATSCH,  
Judge, United States District Court for the District of  
Colorado, commencing at 1:35 p.m., on the 28th day of April,  
1997, in Courtroom C-204, United States Courthouse, Denver,  
Colorado.

Proceeding Recorded by Mechanical Stenography, Transcription  
Produced via Computer by Paul Zuckerman, 1929 Stout Street,  
P.O. Box 3563, Denver, Colorado, 80294, (303) 629-9285

APPEARANCES

PATRICK M. RYAN, United States Attorney for the  
Western District of Oklahoma, 210 West Park Avenue, Suite 400,  
Oklahoma City, Oklahoma, 73102, appearing for the plaintiff.

JOSEPH H. HARTZLER, SEAN CONNELLY, LARRY A. MACKEY,  
BETH WILKINSON, SCOTT MENDELOFF, JAMIE ORENSTEIN, AITAN  
GOELMAN, and VICKI BEHENNA, Special Attorneys to the U.S.  
Attorney General, 1961 Stout Street, Suite 1200, Denver,  
Colorado, 80294, appearing for the plaintiff.

STEPHEN JONES, ROBERT NIGH, JR., and RICHARD BURR,  
Attorneys at Law, Jones, Wyatt & Roberts, 999 18th Street,  
Suite 2460, Denver, Colorado, 80202; JERALYN MERRITT, 303 East  
17th Avenue, Suite 400, Denver, Colorado, 80203; CHERYL A.  
RAMSEY, Attorney at Law, Szlichta and Ramsey, 8 Main Place,  
Post Office Box 1206, Stillwater, Oklahoma, 74076, and  
CHRISTOPHER L. TRITICO, Attorney at Law, Essmyer, Tritico &  
Clary, 4300 Scotland, Houston, Texas, 77007, appearing for  
Defendant McVeigh.

\* \* \* \* \*

PROCEEDINGS

(Reconvened at 1:35 p.m.)

THE COURT: Please be seated.

Ready to proceed?

MS. RAMSEY: Yes, your Honor.

THE COURT: Bring in the jury.

(Jury in at 1:36 p.m.)

THE COURT: Bring in the witness.

Please resume the stand.

(Charles Hanger was recalled to the stand.)

THE COURT: You may continue.

MS. RAMSEY: Thank you, your Honor.

DIRECT EXAMINATION CONTINUED

BY MS. RAMSEY:

Q. I want to turn your attention back to I-35, when you made the stop of Mr. McVeigh. I believe you testified a few moments ago, before lunch, that at the time that you made the stop of Mr. McVeigh, there was not a lot of traffic at that time.

A. I believe I said there was moderate amount of traffic.

Q. Did you see a -- any other vehicles around Mr. McVeigh's vehicle at the time that you stopped him?

A. I'm sure there were vehicles around it, but none that I took note of.

Q. None that you thought might be following or traveling with Mr. McVeigh, either in front or behind him?

A. I couldn't even tell you what was around him. I don't have any idea.

Q. Nothing called your attention to it?

A. No.

Q. And did you see a brown pickup truck around Mr. McVeigh's vehicle?

Charles Hanger - Direct

MR. MENDELOFF: Objection, your Honor: Asked and answered.

THE COURT: Overruled.

BY MS. RAMSEY:

Q. Answer the question, please.

A. I don't recall any of the vehicles that were around that car at the time.

Q. Thank you.

Now I want to direct your attention later to the interstate, when you were on the interstate. Did you ask Mr. McVeigh if he wanted to leave his vehicle on the roadway?

A. Yes.

Q. Or was there another option that you gave him?

A. I gave him the option of either me impounding it or he leaving it there. However, I told him if he left it there, it would be at his own risk.

Q. And if he -- if you impounded the vehicle, does that involve towing?

A. Yes.

Q. Would that involve towing charges that Mr. McVeigh would be responsible for paying?

A. Yes.

Q. Is it normal for you give an option to an individual with regard to their vehicle?

A. Yes, it is, as long as I feel that they're capable of

Charles Hanger - Direct

making that decision.

Q. And was there any threat of danger to the vehicle that you knew of at that point or that you were concerned about?

A. The only threat would be there's always a possible threat of vandalism or someone breaking into it.

Q. Did you anticipate that Mr. McVeigh would go back to his vehicle in a relatively short time?

A. I didn't have any idea how long it would be.

Q. But certainly within an hour or a few hours to a day?

A. I didn't know how long -- I wasn't privileged to the courts, how busy they were, and so I didn't know.

Q. When you were in Mr. McVeigh's vehicle in the front seat, did you notice any of the gauges in the vehicle such as the gas gauge or anything like that?

A. I didn't look at them.

Q. I want to turn your attention back to the Noble County Jail. When I believe you testified earlier Miss Moritz took the valuables of Mr. McVeigh, she put those in a bank bag?

A. Yes.

Q. I believe that bank bag had number "2" on it, which corresponded to the number that was on the paper sack?

A. That is correct.

Q. Was that paper sack just a grocery sack?

A. Yes, it is a grocery sack, a paper sack.

Q. Okay. When you said the words "Best Yet" as being on the

Charles Hanger - Direct

sack, isn't that the name of a grocery store in Perry?

A. Yes.

Q. Now, the bank bag, though, is a actual plastic bag that is used by banks to give to their customers in order to put deposits in; is that correct?

A. Yes.

Q. And is it the custom of the Noble County Jail, if you know, to reuse those bank bags over and over?

A. Yes.

Q. With every prisoner, a different bank bag is used, and then when that prisoner gets out of jail, that bank bag can be used again; isn't that correct?

A. Yes.

Q. And did you help Miss Moritz with the inventorying of the valuable property and putting it in that bank bag?

A. No, I did not.

Q. Okay. Did you see her do that?

A. I didn't see her put every item in there, but I saw her putting some items in it.

Q. Was there anything special or unique that was done by Miss Moritz, in your presence, with the valuables that were put in the bank bag?

A. She just put them in there, the ones that I saw.

Q. Nothing was being treated carefully or unusually; correct?

A. No.

Charles Hanger - Direct

Q. Okay. Now, you, I believe, helped Mr. McVeigh with his clothing or the processing of his clothing; is that correct?

A. Yes.

Q. Did you go into a room with him to change, or did you direct him to go into a room to change?

A. I went into that room with him.

Q. And did you tell him what to do?

A. Yes.

Q. You actually watched him change the clothes?

A. Yes, I did.

Q. And what clothing did he take off?

A. He took off his two shirts, his boots, his socks, and his jeans.

Q. What about the windbreaker?

A. I believe it was already, had been taken off in the booking area.

Q. And was that placed in the bag with his other clothes?

A. Yes.

Q. Now, this area that you were talking about prior to lunch about where the property was stored, is that on the south side of the courthouse but on the fourth floor in the jail?

A. You're talking about where the bag was left?

Q. In that storage area you referred to.

A. Yes, it's across the hall from the booking area.

Q. Okay. And is that locked in any way?

Q. Okay. And is that locked in any way.

Charles Hanger - Direct

A. No, not the door that goes into it itself. But the whole jail is locked.

Q. Right, I understand that. But there is a door that is on that room; isn't that correct?

A. Yes.

Q. That that door is not locked; correct?

A. It is not.

Q. Is that the room where a trustee will usually sleep if there is a trustee at Noble County?

A. I have seen trustees in that room.

Q. And isn't that the normal room where attorneys will interview clients if they are in jail?

A. I wouldn't be privileged to that information.

Q. Have you ever seen attorneys up there in that room?

A. No, I have not.

Q. And who has access to that room? All law enforcement that come up there?

A. Yes, and the jailer.

Q. Right. And don't prisoners at times go in there, like Mr. McVeigh did to change his clothes?

A. Yes, but they are with an officer at the time that they're in there.

Q. Okay. But they have access to go into that room to change clothes?



A. Yes, under supervision.

Charles Hanger - Direct

Q. Okay. And you have seen a trustee in there at times?

A. Yes.

Q. Okay. Now, the sack that you used to put Mr. McVeigh's clothing in, was that a new sack or a used sack?

A. It looked new to me. It didn't have any of the writings on it, and it appeared crisp and new.

Q. And isn't it the custom of the Noble County Jail to reuse those sacks if they are in good condition?

A. Not that I'm aware of. I've never seen any with names crossed through or multiple names.

Q. Okay. And when you pla -- or did you place the clothing that belonged to Mr. McVeigh into the sack?

A. No, he placed it in there.

Q. And did he then hand the sack to you?

A. I had him place the sack on the floor. In the area where the other sacks were.

Q. Now, when you say that the sack was a crisp sack, Mr. McVeigh put his clothes in the sack, did he roll it down at your direction, or was it paper-clipped closed or closed in any way?

A. I don't believe it was closed.

Q. So it was left open?

A. Yes.

Q. And was the bag full?

A. It was fairly full.

Charles Hanger - Direct

Q. With the --

A. Not just running out the top, but it was near the top.

Q. Pretty well came to the top with the boots and everything in it?

A. I don't recall if the boots were in it or they were sitting beside it.

Q. Okay. Now, when you asked Mr. McVeigh to put the bag on the floor, then did you pick the bag up?

A. No, it was left there.

Q. It was just left in the position where you told him to put it?

A. Yes.

Q. Was it over in a corner or the middle of the floor or was it under something, or where did he put it?

A. As you walk into the door, it would be about 5, 4 to 5 feet south of the door and then to the right in an area where all the sacks are kept.

Q. And when you say all the sacks, that's everyone who is in custody in the Noble County Jail and has personal property has a sack; is that correct?

A. Yes.

Q. And the items that are in these sacks are not evidence;

isn't that correct?

A. I would assume that -- no, I don't leave my evidence there.

I can't speak to everyone else.

Charles Hanger - Direct

Q. But that's not normally where evidence is kept; correct?

A. That's not where my evidence is kept.

Q. For the reason that it's not locked up and can be gotten to; is that correct?

MR. MENDELOFF: Objection as to Noble County policies.

THE COURT: Sustained.

BY MS. RAMSEY:

Q. Now, how long did it take Mr. McVeigh to take his clothes off?

A. Oh, not very long. I didn't time it, but it would, 2, 3 minutes, maybe 4 minutes.

Q. Nothing unusual?

A. No.

Q. Okay. At that time after Mr. McVeigh put his clothing down, you two walked out of that room, were you done with him?

A. Yes, I was.

Q. Okay. And did you leave the area at that time?

A. No, I remained on the jail floor.

Q. In the booking area?

A. Yes, in the area where the computer is.

Q. And was Mr. McVeigh in that area still?

A. No, he was taken back to a cell.

Q. Did Miss Moritz do that?

A. Miss Moritz and -- I don't know if the sheriff was up there. Someone else assisted her in putting him in a cell.

Charles Hanger - Direct

Q. So you didn't remain on the floor in order for there to be somebody there while she put him in a cell?

A. Not for that specific purpose, no.

Q. Why did you stay there, then?

A. I was still working on my probable cause affidavit and the confiscated property report.

Q. And how long did you stay on the floor?

A. I think I left around -- about 10 minutes to 1.

Q. Okay. And that's when you went to lunch?

A. Yes.

Q. I want to ask you a couple of questions about the earplugs that Mr. McVeigh had. Did you know that he had those until he emptied his pockets?

A. No.

Q. Do you as a trooper have to be certified as far as shooting is concerned?

A. Yes, I do.

Q. Is that something that you do every year?

A. We do it quarterly.

Q. Quarterly. So four times a year?

A. Yes.

Q. Okay. And you have to practice that shooting, don't you?

A. Yes.

Q. And do you, when you are shooting, use some type of ear covering, either earplugs or larger covering on your ears when

Charles Hanger - Direct

you do that?

A. I use the muffs.

Q. The muffs?

A. Yes.

Q. Have you seen people use earplugs?

A. Usually the troopers that I qualified with use the muffs.

Q. But it would not be unusual to use earplugs?

A. I assume some people do.

Q. Okay. When you went to lunch that day, you had the property still in the back seat of your car; is that -- or not the back seat, but in the trunk of your car; is that correct?

A. Could you repeat that, please?

Q. Did you have the -- not property, but evidence in the trunk of your car?

A. At what time?

Q. When you went to lunch.

A. Yes.

Q. You had filled out at sometime a confiscated property receipt which is -- has been admitted as Government's Exhibit

Would you please display that, please.

Did you fill this out?

A. Part of it was filled out in the jail, booking area, and then the remainder was filled out in the sheriff's office.

Q. On the first floor?

Charles Hanger - Direct

A. Yes.

Q. Why did you not have Mr. McVeigh sign that -- I believe about halfway down the page, it says . . . "Did not sign" or something like that.

A. It says, "Did not sign." It's not my usual custom to have him -- have the defendant sign that. Unless I have a drug case that I felt might enhance my case, that he's going to be provided a copy of that, and I didn't need his signature.

Q. Okay. So there was nothing unusual or special with regard to the evidence that you have written on this confiscated property receipt that would lead you to have him himself sign that?

A. I didn't feel like it was necessary.

Q. Okay. Thank you.

Now, you testified on direct examination -- let me back up just a moment.

When you put Mr. McVeigh in the passenger side of the front seat; is that normally where you put prisoners?

A. Yes, when I have just one.

Q. Do you ever put a prisoner in the back seat when you have just one?

A. No.

Q. You don't have a cage in your car, do you?

A. No.

Q. If you were concerned about your safety, would you put a

Charles Hanger - Direct

prisoner in the back seat?

A. I don't -- with the kind of cars that we drive, I don't think that offers you any more protection because they can still access you through the -- between the bucket seats.

Q. I believe you testified on direct examination that you had had the vehicle since January of 1994; is that correct?

A. June.

Q. June?

A. June 29.

Q. June of 1994. So you had had it approximately 10 months --

A. Yes.

Q. -- at the time?

Now, when was the last time that you checked your seats?

A. In what regard? How I checked them.

Q. In relation to April the 19th.

A. You mean digging around in the seats?

Q. Yeah, uh-huh.

A. I don't remember. I don't know. As far as digging around in the seats, I don't know.

Q. Well, that's not a directive by the highway patrol as far as checking the seats every time a prisoner gets out of the car or something like that?

A. It's not a directive. But as a personal preference, after I've had a prisoner in custody, I do a more thorough check than

Charles Hanger - Direct

I do when I go to work every day, by just visually looking around.

Q. On that particular day, your wife went to lunch with you; correct?

A. Yes.

Q. In your patrol car; correct?

A. Yes.

Q. And isn't it usual and customary, if you were to go to lunch or go to dinner or whatever your shift would be, while you were using your patrol car, that you might have someone sit in that passenger seat, as well as in the back seat; correct?

A. I don't think I understand your question.

Q. If you are driving your vehicle on duty and you go to lunch, or you go to dinner, if you go pick somebody up, they usually sit in your car, don't they?

A. Yes.

Q. In the front seat, or if you have more than one person, people get in the back seat; right?

A. Yes.



Q. And when you found this card that you were questioned about on direct examination, did you pull the seat out of your vehicle?

A. Did I pull it out just to locate it?

Q. Uh-huh.

A. No, it was in plain view.

Charles Hanger - Direct

Q. But did you pull it out after to see what makeup the seat was?

A. Could you define which seat we're talking about?

Q. You testified earlier that you had taken the seat out in order to determine the makeup of it, to see if something could fall back. Is that the first time you had done that?

A. I don't believe that I took it out.

Q. Okay. Tell me what you said on direct examination about your seat, then.

A. That I had examined it by sticking my hand down into the bottom area of the seat where the bottom of the seat and the bottom of the back come together to see if something could pass through there.

Q. And is that the only time that you've done that?

A. I've had prisoners in there before that when I got done, I felt around in the seats to make sure nothing was stuffed down in my seats.

Q. All right.

A. But I couldn't tell you when that last time was.

Q. I want to turn your attention now to the roadways to and from Arkansas, Oklahoma City, and to Kansas, which is Government's Exhibit 410. Do you have that on your screen?

A. Yes, ma'am.

Q. Isn't it true that the roadways of either 60 or 177 or 74 would be a much-less-traveled roadway than the Interstate 35?

Charles Hanger - Direct

A. Yes.

Q. And isn't this -- any one of these roadways a logical roadway to go from Oklahoma to Kansas?

A. I don't know. Like I say, it was logical depending on what your reasons were and where you were coming from or going to.

Q. But if you are traveling to Kansas, that would be a normal way to go, any of those roadways; isn't that correct?

A. My preference would be the fastest and the easiest, which would be Interstate 35.

Q. That's right. There's more traffic on I-35, more chance of law enforcement on I-35; correct?

A. I wouldn't say there's a more chance of law enforcement on I-35. We're so short in all areas that we're not oversaturated.

Q. I understand that. But wouldn't there be a greater chance of running into law enforcement on a well-traveled and more-traveled roadway than a less-traveled roadway?

A. Given our current status on being very short on manpower, no, I can't say that.

Q. Now, you testified also that you had talked with the FBI as well as the United States Attorney's Office, members of the office. How many hours would you say that you have actually discussed the case with either law enforcement or United States attorneys?

A. Gosh, I don't have anything before me that -- I can guess

Charles Hanger - Direct

at it.

Q. Well, educated guess perhaps.

A. 12 to 14 hours.

Q. And you are aware that the defense requested to interview you?

A. I had heard that. No one had ever approached me.

Q. Mr. Lindsay with the Department of Public Safety did not advise you that he would not allow you to be questioned?

MR. MENDELOFF: Objection, your Honor: Hearsay.

THE COURT: Sustained.

BY MS. RAMSEY:

Q. Now, on April the 19th when you completed the confiscated property form and gave the evidence to Sheriff Cook, were you done with this case?

A. Yes.

Q. You had no further contact with Mr. McVeigh whatsoever; is

that correct?

A. No, I did not.

Q. Now, when you were off duty -- I believe which you said you were supposed to be off the 20th, 21st, and 22d; is that correct?

A. That is correct.

Q. But you came back on duty in plain clothes on the 21st?

A. Yes.

Q. And for what purpose was that that you came back on duty?

Charles Hanger - Direct

A. I had received a call from my headquarters around 10 a.m. on the 21st asking me if I had ran a specific social security number through the NCIC computer system, and I had recalled the number being a low digit, beginning like 11 something or a low-digit number. And I told them I thought it was the individual that I'd arrested on Wednesday, the 19th, but I'd have to call the jail to confirm that.

Q. Was this Miss Warnock that was calling you from the Pawnee headquarters?

A. Yes.

Q. All right. Go ahead. And what did you do next?

A. So I called the jail to ask the jailer -- or actually, I talked to the secretary to ask her if this was the same social security number that belonged to Mr. McVeigh.

Q. Okay. And as a result of getting that phone call, then did you go to the courthouse?

you go to the courthouse:

A. Yes, I was told to report to Sheriff Cook's office, and then I would receive a call from the FBI.

Q. And that was on the 21st?

A. Yes.

Q. On the 20th or on the 21st, did you see any composite sketches of John Doe 1 and John Doe 2?

A. Yes, I don't recall which day.

Q. But prior to the phone call from Miss Warnock on the 21st?

A. Yes.

Charles Hanger - Direct

Q. Okay. Did you at any time ever contact anyone and advise them that you had arrested a suspect that might fit that composite?

A. No.

Q. And did you, until you were actually contacted by the FBI, have any suspicion with regard to Mr. McVeigh being involved?

A. No.

Q. As far as you were concerned, you were arresting Mr. McVeigh on unlawfully carrying a weapon; is that correct?

A. That was one of the charges.

Q. And that is a misdemeanor in the state of Oklahoma; isn't that correct?

A. Yes.

Q. And the definition of Oklahoma law as far as a misdemeanor is some crime that carries punishment of one year or less in a

county jail; isn't that correct?

A. That is correct.

Q. And possibly a fine.

A. Yes.

Q. You were also -- had written Mr. McVeigh a ticket on April the 25th for transporting a loaded firearm in a motor vehicle; is that correct?

A. Yes.

Q. That also would be a misdemeanor offense; correct?

A. Yes.

Charles Hanger - Direct

Q. Also you had written him a ticket for failure to display a current number tag or number plate -- I'm sorry, no license tag. Is that also a misdemeanor offense?

A. Yes.

Q. And a failure to maintain proof of security would be a traffic offense or a misdemeanor offense in the state of Oklahoma; is that correct?

A. Yes.

Q. So there is not anything that you thought was unusual about this arrest until you were contacted on the 21st by the FBI; is that correct?

A. Yes.

MS. RAMSEY: May I have just a moment, your Honor?

THE COURT: Yes.

MS. RAMSEY: I have no further questions.

THE COURT: Any redirect?

MR. MENDELOFF: Yes, just one question, your Honor.

THE COURT: All right.

REDIRECT EXAMINATION

BY MR. MENDELOFF:

Q. When you left Mr. McVeigh's car out on the highway on the 19th and took him into Noble County Jail, were the doors to the car locked?

A. Yes.

Q. Did you check all the doors?

Charles Hanger - Redirect

A. Yes.

Q. And is that recorded on your video?

A. It should be.

MR. MENDELOFF: Nothing further, your Honor.

THE COURT: Any question by the --

MS. RAMSEY: No.

THE COURT: Is the witness to be excused?

MR. MENDELOFF: Yes, your Honor.

THE COURT: Free?

MR. TRITICO: Yes.

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

MR. HARTZLER: Your Honor, the Government calls Special Agent William Eppright. Mr. Mendeloff will question

him.

MR. MENDELOFF: Your Honor, we've tried to rectify the exhibits in the envelopes, so hopefully it will be a little smoother.

THE COURT: Okay. We'll see how it goes.

You'll just be sworn by the clerk here.

(William Eppright, III, affirmed.)

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

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

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

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Mendeloff.

DIRECT EXAMINATION

BY MR. MENDELOFF:

Q. Sir, what is your education?

A. I have a bachelor of art's degree in mathematics and law and justice from Glassboro State College in New Jersey.

Q. After you got out of college, did you take any employment?

A. Yes, sir, I did.

Q. Where?

A. With the Federal Bureau of Investigation.

Q. How long?

A. That was in 1978, so 18 years ago.

Q. Now, initially when you joined the FBI, what was your -- what were your responsibilities?

A. My first responsibilities, in the identification division.

Later the budget and accounting unit. Then the laboratory



division, and following in our computer division.

Q. All right. After you served those years in support, did you become a special agent?

A. Yes, I did.

Q. How long ago was that?

A. 11 and a half years ago.

Q. During the time you worked in the FBI, did you pursue any additional education related to your work in the FBI?

A. Yes, I did.

William Eppright, III - Direct

Q. What was that?

A. I completed the requirements for a master's degree in forensic science from George Washington University.

Q. When did you obtain that degree?

A. I finished the requirements for that degree in, I believe, 1986 or '87.

Q. In addition to your degree in forensic science, did you obtain any other professional certifications?

A. Yes, I'm a certified fingerprint instructor.

Q. All right. Where were you -- where are you currently stationed?

A. I'm currently stationed in Dallas, Texas.

Q. How long have you been stationed in Dallas?

A. For 11 and a half years.

Q. What are your responsibilities there?

A. My responsibilities are general investigative duties.

Q. Now, where were you on the morning of April 19, 1995?

A. I was at my residence.

Q. Did you receive a phone call that morning?

A. Yes, I did.

Q. And did you receive a directive in that phone call?

A. Yes. I received a phone call from a member of the Evidence Response Team who told me to immediately go to Oklahoma City.

Q. All right. And did you leave?

A. Yes, I did.

William Eppright, III - Direct

Q. How soon?

A. As soon as I could.

Q. Before we go on with your testimony, let me take a few moments to ask you some questions about Evidence Response Teams. What is an Evidence Response Team?

A. And Evidence Response Team is a group of agents and support personnel who are especially trained to recognize, recover, preserve, and document crime scenes.

Q. Do Evidence Response Teams actually analyze evidence?

A. No, they do not analyze evidence at all.

Q. How are members of that response team specially trained?

A. They are specially trained through classroom training, practical experience, and specialized courses.

Q. Now, what are the steps Evidence Response Teams undertake

in handling complicated crime scenes?

A. The steps would be to photograph and document pertinent information at crime scenes and then collect the evidence.

Q. Now, let me return back to April 19, 1995. After you received the call directing you to go to Oklahoma City, where did you go?

A. I met the other members of the Evidence Response Team at the Oklahoma City Police Department.

Q. At about what time?

A. I would have arrived there in the mid afternoon.

Q. On what day?

William Eppright, III - Direct

A. April 19.

Q. Over the next two days, what sorts of work did you perform?

A. I performed different crime-scene searches in the Oklahoma City area and also conducted the -- participated in the crime-scene search in front of the federal Murrah Building.

Q. Now, let me take you two days forward, to Friday, April 21, 1995. Did you receive a new assignment on that day?

A. Yes, I did.

Q. What was that?

A. I was asked to go to the secured storage location to coordinate and receive any possible evidence from a vehicle that was being brought to that location.

Q. All right. What is the secured storage location? What was

that?

CHAC:

A. That was the location where all the evidence recovered from any location was brought for storage and maintenance.

Q. And what sort of building was it?

A. It was a warehouse-type building that was secured.

Q. And generally speaking where in the Oklahoma City area was it located?

A. It was in the downtown Oklahoma City area.

Q. Now, at some point that day, did the car that you were to search arrive?

A. Yes, sir, it did.

Q. What time?

William Eppright, III - Direct

A. The car arrived in the late afternoon.

Q. How was it transported to the warehouse?

A. When I saw the car arrive at the warehouse, it was on a flatbed trailer.

Q. What was the make and model of that car?

A. It was a Mercury Grand Marquis.

Q. The car have any distinguishing features on it?

A. Yes, sir, it did.

Q. What was that?

A. It had a lot of body putty, rust-type material on the driver's rear quarter panel.

Q. After the car arrived, did you take note of the car's vehicle identification number?

A. Yes, sir, I did.

Q. Do you have a current independent recollection of what that number was?

A. No, I do not.

MR. MENDELOFF: Your Honor, may I approach the witness?

THE COURT: Yes.

BY MR. MENDELOFF:

Q. Let me show you Government Exhibit 415A, ask you to look at that, and tell the ladies and gentlemen of the jury what that is.

A. Government's Exhibit 415A is my search log which I recorded

William Eppright, III - Direct

the steps of conducting the automobile search on April 21, 1995.

Q. Is the vehicle identification number of the Grand Marquis that you received that day listed anywhere on that sheet of paper?

A. Yes, sir, it is.

Q. When you wrote down the vehicle identification number, was the information fresh in your mind?

A. Yes, it was.

Q. And do you know whether the information was correct as you wrote it down?

A. Yes, sir, it was.

MR. MENDELOFF: Your Honor, at this time we'd move the admission of 415A under Rule 803(5).

MR. NIGH: Your Honor, I don't have a copy of 415A, so if I could examine it.

THE COURT: All right.

MR. MENDELOFF: I did show it to Mr. Jones before we started today, but we certainly can.

MR. NIGH: No objection, your Honor.

THE COURT: 415A received.

BY MR. MENDELOFF:

Q. Can you read from Government Exhibit 415A the vehicle identification on that Mercury Marquis?

A. Yes, sir, I can. It's 7Z60A613847.

William Eppright, III - Direct

Q. By the time the car arrived at the warehouse on a flatbed truck, had you learned whose car it was?

A. Yes, sir, I did.

Q. Whose car was it?

A. It was Timothy McVeigh's.

Q. What was the first thing that happened to the Mercury after it arrived at the warehouse?

A. The Mercury was transported to the rear of the warehouse by the operator of the flatbed truck and the tow-truck driver.

Q. And when it got there, what happened?

A. It was moved to the back of the warehouse by the driver.

Q. And then what?

A. And then I secured a perimeter around the vehicle.

Q. Tell the jury what you mean by the words "secured a perimeter."

A. I at that point located the vehicle in the back of the warehouse and instructed no one to go anywhere near the car.

Q. All right. Now, after the car arrived at the warehouse location, did the FBI take any steps to record the external appearance of that car?

A. Yes, they did.

Q. What did they do?

A. The exterior of the car was photographed from all four sides.

Q. Let me ask you to direct your attention in the sheaf of

William Eppright, III - Direct

papers in front of you to Government Exhibit 414A.

A. Okay, I have it.

Q. What is that?

A. That is a photograph that I directed to be taken of the vehicle located in the warehouse, of the passenger rear quarter panel.

Q. And does that photograph fairly and accurately reflect the way that rear quarter panel looked when you received the car on April 21, 1995?

A. Yes, sir, it does.

MR. MENDELOFF: Move the admission of Government

Exhibit 414A, your Honor.

MR. NIGH: No objection, your Honor.

THE COURT: Proceed.

MR. MENDELOFF: Could we publish that, please, your

Honor?

THE COURT: All right.

BY MR. MENDELOFF:

Q. Now, using the light pen in front of you, would you please indicate on that vehicle the primer that you had mentioned earlier.

I think we're having --

A. I can't tell if it's --

Q. -- a technical -- you have to put the pen right onto the screen there. There you go, draw right onto the screen.

William Eppright, III - Direct

Having trouble there?

A. Yes, sir.

MR. MENDELOFF: Let me -- let me -- I can do it a different way, your Honor.

THE COURT: All right.

BY MR. MENDELOFF:

Q. Let me direct your attention to a portion of that photo contained within a circle. You see that?

A. Yes, I do.



Q. What is that?

A. That is the primer that I spoke of earlier on the rear corner panel.

Q. Now, after you directed photos to be taken of the car, did another group of agents arrive at the warehouse?

A. Yes, sir, they did.

Q. And who was -- who were these people?

A. These were a team of agents from the Chemical Residue Recovery Team.

Q. Who was leading this team?

A. This team was led by Special Agent Steve Burmeister.

Q. When the Chemical Residue Recovery Team arrived, who handled the next step in searching the car?

A. The Chemical Residue Recovery Team did.

Q. And approximately when did this begin?

A. This began approximately 6:40 p.m. on the 21st.

William Eppright, III - Direct

Q. How did it begin? Who entered the car first?

A. The car was entered first by Special Agent Steve Burmeister.

Q. Were the doors opened or closed?

A. The doors were locked.

Q. And how did Agent Burmeister gain entry?

A. Agent Burmeister gained entry into the vehicle by using a Slim Jim or a car-door opening tool.

Q. To your knowledge, when the FBI entered that car, did it do so pursuant to a search warrant?

A. Yes, sir, it did.

Q. At approximately 6:47, did something else happen?

A. Yes, sir. At 6:47, there were air samples taken inside the vehicle.

Q. By whom?

A. By Agent Burmeister.

Q. Were you actively involved in this process?

A. No, I was not.

Q. And what is the reason you know that air samples were taken?

A. I witnessed it, and he said that's what he was doing.

Q. All right. Do you know anything about chemical residue recovery?

A. No, I certainly do not.

Q. Now, at 6:51 that afternoon, that evening, what happened

William Eppright, III - Direct

next?

A. At 6:51, photographs of the interior of the vehicle were taken.

Q. Let me direct your attention to Government Exhibits 466 and 468. What are those?

A. Government's Exhibits 466 and 468 are the interior photographs of the vehicle which I had directed to be taken, one from the passenger's side, which would be Government's

ONE FROM THE PASSENGER'S SIDE, WHICH WOULD BE GOVERNMENT'S  
Exhibit 468, and the other from the driver's side, which would  
be Government's Exhibit 466.

Q. And when in relation to the time that the doors were opened  
to this car were these photos taken?

A. They were taken at 6:51, and the vehicle was opened at  
6:46.

Q. Do they fairly and accurately reflect the way the interior  
of the car looked when the doors were first opened?

A. Yes, sir, they do.

MR. MENDELOFF: Move the admission of Government's  
Exhibits 466 and 468.

MR. NIGH: No objection.

THE COURT: They are received.

MR. MENDELOFF: May we publish them?

THE COURT: Yes.

BY MR. MENDELOFF:

Q. Ask you first to look at Government's Exhibit 466. What is

William Eppright, III - Direct

that?

A. That is the photograph which I directed to be taken of the  
front -- front compartment of the vehicle from the driver's  
side.

Q. All right. And 468, what is that?

A. That is the photograph which I directed to be taken from  
the passenger's side of the front seat and floor.

Q. When these photographs were taken, had anything been removed from the car, other than the air samples?

A. No, sir, they were not.

Q. And were the items in roughly the same place they were when you first opened the door?

A. Yes, sir, they were.

Q. After the FBI photographer took photos of the interior of the car, what was the next step in the examination?

A. After the photographs were taken, the contents were removed.

Q. Who removed them?

A. Special Agent Burmeister.

Q. And when he removed them, how did he remove them?

A. He removed them individually, at which time handing them directly to me.

Q. What did you do when you received each item?

A. After I received each item, I gave it an item number, a description, I marked the evidence for future identification,

William Eppright, III - Direct

and then I packaged the item.

Q. All right. Now, before handling these items, before you started to receive items, did you do anything to take any precautions?

A. Yes, sir, I did.

Q. What did you do?

A. I put on a pair of clean cotton gloves.

Q. And how long did you wear these cotton gloves?

A. I change the cotton gloves periodically throughout the search whenever they would become dirty or wet from perspiration.

Q. From an evidence recovery standpoint, what benefit, if any, is received from wearing these kinds of gloves?

A. The hands are -- they perspire and they get dirty, and it's very easy to put fingerprints on an item. And also it protects the item from destroying or altering any other possible evidence that may be on an item.

Q. You just testified that as you took the items out of the car, you gave each item an item number, listed it on a log, and then marked each item for identification. How were you marking the items for identification?

A. I marked the items either directly on the item itself or indirectly, which would mean on the packaging that I placed the item into.

Q. Did you package them together or individually?

William Eppright, III - Direct

A. No, sir, I packaged each item individual.

Q. When did the process of removing, marking, and inventorying these items begin?

A. That process began at 6:55 p.m.

Q. Shortly after Agent Burmeister began the process of

removing items from the car, did he hand you a document of some sort?

A. Yes, sir, he did.

Q. What was it?

A. The document was an 8-1/2-by-11 white sheet of paper that contained handwriting.

Q. All right. Let me ask you to look -- direct your attention to Government Exhibit 447.

A. I have that.

Q. What is that?

A. That is the document which would -- which was removed from the vehicle.

Q. The one you just referenced?

A. Yes, sir.

Q. How do you know that that's the document?

A. I know that that's the document because it contains my initials and date which I placed on the document at the time I removed it.

Q. Do you also have an independent recollection of that document?

William Eppright, III - Direct

A. Yes, sir, I do.

Q. Let me direct your attention to Government Exhibit 468.

A. Okay. I have that.

Q. Do you see that document in the picture marked Government

Exhibit 468?

A. Yes, sir, I do.

Q. Let me direct your attention to the monitor and ask you what is contained within the circle that appears on your document.

A. Contained within the circle is Government's Exhibit 447.

Q. Does Government Exhibit 447 appear any different today than it did when you recovered it on April 21?

A. Yes, sir, it does.

Q. How does it appear different?

A. It is darker in color, and it also contains additional notations which would be placed on there by individuals in the FBI laboratory who would have conducted tests on the document.

Q. All right.

A. And in addition, it has three holes punched in it.

Q. Let me take those one at a time. When you say the document is darker in color, based on your background in the FBI and your training, do you know what that coloring is from?

A. Yes, sir, I'm aware of what the coloring is from.

Q. What is it?

A. The coloring is from the processing of the document for

William Eppright, III - Direct

latent fingerprints through different chemicals they would use.

Q. And what do you mean through different chemicals? How does that work?

A. I'm not a latent print examiner expert, but there's a number of different types of chemicals. There's a number of different types of exams that a latent fingerprint examiner will do to a document in an attempt to get the best latent fingerprints he can from the document.

Q. Why does the document contain holes punched in it?

A. The document contains holes because the examiner in the document section would have taken a paper sample of the document in an attempt to conduct a paper examination to possibly -- or to match it up with another potential source of paper to compare the two and see if they were the same.

MR. MENDELOFF: At this time, your Honor, we would move the admission of Government Exhibit 447.

MR. NIGH: No objection, your Honor.

THE COURT: 447 received.

MR. MENDELOFF: Your Honor, I might need to use the ELMO.

THE COURTROOM DEPUTY: Okay.

THE COURT: Can you get rid of that arrow in there?

MR. MENDELOFF: Just added one.

I don't know why this is happening. I'll try to take it out of the plastic. No, that doesn't help.

William Eppright, III - Direct

I feel better.

THE COURT: Okay.

MR. MENDELOFF: Thank you, your Honor.



MR. MENDELOFF: There we go.

THE COURT: Just a little confusion to have that there.

MR. MENDELOFF: Yes, it is.

BY MR. MENDELOFF:

Q. Now, Agent Eppright, you mentioned that there were some holes on the document. Can you take your light pencil -- that's not working. All right, what am I pointing at?

A. You're pointing at one of the three holes that appear on the bottom of the document as . . . .

Q. And are there initials next to each of those holes?

A. Yes, sir, there are.

Q. And what would that be for?

A. That would be the markings of the examiner who conducted that particular test.

Q. Now, would you tell us how this document looks any different than it did the first time? You described it before, but now we're looking at it, so if you would just explain.

A. The holes with the markings, the -- I think you can see from -- I can see on my screen that it's discolored. It looks like it has a charcoal-type tint to it, and there's other additional markings that would be placed on there from the laboratory.

William Eppright, III - Direct

Q. All right. Now, when you first saw this document, what color was it?



searched the car on April 21?

A. It's exactly where I found it.

Q. All right. After you received the envelope, at some point did you receive this envelope from Agent Burmeister?

A. Yes, sir, I received the envelope directly from Agent Burmeister.

Q. And after you received it, did you interrupt the process of removing other evidence from the car for any reason?

A. Yes, sir, I did.

Q. What was that?

A. At 7 p.m. I opened the white envelope.

Q. All right. Now, let me ask you to look at Government Exhibit 448.

A. Yes, sir, I have that.

Q. What is that?

A. That is a picture which I directed to be taken of the white envelope after I opened it and the contents within the envelope.

Q. I'm asking you to refer to Government Exhibit 448, not 448A. 448.

A. Government's Exhibit 448 is a -- is the white envelope with the end part missing.

Q. All right. Now, does the envelope appear any different today than it did when you recovered it on April 21, except the

missing end?

A. Yes, sir, it does.

Q. What is that?

A. It's darker in color from the latent fingerprint processing, and it contains different initials from the FBI laboratory.

Q. Similarly, does that document appear any different in thickness than it does now?

A. Yes, sir. It's much thinner because the contents are not in it.

Q. How do you know this is the same envelope that you removed from the car?

A. It has my initials and date.

MR. MENDELOFF: I would move the admission of Government Exhibit 448.

MR. NIGH: No objection, your Honor.

THE COURT: 448 is received.

MR. MENDELOFF: Can we publish it, your Honor?

THE COURT: Yes.

BY MR. MENDELOFF:

Q. Now, looking at this exhibit, can you tell the ladies and gentlemen of the jury where your initials are located?

A. Yes, sir, I can. They're in the upper left-hand corner of the envelope.

Q. All right. And how does it appear -- you described the

William Eppright, III - Direct

difference before; but now that we're looking at it, can you explain how it looks any different now than it did then?

A. Yes, sir. I think from the monitor you can see the discoloration, which again appears to be a charcoal-type discoloration; and the other markings in both corners, they appear as initials and Q numbers.

Q. All right. I believe you testified that you interrupted your process of examining the materials in the car to make closer examination of the envelope. Did you take any steps to prepare for this closer examination?

A. Yes, sir, I did.

Q. What did you do?

A. Before opening the envelope, I created a clean work area on the table I was sitting at.

Q. All right. And what else did you do?

A. I directed the envelope to be photographed.

Q. After you photographed it, how did you open it?

A. I opened it by tearing it along one end.

Q. What was the reason you opened it that way as opposed to using a letter opener?

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

Q. From your initial examination of the contents, what did you see about the organization of the contents?

A. I noticed that the contents were in two stacks which each

William Eppright, III - Direct

stack folded into thirds -- if I can kind of demonstrate.

Q. Yes.

A. Appeared to be two fairly thick stacks of documents folded into thirds and laying one on top of each other.

Q. All right. Now, other than organization, what was the first thing you noticed about the papers when you removed them from the envelope?

A. The first thing I noticed was the -- that the outside of one of the stacks contained a handwritten notation.

Q. All right. Did you unravel those papers when you noticed that handwritten notation?

A. No, sir, I did not.

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

A. I read the notation and directed that a photograph be taken.

Q. And let me ask you to look at Government Exhibit 448A. What is that?

A. 448A is the picture which I directed to be taken of the envelope with the torn edge and the contents contained within the envelope with the handwritten-notation side facing up towards the camera.

Q. Does it fairly and accurately depict the way those materials looked when you photographed them that day?

A. Yes, sir, it sure does.

MR. MENDELOFF: Move the admission of Government

William Eppright, III - Direct

Exhibit 448A, your Honor.

MR. NIGH: No objection.

THE COURT: Received.

MR. MENDELOFF: May we publish it, your Honor?

THE COURT: Yes.

BY MR. MENDELOFF:

Q. Now, let me ask you first to direct your attention to the top half of this photo. What is located there?

A. The top half of the photo shows the envelope with the torn edge.

Q. And the bottom half?

A. The bottom half shows the stacks of paper and the handwriting, the handwritten notation.

Q. Now, how many stacks were there?

A. There were two separate stacks.

Q. Let me ask you to focus your attention on what was written on the stack of paper as you pulled it out of the envelope.

Can you read that to the ladies and gentlemen of the jury?

A. Yes, sir, I can. Written on the outside of the envelope was, "Obey the Constitution of the United States and we won't shoot you."

Q. After you removed the two stacks of paper from inside the envelope and had them photographed, did you continue to examine them?

A. No, sir, I did not.

William Eppright, III - Direct

Q. What did you do with them at that time?

A. At that time I put the contents and the envelope in a Baggie-type envelope which I sealed.

Q. What was the reason you didn't continue to examine those documents?

A. After removing the contents and reading the handwritten notation on the outside, because of the nature of the crime, I felt that the contents might provide very valuable information, evidence, and I wanted to continue processing the car and focus my attention on the contents after the car was completed, after the processing of the car.

Q. All right. And what was the reason you placed Government Exhibit 448, the envelope and its contents, into a plastic container and sealed it?

A. To protect it.

Q. After you secured these materials in that manner, did you return to searching the car?

A. Yes, sir. The chemical residue recovery agents continued their search of the vehicle.

Q. And did that include removing several additional items?

A. Yes, sir, it did.

Q. At some point did that search -- was that search completed?

A. Yes, it was.

Q. After the items were removed, did the -- did you take part in the residue analysis of the internal part of the car?



William Eppright, III - Direct

A. No, I did not.

Q. All right. Now, at some point did the search of the car shift from the internal -- excuse me, from the internal part of the car to the trunk?

A. Yes, sir, it did.

Q. And what did that search entail?

A. That search was more or less the same search as the interior: The Chemical Residue Team did certain -- what they told me were chemical recovery-type steps, and then removed the items from the trunk.

Q. All right. When did the process of searching the car end?

A. The process of searching the car ended at approximately 8:40 p.m.

Q. After that, did you focus your attention on any particular piece of evidence?

A. Yes, sir, I did.

Q. What evidence was that?

A. I returned to the envelope and its contents.

Q. Did you take any steps to prepare for a continued examination of this envelope and its contents?

A. Yes, I did.

Q. What did you do?

A. I again created a clean work area on the table top that I was sitting and put on a pair of clean white cotton gloves.

Q. And did you make any -- take any steps to make sure that

William Eppright, III - Direct

what you were removing from the envelope would be documented in some way?

A. Yes, sir, I did. I directed that the photographer rearrange his equipment, particularly his lighting equipment, to photograph the contents.

Q. Were there any other FBI personnel there in addition to the photographer?

A. Yes, sir, there were.

Q. And they included whom?

A. They included Special Agent Bill Davitch; Special Agent Jim Elliott; and Lou Hupp, who is a fingerprint examiner -- latent fingerprint examiner.

Q. When you began this continued examination of the envelope, what was the first thing you did?

A. The first thing I did was to remove the contents and to place them on the newly created table top and sealed the envelope.

Q. All right. Now, when you say the newly created table top, what do you mean?

A. I put down sheets of 8-1/2-by-11 white paper on the table top, clean sheets.

Q. And the purpose of that was?

A. To create a -- to create a clean work area.

Q. And you said that you took the envelope and put it in a sealed plastic container. What was the reason for that?

William Eppright, III - Direct

A. To preserve it for shipment to the FBI laboratory.

Q. Now, at this point what did you do?

A. At this point I directed that a photograph be taken of the contents.

Q. And after you did that, did you begin to examine the -- those contents?

A. Yes, I did.

Q. When you unfolded the sheets of paper, could you see whether the papers varied in size and shape?

A. Yes, I could tell that they varied.

Q. In reviewing the items in the envelope, do you notice whether the documents in the envelope bore any markings of any kind?

A. Yes, they did.

Q. What kind of markings?

A. The -- some of the documents contained handwritten notations, and some of the documents contained portions which are highlighted with a yellow marker.

Q. As you opened the sheets of paper, did you do anything to preserve what you were reviewing as you did it?

A. Yes, sir. At each step I directed that a photograph be taken as I removed documents from the stacks.

Q. Did you do anything else?

A. I initialed and dated each sheet of paper as I removed it and placed it in an individual plastic envelope, which I

William Eppright, III - Direct

sealed.

Q. All right. Now, let me ask you to direct your attention to Government Exhibit 453.

A. I have that.

Q. What is Government Exhibit 453?

A. Government's Exhibit 453 is a small clipping from pages 61 and 62 of The Turner Diaries.

Q. Is it an entire page or just a portion of that page -- those pages?

A. No, sir, it's just a small clipping of a portion of it.

Q. When you say 61 to 62, how do we get two pages there?

A. The pages were back to back.

Q. So you have one side of the page and the back as well, and those are the two pages?

A. Correct.

Q. Where did you find Government Exhibit 453?

A. The document was contained within the closed -- the sealed envelope on the front seat of Timothy's McVeigh's vehicle.

Q. How does the condition of this clipping from The Turner=20 Diaries compare to the state of the clippings when you removed it from the envelope out of Defendant McVeigh's Mercury?

A. It is different in color. It contains additional handwritten notations from FBI lab personnel and myself, and the highlighting is no longer on the document.

Q. What highlighting?

William Eppright, III - Direct

A. Parts of this document were highlighted in, with the yellow marker I spoke of earlier.

Q. All right. What side of -- both sides of the document or which side?

A. No, sir, just the side from page 62.

Q. All right. Now, you said that the document was darker. Do you know what that is from?

A. Yes, I do.

Q. What's that from?

A. That's from the latent fingerprint processing.

Q. Do you know what happened to the highlighting on this document?

A. Yes, I do.

Q. What happened?

A. It was removed from the latent fingerprint processing.

Q. It was removed from the latent fingerprint processing?

A. By the latent fingerprint processing.

Q. Are you an expert in how that would happen?

A. No, sir, I'm not.

Q. Now, let me ask you, are your initials located anywhere on

this document?

A. Yes, they are.

Q. Where are they located?

A. They're located on the page 62 side on the left side of the document.

William Eppright, III - Direct

MR. MENDELOFF: Your Honor, we move the admission of Government Exhibit 453.

MR. NIGH: No objection, your Honor.

THE COURT: 453 is received, and you may publish it if you wish.

BY MR. MENDELOFF:

Q. Would you read that to the ladies and gentlemen of the jury.

A. Yes, sir.

THE COURT: Can't see it.

MR. MENDELOFF: I'm sorry. There you go.

THE WITNESS: The document reads: "Staffers," end of sentence. "But the real value of our attacks today lies in the psychological impact, not in the immediate casualties," end of paragraph.

"For one thing, our efforts against the system gained immeasurably in credibility. More important, though, is what we taught the politicians and the bureaucrats. They learned this afternoon that not one of them is beyond our reach. They can huddle behind barbed wire and tanks in the city or they can

can huddle behind barbed wire and tanks in the city or they can hide behind the concrete walls and alarm systems of their country estates, but we can still find them and kill them. All the armed guards and bulletproof limousines in America cannot guarantee their safety. That is a lesson they will not forget."

William Eppright, III - Direct

BY MR. MENDELOFF:

Q. Now, which portions of this exhibit were highlighted when you recovered it from the envelope out of Defendant McVeigh's car?

A. The portion that was highlighted was, "But the real value of our attacks today lies in the psychological impact, not in the immediate casualties." And then skipping down, "credibility," period. "More important, though, is what we taught the politicians and the bureaucrats. They learned this afternoon that not one of them is beyond our reach. They can huddle behind barbed wire and tanks in the city, or they can hide behind concrete walls and alarm systems at their country estates."

Q. Let me just interrupt you. Shortly after this point, did the highlighting -- type of highlighting change?

A. Yes, sir, it did.

Q. As you're reading, would you indicate how it changed.

A. The remainder of that sentence appeared as a double highlighting.

Q. More thick highlighting?

A. Yes, sir. It appeared to be highlighted twice. It appeared to be twice as thick.

Q. Are you aware of any record that preserved the appearance of Government Exhibit 453, this clipping, as you found it when you first opened the envelope?

William Eppright, III - Direct

A. Yes, sir, I am.

Q. Let me direct your attention to Government Exhibits 451B and 453A.

A. 451B and 452A.

Q. 453A.

A. I have those.

Q. And what are those?

A. Those are two separate photographs depicting the contents of the envelope at various stages.

Q. And do they reflect the -- excuse me, both sides of Government Exhibit 453 as it appeared when you removed it from the envelope?

A. Yes, sir. Government's Exhibit 451B would reflect how it appeared when that particular stack was first unraveled.

Q. And do we see one side of the excerpt on 451B and another side on 453A?

A. Yes, sir, you do.

Q. Do they fairly and accurately depict the way that document



appeared on that day?

A. Yes, they do.

MR. MENDELOFF: We move in the admission of Government Exhibit 451B and 453A.

MR. NIGH: No objection, your Honor.

THE COURT: Received.

MR. MENDELOFF: May we publish 451B?

William Eppright, III - Direct

THE COURT: Yes.

MR. MENDELOFF: Thank you, your Honor.

BY MR. MENDELOFF:

Q. Directing your attention to Government Exhibit 451B. What side of the clipping is depicted in that photo?

A. That would be the side from page 61 of The Turner Diaries.

Q. Does that contain any highlighting?

A. No, sir, it does not.

MR. MENDELOFF: Sorry, your Honor, that's not it.

BY MR. MENDELOFF:

Q. And let me ask you now to look at Government Exhibit 453A.

What is that?

A. That is a photograph from the page 62 clipping of The=20 Turner Diaries.

Q. Does that contain the highlighting you referenced?

A. Yes, it does.

Q. And can you point out on that page -- or let me ask you

what is enclosed in the circle, underlined. If I can do it.

What is enclosed within that circle?

A. The writing, but we -- "But we will find them and kill them."

Q. And when you referred to the more bold highlighting, is that what you were referring to?

A. Yes, it is.

Q. Now, let me ask you to direct your attention to Government

William Eppright, III - Direct

Exhibit 454.

A. I have that.

Q. What is Government Exhibit 454?

A. Government's Exhibit 454 is a clipping containing a quote from S. Adams, and it also contains a handwritten notation.

Q. Where did you retrieve Government Exhibit 454?

A. The exhibit was retrieved from the sealed envelope enclosing the stack of documents located on the front seat of Timothy McVeigh's vehicle.

Q. How does the condition of this clipping and handwritten note compare to the state in which you found it when you first opened the envelope on April 21, 1995?

A. It appears darker in color and contains additional handwritten notations. Put on there by individuals from the FBI laboratory.

Q. Are your initials included?

A. Yes, they are.

MR. MENDELOFF: We move the admission of Government Exhibit 453, your Honor.

MR. NIGH: No objection, your Honor.

THE COURT: Received.

MR. MENDELOFF: May we publish this, your Honor?

THE COURT: Yes. Yes.

BY MR. MENDELOFF:

Q. And, sir, would you read what is written on this exhibit

William Eppright, III - Direct  
into the record, please?

A. Yes, sir. The clipping reads: Quote, "When the Government fears the people, there is liberty. When the people fear the Government, there is tyranny," end quote, S. Adams. And then in the handwritten notation states: "Maybe now, there will be liberty."

Q. All right. Did you make any record to preserve the appearance of Government Exhibit 454, the clipping with the handwritten notation as you found it when you first opened the envelope that day?

A. Yes, sir, I did.

Q. Let me ask you to direct your attention to Government Exhibit 454B. What is that?

A. That's a photograph which I directed to be taken of the clipping containing the quotation as it appeared in the

envelope and the contents of the envelope.

Q. Does that fairly and accurately reflect the appearance of Government Exhibit 454 when you first found it?

A. Yes, it does.

MR. MENDELOFF: Move the admission of Government Exhibit 454B, your Honor.

MR. NIGH: No objection, your Honor.

THE COURT: Received.

MR. MENDELOFF: May we publish that?

THE COURT: Yes.

William Eppright, III - Direct

THE COURTROOM DEPUTY: Is that it?

MR. MENDELOFF: That's it. Thank you.

BY MR. MENDELOFF:

Q. Does that accurately reflect where in the stack of documents you found it?

A. Yes, it does.

Q. Let me ask you to direct your attention to the outer margin of this page, where your hand -- where there is a hand with a pencil. Whose hand is that?

A. That would be my hands.

Q. Okay. And what is the reason you have a pencil in your hand?

A. I have the pencil in the hand to initial and date each document.

Q. And what is the other reason you had a pencil in your hand?

A. To complete a log that I was keeping.

Q. Let me ask you to direct your attention next to Government Exhibit 456. What is this?

A. I have that.

Q. What is this?

A. It's an 8-1/2-by-11 sheet of paper containing a number of clippings that have been cut and pasted to it and a Xerox copy of a document contained in the middle.

Q. All right. Where did you obtain this document?

A. This document was obtained from the sealed envelope located

William Eppright, III - Direct

on the front seat of Timothy McVeigh's vehicle.

Q. Does the condition of this page with pasted-on clippings -- how does the condition of the page with pasted-on clippings compare to the state in which you found it when you first opened the envelope?

A. It is darker in color from the latent fingerprint processing and portions of the document contain highlighting which have been removed by the latent fingerprint processing, and it also includes additional initials and markings from FBI laboratory personnel.

Q. Are your initials located on this document?

A. Yes, sir, they are.

Q. Do you know what happened to the highlighting?

A. Yes, sir, I do.

A. Yes, sir, I do.

Q. What happened?

A. It was removed by the latent fingerprint processing.

MR. MENDELOFF: Move the admission of Government Exhibit 456, your Honor.

MR. NIGH: No objection, your Honor.

THE COURT: Received.

MR. MENDELOFF: May I use the ELMO for this one, your Honor, please?

THE COURT: Okay.

BY MR. MENDELOFF:

Q. Now, sir, first, can you indicate for us, does this

William Eppright, III - Direct

document indicate or display the cut-and-pasted method of its construction?

A. Yes, it does.

Q. Let me direct you to a portion of the document as I pick up a page, a portion of a page. Is that what you're referring to?

A. Yes, it is.

Q. Pasted together?

A. That's correct.

Q. Did you make any record to preserve the appearance of Government Exhibit 456 as you found it when you first retrieved it from the envelope?

A. Yes, I did.

Q. Let me direct your attention to Government Exhibit 456A.

-  
A. I have that.

Q. What is that?

A. That's a picture which shows how the document appeared, enclosed in the sealed envelope.

Q. Does it fairly and accurately reflect the appearance of that page when you first retrieved it from the envelope on the 21st of April?

A. Yes, sir, it does.

MR. MENDELOFF: Move the admission of Government Exhibit 456A, your Honor.

MR. NIGH: No objection.

THE COURT: Received. You may show it.

William Eppright, III - Direct

MR. MENDELOFF: Yes, your Honor, please.

BY MR. MENDELOFF:

Q. Now, Agent Eppright, I'm going to ask you to read the various portions of this document, starting with the portion on the left-hand side. What is the heading of that cutting?

A. The heading is "The American Response to Tyranny."

Q. All right. And how does that begin?

A. That begins, "At sunrise, on Wednesday, April 19, 1775 --"

Q. Let me stop you there. You said April 19. What does the printed portion of this document state as the date?

A. The printed portion states April 29.

Q. Has there been a change made?

A. Yes, sir, there has.

Q. What change is that?

A. The change has been that the 29th has been altered to reflect the 19th.

Q. All right. Go ahead and continue to read, please.

A. "At sunrise, on Wednesday, April 19, 1775, 400 government troops arrived in Lexington, Massachusetts, to disarm the citizens so as to destroy any potential resistance to the growing tyranny of government in that time. About 100 colonists, none of whom had any strictly personal reason for becoming involved in what was about to occur, gathered with their assault rifles on the green just above the bridge. No family members were in jail, neither had they been shot by

William Eppright, III - Direct

the British. No economic gain motivated those men to stand against the British forces. No monetary value could have been placed on the risk to life that they faced. They stood, and fought, on principle for their rights and for liberty. And once that historic day-long battle began, farmers and merchants from miles around came to join the fight against the government.

"How many of us have thought about the brave stand at Lexington -- the armed confrontation which started the War For Independence and resulted in the creation of our beloved United States of America? Today, however, most people will not become



concerned enough about their freedom to shut off their televisions and look out their doors until something affects them personally and directly. The motto of many American militias was, quote, 'Don't tread on me,' end quote, which was symbolized by a coiled rattlesnake -- an animal which when left to exist peaceably threatens no one but when trodden upon strikes as viciously and with as deadly an effort (sic) "as any creature on earth."

Q. Now, that last portion of the sentence was highlighted with a Magic Marker; is that right?

A. Yes, the portion that reads, "which when left to exist peaceably threatens no one."

Q. And does that -- does that highlight continue after that?

A. Yes, sir. It continues with, "when left to exist peaceably

William Eppright, III - Direct

threatens no one, but when trodden upon strikes as viciously and with as deadly an effort "as any creature on earth."

Q. Is there another portion of this document which is also highlighted?

A. Yes, sir, there is.

Q. What portion is that?

A. In the middle of the document, there is a Xeroxed quote taken from John Locke.

Q. The Xeroxed quotation you're talking about is -- the one that you're talking about is the one that I'm focusing on here

now?

A. That's correct.

Q. Would you please read the highlighted portion into the record.

A. Yes, sir. Quote, "I have no reason to suppose that he who would take away my liberty, would not, when he had me in his power, take away everything else; and therefore, it is lawful for me to treat him as one who has put himself into a 'state of war' against me and tell him if I can, for to that hazard does he justly expose himself, whoever introduces a state of war and is aggressor in it -- John Locke, 'Second Treatise of Government.'"

Q. All right. Now, below that, is there another portion which ends with another highlighted section?

A. Yes, sir, there is.

William Eppright, III - Direct

Q. Ask you to focus on that.

I'm sorry. I only ask you to return to the John Locke quote and the last sentence. I think you misread it. Starting with "and," after the semicolon: "state of war."

A. ". . . state of war and is aggressor in it." End quote.

Q. No, no. I'm sorry, John Locke. ". . . 'state of war' against me"; semicolon. See that?

A. Yes, sir.

Q. Read the rest of that sentence, please. I think you

misread it.

A. ". . . 'state of war' against me; and kill him if I can, for to that hazard does he justly expose himself, whoever introduces a state of war and is aggressor in it. John Locke."

Q. Let me direct your attention to the bottom portion of that page, where there's another highlighted section, and ask you to read that section beginning with "The recent," beginning with the words, "The recent 51-day . . ."

A. "The recent 51-day siege and massacre of nearly 100 men, women and children in Waco, Texas, was a crime of the greatest magnitude. It was a cruel, sadistic, brutal crime. It was a crime which violated nearly every article of the Bill of Rights and every civil right of the" rebellious "religious group which lived at that facility. It resembled the burning and obliteration of Christian cities and the annihilation of their inhabitants by Mogul hordes in earlier centuries."

William Eppright, III - Direct

Q. As you read this next subparagraph, would you indicate what part is highlighted.

A. Yes, sir. It continues, "There is no longer any doubt," and then in capital letters that are highlighted, "the U.S. Government has declared open warfare on the American people."

Q. Finally, let me direct your attention to the second and bottom portion on the right side of that page, where there is also highlighting. Please read that paragraph.

A. "However, the enemies of freedom -- who are the enemies of America, must be made to know that we will not only resist their evil agenda, their imposed decadence, and their oppression, but we will physically fight! They must know that we will not shrink from spilling their blood. The great Thomas Jefferson, author of the Declaration of Independence and third president of the United States set the example for patriots when he said, quote, 'The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants, it is its natural manure.'"

Q. Thank you. Let me ask you -- let me direct your attention to another document which was previously admitted, Government Exhibit 451B. And is this exhibit, Government Exhibit 456 the cut-and-pasted page captured within this photograph?

A. Yes, sir, it is.

Q. Where is it located?

A. It's the bottom sheet that encases a number of other

William Eppright, III - Direct  
documents placed on top of it.

Q. And what is the proximity of Government Exhibit 456, the cut-and-pasted page, to The Turner Diaries, "Value of our Tax Today" clipping?

A. It encloses it.

Q. What is the proximity of Government Exhibit 456 to the cut-and-paste page "maybe now, there will be liberty" clipping?

A. It encloses it. also

A. It encloses it, also.

Q. Let me direct your attention to Government Exhibit 27.

A. I have that.

Q. What is that?

A. That is a copy of Government's Exhibit 456, a Xerox copy of Government's Exhibit 456, with one part missing.

Q. Was Government Exhibit 27 among the materials you removed from the envelope out of Defendant McVeigh's Mercury on April 21, 1995?

A. No, it was not.

Q. Do you know from your own knowledge where Government Exhibit 27 came from?

A. No, I do not.

Q. Now, let me ask you to look back at Government Exhibit 456 and focus your attention on the pasted portion in the center of the page.

Did you find any other version of that quote in the envelope out of Defendant McVeigh's Mercury?

William Eppright, III - Direct

A. Yes, sir, I did.

Q. Let me ask you to direct your attention to Government Exhibit 451.

A. I have that.

Q. What is Government Exhibit 451?

A. It's an original handwritten quote that is the same as the John Locke quote.

Q. Does it appear to be the source of the photocopy that appears in the center of Government Exhibit 456?

A. Yes, sir, it does.

Q. Where did you find Government Exhibit 451?

A. Enclosed in the sealed envelope which was located on the front seat of Timothy McVeigh's vehicle.

Q. How does the condition of this quote, handwritten quote, original copy, compare to the condition that you found it in when you first opened that envelope?

A. It is darker in color due to the latent fingerprint processing and contains additional notations of FBI laboratory personnel.

Q. Did this document have any highlighting?

A. No, it did not.

MR. MENDELOFF: Move the admission of Government Exhibit 451, your Honor.

MR. NIGH: No objection, your Honor.

THE COURT: Received.

William Eppright, III - Direct

MR. MENDELOFF: May we publish that, your Honor?

THE COURT: Yes.

BY MR. MENDELOFF:

Q. Now, what steps have you taken to determine whether this version of the John Locke quote that you read to us a few minutes ago was the original version of that handwritten

excerpt that was included within Government Exhibit 456?

A. I had compared the two and attempted to match unique characteristics of each document.

Q. And were you able to do that?

A. Yes, I was.

Q. Let me show you Government Exhibit 458. Please direct your attention to that.

A. I have that.

Q. What is Government Exhibit 458?

A. Government's Exhibit 458 is an 8-1/2-by-11 sheet of paper, which one side appears to be a cartoon with an article entitled, "Waco Mission a Success," and the reverse side contains "The American Response to Tyranny" article and two other articles.

Q. Did it contain highlighting when you removed it from the car?

A. Yes, sir, it did.

Q. Is that completely gone at this point?

A. No, sir. It is not.

William Eppright, III - Direct

Q. Has it been faded in any way?

A. Yes, it has.

Q. And for the reason you described earlier; is that right?

A. That's correct, from the latent fingerprint processing.

Q. Did you put your initials on this document?

A. Yes, sir, I did.

MR. MENDELOFF: Move the admission of Government Exhibit 458, your Honor.

MR. NIGH: No objection, your Honor.

THE COURT: Received.

BY MR. MENDELOFF:

Q. Are you aware of any record that preserved the appearance of Exhibit 458 when you opened it?

A. Yes, sir, I am.

Q. What is that?

A. A photograph that I directed to be taken.

Q. Let me direct your attention to Government Exhibit 458A.

What is this?

A. That's a photograph of the document as it appeared in the sealed envelope enclosed which was located on the front seat of Timothy McVeigh's vehicle.

Q. All right. Does it fairly and accurately depict the way the document -- one page of the document looked that day?

A. Yes, sir, it does.

MR. MENDELOFF: Move the admission of Government

William Eppright, III - Direct

Exhibit 458A, your Honor.

MR. NIGH: No objection.

THE COURT: Received.

MR. MENDELOFF: May we publish it, Judge?



THE COURT: Yes.

BY MR. MENDELOFF:

Q. Would you please direct your attention to the portions of this document where there is highlighting. Let me direct you first to the column on the left side where it says, "Waco Mission a Success." Is there highlighting in the first paragraph?

A. Yes, there is.

Q. Can you tell us what the highlighted portions read?

A. "Executions" is highlighted.

Q. All right.

A. And then -- do you want me to continue?

Q. Yes, please.

A. "They deployed in a military manner against American citizens. They slaughtered 80-plus people, committed acts of treason, murder, and conspiracy . . ."

Q. Now, is the bottom paragraph -- does the bottom paragraph include any highlighting as well?

A. Yes, sir, it does.

Q. Would you read that paragraph and tell us which portion was highlighted.

William Eppright, III - Direct

A. Do you want me to read the whole paragraph?

Q. Yes.

A. "If the heat gets a little high they'll throw us some

yellow-livered piece-of-shit bureaucrat to quiet us down, but all in all, they'll get away with it." And then highlighted is: "This country's in trouble guys, bad trouble, and it isn't coming from any street criminal."

Q. Now, let me direct your attention to the center portion of that page. Is there a column that begins with the name George Washington?

A. Yes, sir, there is.

Q. Is there any portion of that column that is highlighted?

A. Yes, there is, the bottom portion.

Q. Would you read the entire paragraph and the highlighted portion.

A. "But no issue has drawn the military into civilian law enforcement like the 'war on drugs.' Under that banner, the government has begun an orgy of seizures that make mockery of the supposed sanctity of private property and constitutional guarantees of reasonable search and seizure, and due process of law."

Q. And that's the end of the highlighted portion on that paragraph?

A. On that paragraph, yes, sir.

Q. Why don't you -- for completeness' sake, why don't you

William Eppright, III - Direct

finish reading that paragraph?

A. "Citizens are given assurances we must surrender a liberty

here and a constitutional right there to regain domestic security."

Q. Now, the next paragraph, does that begin with highlighting?

A. Yes, sir, it does.

Q. Is that highlighting different in quality or size from the other highlighting on the page?

A. Yes, sir, it's thicker and darker.

Q. Would you read that paragraph indicating where the highlighting exists.

A. "While sifting the foul ashes of Waco, where power gone mad backed Lady Liberty into a corner and shot her in the head, Soldier of Fortune has learned the 'drug issue'. . ."

Q. Now, where did the highlighting end?

A. The highlighting ended at "shot her in the head."

Q. And for completeness' sake again, please finish that paragraph.

A. ". . . Lady Liberty into a corner and shot her in the head. Soldier of Fortune has learned the 'drug issue' may be more of a ruse than a reason for this march down the slippery slope toward martial law."

Q. And finally, does the last paragraph also contain some highlighting?

A. The next paragraph does, yes, sir.

William Eppright, III - Direct

Q. I'm sorry, next paragraph. And would you read that paragraph in total. indicating where the highlighting exists?

paragraph in total, indicating where the highlighting starts.

A. The paragraph reads: "As the Waco trial slowly unfolded in federal court in San Antonio, testimony" -- and then highlighting -- "by Bureau of Alcohol, Tobacco and Firearm agents, the Gestapo of G-men" -- end of the highlighting -- "reluctantly revealed that ATF's raid training was led by Army Special Forces." Do you want me to continue?

Q. Just to the end of the page.

A. "Reporters ran for the phones, and Army spokesmen confirmed involvement of Green Berets in training some 80 ATF agents, as part of final preparations for the bloody raid on the Branch Davidians' religious compound."

Q. Finally, at the top of the page, is there a cartoon?

A. Yes, sir, there is.

Q. And let me focus the monitor on that cartoon and ask you to read what the bubble says within the cartoon.

A. It says, "This is the FBI! We are currently poking holes in your house to inject CS gas! Do not panic! Send out your children! We know you're in there and we know you have Bibles and a copy of the Constitution!"

Q. Now, on the reverse side of the page, I believe you indicated you found a copy of "The American Response to Tyranny" article that you had mentioned earlier?

A. Yes, sir.

William Eppright, III - Direct

Q. In addition to that, was there another article, two other

articles contained on that page?

A. Yes, there is.

THE COURTROOM DEPUTY: What exhibit?

MR. MENDELOFF: I'm sorry, Government Exhibit 458.

THE COURTROOM DEPUTY: Has it been admitted?

MR. MENDELOFF: It has. That's the one we were just looking at. This is the other side.

THE COURTROOM DEPUTY: Okay.

BY MR. MENDELOFF:

Q. And let me direct your attention to the article located on the right-hand side of the page. That begins, "Justice is not done until the guilty . . ." Is that right?

A. That's correct.

THE COURT: I suggest we take a break from this.

MR. MENDELOFF: Very well. We're going to move on.

THE COURT: No, we're going to recess first.

MR. MENDELOFF: Okay.

THE COURT: You may step down. And we'll have you back in 20 minutes.

THE WITNESS: Thank you.

THE COURT: Members of the jury, we'll recess at this time with the usual caution. Please don't talk about anything connected with the case during the time of this recess and we'll resume in about 20 minutes.

You're excused.

(Jury out at 3:15 p.m.)

THE COURT: 3:35.

(Recess at 3:15 p.m.)

(Reconvened at 3:35 p.m.)

THE COURT: Be seated, please.

(Jury in at 3:46 p.m.)

THE COURT: Please continue.

MR. MENDELOFF: Thank you.

BY MR. MENDELOFF:

Q. Agent Eppright, let me direct your attention to another document, Government's Exhibit 450, please.

A. Yes, sir.

Q. And can you tell the ladies and gentlemen of the jury what Government's Exhibit 450 is?

A. Government's Exhibit 450 is a photocopy of a number of individual articles, and it's entitled, "How to Beat the Government's Terrorist Goon Squads," and it's on an 8-1/2-by-11 sheet of paper.

Q. You said it was entitled, "How to Beat the Government's Terrorist Goon Squads." That is the title of the entire document, or is that the title of a portion of the document?

A. It's the title of a portion.

Q. Where did you find Government's Exhibit 450?

A. I found Government's Exhibit 450 in the sealed envelope

William Eppright, III - Direct

which was located on the front seat of Timothy McVeigh's vehicle.

Q. How does it compare to its appearance when you took that document out of the envelope for the first time on April 21?

A. It is darker in color due to the latent fingerprint processing.

Q. Anything else?

A. Yes. I believe it had yellow highlighting on it.

Q. And is that highlighting still present, or has that been removed by the latent fingerprint process?

A. It's been removed by the latent fingerprint processing.

Q. And is there any other item that's different on this document than it was when you first reviewed that document?

A. Yes, sir. It has additional notations from FBI laboratory personnel.

Q. Are your initials contained on this document?

A. Yes, they are.

MR. MENDELOFF: Move the admission of Government's Exhibit 450, your Honor.

MR. NIGH: No objection, your Honor.

THE COURT: Received.

MR. MENDELOFF: May we publish it?

THE COURT: Yes.

MR. MENDELOFF: Sorry, Judge -- is it coming? We're having technical problems.

William Eppright, III - Direct

THE COURT: I guess you may do it. The question is  
can you do it.

MR. MENDELOFF: I have that problem a lot, your Honor.

BY MR. MENDELOFF:

Q. Now, let me ask you to look at Government's Exhibit 450.

You mentioned that a portion of it had been -- was entitled,  
"How to Beat the Government's Terrorist Goon Squads." At what  
portion was that?

A. The portion on the right-hand side of the document.

Q. And then is the document made up of two other separate  
documents?

A. It appears to be at least two and, I think, more than two.

Q. All right. Now, are you aware of any record that was made  
to preserve the appearance of this document when you first  
retrieved it from the envelope?

A. Yes, I am.

Q. And what is that?

A. A photograph which I directed to be taken.

Q. Let me direct your attention to Government's Exhibit 450A.

A. I have that.

Q. All right. What is that?

A. That is a copy of the photograph which was taken of the  
document as it appeared in the sealed envelope located on the  
front seat of Timothy McVeigh's vehicle.

Q. And does that fairly and accurately reflect the appearance



William Eppright, III - Direct

of the document when you first removed it from the envelope?

A. Yes, sir, it does.

MR. MENDELOFF: Move the admission of Government's

Exhibit 450A, your Honor.

MR. NIGH: No objection, your Honor.

THE COURT: Received.

MR. MENDELOFF: May we publish it?

THE COURT: Yes.

BY MR. MENDELOFF:

Q. Without getting into the content of this document, let me ask you to look at it and tell us whether that photograph accurately reflects where the highlighting was on this document when you retrieved it from the car?

A. Yes, sir, it does.

Q. Now, let me direct your attention next to Government's

Exhibit 452.

A. I have that.

Q. What is it?

A. It is a small sticker.

Q. And where did you retrieve this sticker from?

A. I retrieved the sticker from the sealed envelope which was located on the front seat of Timothy McVeigh's vehicle.

Q. Does it look any different from when you retrieved it from the envelope?

A. Yes, sir. It is discolored due to the latent fingerprint

A. Yes, sir. It is discolored due to the latent fingerprint

William Eppright, III - Direct  
processing.

Q. Did it have any highlight?

A. No, it did not.

Q. Did you place any identifying marks on this document?

A. Yes, sir. I placed my initials and date, and it also  
contains other markings from FBI laboratory personnel.

MR. MENDELOFF: The Government moves the admission of  
Government's Exhibit 452, Judge.

MR. NIGH: No objection, your Honor.

THE COURT: Received.

BY MR. MENDELOFF:

Q. When you've noted your fingerprints -- excuse me -- your  
initials are on the document, do you see your initials on this  
document?

A. Yes, sir, I do.

Q. Let me ask you to look within the red circle. What is  
that?

A. That is my initials and date, which I placed on the  
document at the time of my retrieval.

Q. Are similar initials -- do similar initials appear on all  
the other documents that you've mentioned?

A. Yes, sir, they do.

Q. Let me ask you to direct your attention to Government's  
Exhibit 459.

----- . . . .  
A. I have that.

William Eppright, III - Direct

Q. What is that?

A. It is an 8-1/2-by-11 sheet of paper with an article entitled, "U.S. Government Initiates Open Warfare Against American People."

Q. And where did you obtain this exhibit?

A. I obtained this -- I obtained this exhibit from the sealed envelope which was located on the front seat of Timothy McVeigh's vehicle.

Q. And how does the condition of this document compare with the way it looked when you first retrieved it?

A. It is darker in color due to the latent fingerprint processing, and it also contained highlighting which has been removed by the latent fingerprint processing.

Q. All right. Did you place your initials on this document?

A. Yes, sir, I did.

MR. MENDELOFF: Move the admission of Government's Exhibit 459, your Honor.

MR. NIGH: No objection, your Honor.

THE COURT: Received.

MR. MENDELOFF: And may we publish that, Judge?

THE COURT: Yes.

BY MR. MENDELOFF:

Q. And how many sides does this document have?

A. This document has two sides.

Q. Did you create any record of the way that document looked

William Eppright, III - Direct

with its highlighting after you removed it from the envelope?

A. Yes, sir, I did.

Q. And what record was that?

A. A photograph, which I directed to be taken.

Q. Let me direct your attention to Government's Exhibit 459A.

What is that?

A. That is a -- that is the photograph which I directed to be taken of the document as it appeared in the envelope.

Q. Does it fairly and accurately reflect the appearance of the document complete with the handwriting -- excuse me -- complete with the highlighting?

A. Yes, sir, it does.

MR. MENDELOFF: Move the admission of Government's Exhibit 459A, your Honor.

MR. NIGH: No objection.

THE COURT: Received.

MR. MENDELOFF: May we publish that?

THE COURT: Yes.

BY MR. MENDELOFF:

Q. Let me move next to Government's Exhibit 460. What is this?

A. Government's Exhibit 460 is a continuation of the previous

document entitled, "U.S. Government Initiates Open Warfare Against American People," on one side; and on the reverse side an article entitled, "Waco Shootout Evokes Memory of Warsaw,

William Eppright, III - Direct

'43," and it's on an 8-1/2-by-11 sheet of paper.

Q. Where did you obtain Government's Exhibit 460?

A. I obtained the document from the sealed envelope which was located on the front seat of Timothy McVeigh's vehicle.

Q. How, if at all, does it look different from what it looked like when you retrieved it from the envelope?

A. It is darker in color due to the latent fingerprint processing, and it contained portions of yellow highlighting which have been removed by the latent fingerprint processing.

Q. Did you place your initials on this document?

A. Yes, sir, I did.

MR. MENDELOFF: Move the admission of Government's Exhibit 460, Judge.

MR. NIGH: No objection, your Honor.

THE COURT: Received.

MR. MENDELOFF: May we publish that?

THE COURT: Yes.

BY MR. MENDELOFF:

Q. Let me ask you first to look at the side of the document, which you say is a completion of the article that you had just looked at on Government's Exhibit 459, "U.S. Government

Initiates Open Warfare Against American People." What side of the page is -- excuse me. What side of the document is this continuation located at?

A. On the side beginning, "Mania to Outlaw Handguns."

William Eppright, III - Direct

Q. All right. And on the other side of the document, what do we find?

A. We find the article entitled, "Waco Shootout Evokes Memory of Warsaw, '43."

Q. Are you aware of any record that preserved the appearance of Government's Exhibit 460 as you found it when you first opened the envelope?

A. Yes, I am.

Q. What is that?

A. A photograph which I directed to be taken.

Q. And does this preserve the appearance of both sides of that document, or one side?

A. No, sir, it only preserves the appearance of the document as it appeared in one of the two stacks which I was in the process of removing.

Q. Ask you to direct your attention to Government's Exhibit 460A. What is that?

A. That's the photograph which was taken as the document appeared.

Q. Is it in the same condition that it was when you retrieved

it out of the envelope?

A. No, sir, it's not.

Q. How is it different?

A. It's different from the distortion due to the latent fingerprint processing, and the highlighting has been removed

William Eppright, III - Direct

from the -- by the latent fingerprint processing, also.

MR. MENDELOFF: Move the admission of Government's Exhibit 460A.

MR. NIGH: No objection, your Honor.

THE COURT: Received.

Yes, you may publish it.

BY MR. MENDELOFF:

Q. Does that fairly and accurately reflect where the highlighting existed on this document?

A. Yes, sir, it does.

Q. Let me ask you to move next to Government's Exhibit 461.

What is that? What is Government's Exhibit 461?

A. Government's Exhibit 461 is an 8-1/2-by-11 sheet of paper. One side contains photocopies of a number of articles and clippings, portions of articles and clippings, and the back side again has a number of quotations and the Amendments to the Constitution.

Q. Let me ask you whether or not this looks -- how does this look different from it did -- from its condition when you

removed it from the envelope?

A. It's different from the distortion due to the latent fingerprint processing. It contains additional notations from the FBI laboratory.

Q. And this didn't have any highlighting. Is that right?

A. That is correct.

William Eppright, III - Direct

Q. Are your initials and date on this document?

A. Yes, sir, they are.

MR. MENDELOFF: Move the admission of Government's Exhibit 461.

MR. NIGH: No objection.

THE COURT: Received.

You may publish it.

BY MR. MENDELOFF:

Q. Let me direct your attention to the quotation copied to the top of the page. Have you seen that before?

A. Yes, sir, I have.

Q. What is that?

A. That is the quotation by John Locke, the "Second Treatise of Government."

Q. That's the one that you read previously and pointed out on a number of occasions; is that right?

A. That is correct.

Q. Let me have you move to Government's Exhibit 462.

A. I have that



A. I have that.

Q. That's a photocopy of the Declaration of Independence; is that right?

A. That's correct.

Q. Where did you find this?

A. This was also enclosed in the sealed envelope which was located on the front seat of Timothy McVeigh's vehicle.

William Eppright, III - Direct

Q. Was something written on the other side of this document?

A. Yes, sir, there was.

Q. What was that?

A. The handwritten notation, "Obey the Constitution of the United States and we won't shoot you."

Q. That's the one that we observed in the photograph earlier today; is that right?

A. That's correct.

Q. And does that actually appear on the back side of Government's Exhibit 462?

A. Yes, sir, it does.

MR. MENDELOFF: Move the admission of Government's Exhibit 462, your Honor.

MR. NIGH: No objection.

THE COURT: Received.

It may be published, if you wish.

MR. MENDELOFF: Kathi . . .

BY MR. MENDELOFF:

Q. Agent Eppright, did the Declaration of Independence side of this document contain any highlighting of any sort?

A. Yes, sir, it did.

Q. Has that been captured anywhere?

A. Yes, sir. Some of it is still visible on this document.

Q. And has it been captured -- was any record made of that highlighting?

William Eppright, III - Direct

A. Yes, sir. A photograph was taken of that side of the document, also.

Q. Is that Government's Exhibit 462A?

A. I have it as Government's Exhibit 462, I think.

Q. The photograph?

A. The photograph I have is 462B.

Q. Okay. 462B: Is that the photograph that was taken of that document?

A. Yes, sir.

Q. Does it fairly and accurately reflect the appearance of the document with the highlighting right after you took it out of the envelope?

A. This shows the reverse side of the handwritten side. This is how it appeared as I was removing the documents. This would have been the last document in the envelope. Yes, it does appear that way.

MR. MENDELOFF: Move the admission of Government's

Exhibit 462B, your Honor.

MR. NIGH: No objection, your Honor.

THE COURT: Received.

Publish.

MR. MENDELOFF: Nothing further, your Honor. Thank  
you.

THE COURT: Do you have questions, Mr. Nigh?

MR. NIGH: Yes, your Honor.

THE COURT: Please proceed.

MR. NIGH: Your Honor, I have some defense exhibits I  
would like to provide to the Government and to the Court and to  
the witness.

THE COURT: All right.

MR. NIGH: Your Honor, I also have a list of the  
exhibits for the Court.

THE COURT: Thank you.

MR. NIGH: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. NIGH:

Q. Mr. Eppright, my name is Rob Nigh. I'm one of the  
attorneys for Tim McVeigh. You and I have never met before,  
have we?

A. No, we have not.

Q. First what I would like to do is direct your attention to  
some of the exhibits you referred to during your direct  
examination. And if we could, do you still have them in front  
of you?

A. Yes, sir.

Q. Or copies?

A. I do. They're pretty much out of order at this point.

Q. We'll try to work with that. First I'd like to direct your attention to Government's Exhibit No. 27.

A. I have that.

William Eppright, III- Cross

Q. And that contains the article on "American Response to Tyranny"? Is that correct?

A. That's correct.

Q. Now, that one you did not find in Mr. McVeigh's car; is that right?

A. That is correct.

Q. So it came from a source independent of Mr. McVeigh?

A. I do not know where it came from.

Q. At least you know it didn't come out of his car?

A. That's correct.

Q. That same article appears in another exhibit, which I believe you read into evidence. Is that right?

A. Yes, sir, it does.

Q. Do you know which exhibit that is, with the article on "American Response to Tyranny"?

A. The "American Response to Tyranny" article appeared twice, and this particular Government's Exhibit 27 appeared in its entirety -- in its entirety with the Thomas Jefferson quote on

the side not attached to it.

Q. And the one that you read into the record was Government's Exhibit 456; is that right?

A. I believe so.

Q. Can you take a moment there and find 456 and see if that's it?

A. I believe that's it.

William Eppright, III- Cross

MR. NIGH: 456, I believe, is already admitted into evidence.

THE COURT: Yes.

BY MR. NIGH:

Q. Now, the "American Response to Tyranny" article: That contains a description of the Battle of Lexington and Concord -- is that correct -- in 1776?

A. 1775.

Q. 1775. Pardon me.

And you -- you indicated on your direct examination testimony that the printed version said April 29, but this had been marked through and it indicated April 19. Is that right?

A. On Government's Exhibit 456; that's correct.

Q. On the other one, was it not marked through?

A. On the other one, it is April 29; that's correct. It's not marked through.

Q. Do you know whether the Battle of Lexington and Concord

occurred on April 19 or April 29?

THE COURT: From his own knowledge?

MR. NIGH: He looked pretty old to me, your Honor.

BY MR. NIGH:

Q. As a matter of historical fact.

A. I believe that April 19 is a holiday in the Massachusetts area.

Q. April 19.

William Eppright, III- Cross

A. I believe that's correct.

Q. So that April 19 would be the correct date?

A. I believe that's correct.

Q. All right. So it appears to be a correction to the article; is that right?

A. Yes, sir, it does.

Q. Now, the article itself, I think you pointed out during your direct examination testimony, about a third of the way down, or actually about two-thirds of the way down, contains a reference to the motto of American militias. Is that right?

A. Yes, sir.

Q. And it says, "The motto of many American militias was, 'Don't tread on me,' which was symbolized by a coiled rattlesnake -- an animal which when left to exist peaceably threatens no one, but when trodden upon strikes as viciously and with as deadly an effect as any creature on earth." Is

that right?

A. That's what it says, yes, sir.

Q. In the course of your work in this case, Mr. Eppright, you've investigated other aspects of the case, other than Tim McVeigh's car, have you not?

A. I did conduct a number of other crime-scene searches; that is correct.

Q. And you are aware in connection with your duties as an FBI agent that there was a large investigation involving Michael

William Eppright, III- Cross

and Lori Fortier; correct?

A. I'm not really aware of that particular part of the investigation; but I've certainly heard their names, yes, sir.

Q. You were conscious of the investigation?

A. I certainly was.

Q. And did you know about a flag that they had in front of their mobile home?

MR. MENDELOFF: Objection, your Honor.

THE COURT: Sustained.

BY MR. NIGH:

Q. I want to direct your attention again to "The American Response to Tyranny" article: Did that article continue towards the end, "The willingness to come to the aid of fellow Americans is the very heart-throb of the spirit of liberty. The willingness to defend our neighbors, as we would ourselves, is the meaning and spirit of America. This spirit was missing

is the meaning and spirit of America. This spirit was missing while the Waco siege was going on, because the American people were being lied to and" being (sic) "subjected to propaganda by the government and the media. Americans are better informed and wiser now. If such a thing occurs again, the response may well be different."

Is that what the article says?

A. With one correction. It says "lied to and subjected to."

I think you added a word in there.

Q. I apologize. With that correction, is that what it says?

William Eppright, III- Cross

A. Yes, sir.

Q. Was there any indication in the article that such a thing as Waco had occurred again?

A. Yes, sir, down below.

Q. And which part are you referring to now?

A. The recent 51-day siege.

Q. Well, wasn't that the siege at Waco itself?

A. Yes, it was.

Q. So my question is was there any indication in the article that such a thing as the 51-day siege at Waco had occurred again?

MR. MENDELOFF: Objection, your Honor. The article speaks for itself.

THE COURT: Well, but he's read it; and we don't want to have to read it. I mean, now.



Do you recall whether that's in the article anywhere else?

THE WITNESS: I'm not sure I understand the question.

There is two references to Waco.

THE COURT: The reference is the 51-day siege at Waco had occurred again.

THE WITNESS: Since Waco?

THE COURT: Yes.

THE WITNESS: Not that I'm aware of, your Honor.

BY MR. NIGH:

William Eppright, III- Cross

Q. Now, on the same piece of paper which you found in Mr. McVeigh's car, there was also a clipping attached to the page which contained a quote from Thomas Jefferson. Is that right?

A. That's correct.

Q. And the quote was, "What country can preserve its liberty if its rulers are not warned from time to time that its people preserve the spirit of resistance?"

Is that correct?

A. That's correct.

Q. You made reference during your direct examination testimony to a piece of paper which you found in the car which said, "Do not tow. Will move by April 23." I believe that was Government's Exhibit 447.

A. That's correct.

Q. I believe that's previously been admitted.

A. 447?

Q. Right.

A. Yes, sir.

Q. And that's the piece of paper you found in Mr. McVeigh's car.

A. Yes, sir, it is.

Q. Do you know what year of car it was?

A. I can look in my notes and tell you. I believe it was a very old car.

William Eppright, III- Cross

Q. Let's try it this way: Does -- do you recall it was a 1977 car?

A. I don't recall specifically.

Q. Do you have your notes right there with you?

A. I don't see the year in front of me. I don't know. I was more concerned with capturing the VIN number, but I know it was a very old car.

Q. All right. We'll leave it at that.

The sign that is Exhibit 447: Does it say April 23 of what year?

A. No, sir, it does not.

Q. Do you know what car Mr. McVeigh had prior to the time he had the Mercury Marquis?

A. No, I do not.

Q. And do you know anything about had how old that car might have been?

A. No, I sure don't.

Q. Did you look at the battery in the car, Mr. McVeigh's car?

A. We opened the hood.

Q. Did you look at the battery?

A. We would have looked at the contents under the hood, yes, sir.

Q. All right. Did you pay any particular attention to the battery or the cables?

A. I did not.

William Eppright, III- Cross

Q. Did the engine appear to be the engine of an old car?

A. I don't recall. That wasn't part of the search that we were concerned with at the time.

Q. Did the car leak anything, while you had it there conducting your search, onto the floor of the examination area?

A. I don't recall.

Q. Not anything that you checked for, anyway.

A. That's correct.

Q. Now, I'd like to direct your attention to Government's Exhibit 450, which was previously admitted.

If it's easier, it's on the screen in front of you, also.

A. Okay. I have it.

Q. Now, this one was entitled -- or the article on the right was entitled, "How to Beat the Government's Terrorist Goon Squads." Is that right?

A. That's correct.

Q. At least that was the occasion?

A. Correct.

Q. Did you read what appeared under it?

A. Yes, sir, I did.

Q. And in fact, what it is is an excerpt from Alexander Solzhenitsyn's book The Gulag Archipelago, is it not?

A. Yes, sir, it appears to be that way.

Q. And what that book was about was, if you know, Russian

William Eppright, III- Cross

prisons?

A. I wouldn't know.

Q. You didn't obtain a copy of The Gulag Archipelago?

A. No, sir, I did not.

Q. Part of the article that appears in the exhibit talks about taking defensive actions; is that right?

A. Part of the "How to Beat the Government Terrorist Goon Squads"?

Q. That's the one I'm talking about.

A. You might want to point it out. I don't know where you talk about it taking defensive actions.

Q. The middle paragraph. Doesn't it state, "Or during periods of mass arrest, people had not simply sat there in their lairs paling with terror at every bang on the downstairs door and at every step on the staircase but had understood that they had nothing to lose and had boldly set up in the downstairs hall an ambush of half a dozen people with axes, hammers, pokers, or whatever else was at hand."

A. Yes, sir, that's what it says.

Q. Now, I want to direct your attention to another part of the document. Does the entire left column feature a quote from Patrick Henry?

A. I don't believe I can read who the quote is from.

Q. Well, let me direct your attention to the last paragraph of the quote. Does it say, "Many cry, 'Peace, peace,' but there

William Eppright, III- Cross

is no peace. The war has actually begun. Why stand we here idle? Is life so dear or peace so sweet as to be purchased at the price of chains and slavery? Forbid it, Almighty God. I know not what course others may take; but as to me, give me liberty or give me death"?

A. Yes, sir, that's what it says.

Q. Does that sound familiar to you?

A. Yes, sir, it does.

Q. Would you associate that with Patrick Henry?

A. I would.

Q. And does it appear to be a continuation of what appears above it?

A. Yes, sir.

Q. Now, let me, if I may, direct your attention to the bottom right-hand part of the page. And does that appear to be a quote from Winston Churchill?

A. Yes, sir, it does.

Q. And does that quote read, "Still, if you will not fight for the right when you can easily win without bloodshed, if you will not fight when your victory will be sure and not so costly, you may come to the moment when you will have to fight with all the odds against you and only a precarious chance for survival. There may be a worst case: You may have to fight when there is no chance of victory, because it is better to perish than to live as slaves"?

William Eppright, III- Cross

Is that right?

A. That's correct.

Q. And this was another document that you found in Mr. McVeigh's car on April 21.

A. That's correct.

Q. Now, if I understood your testimony on direct examination, all of these were taped to a single sheet of paper; is that right?

A. On this particular document?

Q. Right

2. NIGH:

A. I believe it appeared to be a Xerox copy of these various articles.

Q. Which had appeared in other documents that you found in Mr. McVeigh's car; is that right?

A. That's correct. I believe so.

Q. And so he had several copies of the same thing all there in that envelope? Is that right?

A. In some instances, that's right.

Q. Now, you've indicated during your direct examination testimony that there was highlighting on these pages. Correct?

A. That's correct.

Q. The highlighting had faded, had it not, even at the time that you opened the envelope on April 21 of 1995?

A. I'm not a qualified document examiner; but it looked pretty fresh to me in some places.

William Eppright, III- Cross

Q. Well, let's look, for example, at Government's Exhibit 450A, which has previously been admitted.

A. Okay. I have that.

MR. NIGH: Can we display that, your Honor?

THE COURT: Yes.

BY MR. NIGH:

Q. That's a photograph that you took. Is that right?

A. I'm sorry. I have the wrong exhibit.

Yes, sir.

Q. It depicts the yellow highlighting on various places on the exhibit; correct?

A. Yes, it does.

Q. Doesn't it appear that they are darker in some places than in others?

A. From this particular photograph, it appears that way.

Q. And it appears that some parts of it have faded over time. Isn't that correct?

A. I would say that's correct.

Q. Now, during your direct examination testimony, you made reference to Exhibit 453. It's also on the screen in front of you, if that's easier.

A. Right. I see it.

Q. Find that?

A. Yes, sir.

Q. Now, I understood you to say that that was part of The=20

William Eppright, III- Cross

Turner Diaries. Is that right?

A. That's correct.

Q. Does it say Turner Diaries anywhere on there?

A. No, sir, it does not.

Q. On either side of the paper?

A. No, it does not.

Q. Did you learn that by getting a copy of The Turner Diaries yourself?



A. I was given a copy of The Turner Diaries and reviewed it myself, yes, sir.

Q. And you compared the clipping to The Turner Diaries?

A. Yes, I did.

Q. And in doing that, you determined that it came from page 62; is that right?

A. Yes, sir.

Q. And the flip side was from page 61.

A. Correct.

Q. And in reading the copy of The Turner Diaries that you obtained, what that section of the book was about and what appears on page 62 was about was a fictional account of events that were supposed to have happened on November 9 of 1991. Isn't that right?

A. I just compared the clipping with the portion in The Turner=20

Diaries. I didn't read it any further than that.

Q. You didn't see how that chapter began?

William Eppright, III- Cross

A. No, sir, I didn't.

Q. All right. Well, then, let's look at the back side, which would have been on page 61. It's talking -- well, first of all, the front page that you read into evidence during your direct examination was about these attacks today; is that right?

A. Yes, sir.

A. Yes, sir.

Q. Now, page 61, which was the preceding page, talked about the attacks that are referenced on page 62. Isn't that right?

A. That wasn't the way I read it.

Q. All right. Well, let's look at page 61. Does that reference attacks?

A. Sounds like it to me.

Q. And the attack referenced is a mortar attack on the Capitol in Washington, D.C. Is that right?

A. Yes, sir.

Q. Do you know what a mortar is?

A. I don't know the contents of it.

Q. Well, suffice it to say, it's not a truck bomb, is it?

A. No, sir. I don't know.

Q. You understand it to be a military weapon that shoots projectiles? Would that be right?

A. That would be my understanding of it.

Q. All right. Now, if I could, I want to turn your attention to Government's Exhibit 454, which I believe has previously

William Eppright, III- Cross

been admitted. It's on the screen in front of you, if that's --

A. Yes, I see it. I see it on the screen.

Q. I think that's sufficient for our purposes.

This is the sticker that "When the Government fears the people, there is liberty." Is that the one?

A. Yes, sir, it is.

Q. Now, there was something on the back of that, was there not, when you found it in Mr. McVeigh's car on the 21st?

A. Yes, sir, there is.

Q. And it was part of an article about efforts to defeat the Brady Bill. Is that right?

MR. NIGH: Why don't you put up the back side.

THE WITNESS: It could be read that way. I don't have the entire contents; but it does indicate that.

BY MR. NIGH:

Q. Well, the part that you do have: It appears to be an article, does it not?

A. Yes, sir.

Q. And the article indicates, "Well, that's part of my contribution to defense of freedom, this call to arms. In the past, I have put to use the above points. I intend to become more active in the future. I would rather fight with pencil lead than bullet lead. We can win this war in the voting booth. If we have to fight in the streets, I would not be so

William Eppright, III- Cross

sure. Those guys have helicopters and tanks. Assault rifles and 223's are ineffective against an Abrams tank or Apache helicopter. All too often in the past, we gutsy gun owners have lost the battle because we failed to fight. The Brady law could have been defeated in Congress if gun owners had become

involved in electing officials and communicating to those officials what was expected of them. The Brady Bill passed by the thinnest of margins. The next bills will make Brady look mild. Start your defense today. Stamps are cheaper than bullets and can be more effective."

Did I read that correctly?

A. Yes, sir, you did.

Q. And is that one of the documents that you found in Tim McVeigh's car on April 19, 1995?

A. Yes, sir, it is.

Q. April 21, actually.

Now, I'd like to direct your attention to Government's Exhibit 458, which has previously been admitted.

A. I have that.

Q. This appears to be three separate articles. Is that correct?

A. It appears that way to me.

Q. And it's a photocopy of the same thing that appears in Government's Exhibit 456 and Exhibit 27.

A. "The American Response to Tyranny"?

William Eppright, III- Cross

Q. Right.

A. I don't know for sure if those exhibit numbers are right.

Q. You've seen that before?

A. Yes, sir.

Q. And you've seen that before on documents you took out of Mr. McVeigh's vehicle on April 21?

A. Yes, sir.

Q. So there were multiple photocopies of "The American Response to Tyranny"?

A. Yes, sir.

Q. All right. Now, on the back of that document, there was a cartoon. Is that right?

A. That's correct.

Q. And there was an article about the armed assault on the Branch Davidian compound in Waco. Is that right?

A. Yes, sir.

Q. And that article about the Branch Davidians: At the end of the article, does it indicate, "As the Waco trial slowly unfolded in Federal Court in San Antonio, testimony by Bureau of Alcohol, Tobacco and Firearms, ATF, agents, the Gestapo of G-men, reluctantly revealed that the ATF's raid training was led by Army special forces. Reporters ran for the phones, and Army spokesmen confirmed involvement of Green Berets in training some 80 ATF agents as part of the final preparations for the bloody raid on the Branch Davidians' religious

William Eppright, III- Cross  
compound"?

Did I read that correctly?

A. Yes, sir, you did.

Q. Is that one of the items that was highlighted in Mr. McVeigh's materials?

A. Portions of that paragraph were.

Q. And I believe you identified those under direct examination. Is that correct?

A. Yes, sir, I believe I did.

Q. Now, I'd like to direct your attention to Government's Exhibit 459. It's on the screen in front of you, if you'd rather use that.

A. Okay. I have that.

Q. Did you look at that article closely?

A. Yes, sir.

Q. And did it contain a quote from Thomas Jefferson: "A government big enough to supply everything you need is big enough to take everything you have"?

A. Yes, sir, that's correct.

Q. Now, if I could, I'd like to direct your attention to another reference to Thomas Jefferson, Exhibit 460. That's one of the documents you found in Mr. McVeigh's car?

A. Yes, sir, it is.

Q. And the very top of the page is a quote from Thomas Jefferson, is it not? It's on the screen.

William Eppright, III- Cross

A. Yes, sir.

Q. And the quote is, "The spirit of the times may alter, will

alter. Our rulers will become corrupt, our people careless. They will be forgotten, and their rights discarded. They will forget themselves, but in the sole faculty of making money and will never think of uniting to effect a due respect for their rights. The shackles, therefore, will remain on us long, will be made heavier and heavier, until our rights shall revive or expire in a convulsion."

Was that pretty close?

A. I think that's exactly right.

Q. Then after that, there is an article about Waco, comparing it to the memories of Warsaw in 1943.

A. Correct.

Q. And this particular article, the bottom of the page indicates that it was taken from the letter-to-the-editor section of the March 15, 1993, edition of the Wall Street=20 Journal. Is that right?

A. That's correct.

Q. Now, the article itself compares the ATF's armed assault on the Branch Davidians to the 1943 raid of SS troops on a Jewish ghetto. Isn't that right?

A. Yes, sir, it is.

Q. And the article states, "The BATF invited the U.S. news media to document the BATF assault to show the American public

William Eppright, III- Cross

how dangerous the Branch Davidians are. The SS had

propagandists to document its assault to show the German public how dangerous the Jews were." Is that right?

A. That's correct.

Q. The same page contains the quote from Thomas Jefferson about the tree of liberty, does it not?

A. Yes, sir. It says, "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants," by Thomas Jefferson.

Q. And that's just another photocopy of the same thing that you've identified before. Is that right?

A. I wouldn't say it's just another photocopy, no, sir.

Q. It's a photocopy of the same quote that appears elsewhere in other documents?

A. Yes, sir.

Q. I'd like to direct your attention, if I may, to Exhibit 460A, which is your photograph of 460. Is that right?

A. Yes, sir.

Q. And it shows the highlighting that appeared on the document on April 21.

A. Yes, sir, it does.

Q. Among the items highlighted is the quote from Winston Churchill; is that right?

A. I don't see that -- I don't see a quote from Winston Churchill on here.

William Eppright, III- Cross

Q. It's a little bit difficult to tell in the photograph



Q. It's a little bit difficult to tell in the photograph

precisely what's highlighted. Is that right?

Do you see the name "the great Patrick Henry"? Does that appear to be highlighted, too?

A. The -- yes, sir, "the great Patrick Henry" does.

Q. We won't spend the time to find Winston Churchill.

Let me direct your attention, if I may, to

Government's Exhibit 461, previously admitted into evidence.

Have you found that one?

A. Yes, sir.

Q. This is the photocopied page which has a picture of the American eagle --

A. Yes, sir; that's correct.

Q. -- prominently; and then it has the -- a photocopy of the John Locke "Second Treatise of Government" quote again; is that right?

A. That's correct, yes, sir.

Q. It also has a quote from Thomas Jefferson which indicates, "The course of history shows that if government grows, liberty decreases"; is that right?

A. Yes, sir. That's correct.

Q. Then it has the Winston Churchill quote again.

A. Yes, sir.

Q. And then it also has a quote from Samuel Adams. Is that right?

-- -  
A. Yes, it does.

Q. "If you love wealth better than liberty, the tranquility of servitude better than the animating contest of freedom, go home from us in peace. We ask not your counsel or arms. Crouch down and lick the hands which feed you. May your chains set lightly upon you and may posterity forget that ye were our countrymen."

Is that right?

A. That's correct.

Q. Also found in Mr. McVeigh's car?

A. That's correct.

Q. It also contains a quote from Thoreau. Right?

A. Yes.

Q. "There are a thousand hacking at the branches of evil to one who is striking at the root." Is that right?

A. That's correct.

Q. Now, on the back of that same document are the first ten amendments to the United States Constitution. Is that right?

A. Yes, sir.

Q. Now, I'd like to direct your attention to Government's Exhibit 462, previously admitted. It's on the screen in front of you, also.

A. I see it on the screen.

Oh, here it is. Yes, sir, I have it.

Q. That appears to be the Declaration -- a copy of the

William Eppright, III- Cross

Declaration of Independence; is that correct?

A. Yes, sir, it does.

Q. Beginning, "When in the course of human events it becomes necessary," etc., etc.

A. Correct.

Q. And it contains the entire Declaration and has a photocopy of the signatures; right?

A. Mine is very hard to read, but I'll agree with you on that.

Q. You recognize John Hancock's signature on the bottom?

A. Yes, sir.

Q. I thought you might.

This is one of the documents you found in

Mr. McVeigh's car?

A. That's correct.

Q. And it had underlining and highlighting?

A. Yes, sir, I believe it did.

Q. You'd agree with me that one of the copies of the Declaration of Independence found in Mr. McVeigh's car had highlighting; correct? Whether it was on this one or not, I don't think matters.

A. I have a -- yes, sir, it does contain highlighting.

Q. Like many of the other documents that you found; right?

A. That's correct.

Q. On the same page is a quote from John Adams, the second president of the United States. Is that right?

William Eppright, III- Cross

A. Thank you.

Yes, sir.

Q. That quote was, "You have rights antecedent to all earthly governments, rights that cannot be repealed or restrained by human laws, rights derived from the great legislator of the universe." Is that right?

A. Yes, sir, it is.

Q. Do you know, Mr. Eppright, from your work in connection with this case whether Mr. McVeigh gave copies of these materials to any other people?

MR. MENDELOFF: Objection, your Honor.

THE COURT: Sustained.

BY MR. NIGH:

Q. Let me ask it this way: Do you have any personal knowledge about that?

A. Personal knowledge? No, sir.

Q. I want to talk about the process for a moment, Mr. Eppright, of the actions that you undertook with the Mercury Marquis on April 21. You were essentially in charge of the search and the evidence collection from the car. Is that right?

A. I was in charge with the coordination and the retrieval of the evidence collected. That's correct.

Q. And if I understood you correctly, the search began at 6:40 p.m. and continued on until almost midnight, till

William Eppright, III- Cross

11:59 p.m.

A. Yes, sir, that's correct.

Q. And people that participated in the search were yourself and Richard Strobel of the ATF, Edward Bender of the ATF, William Peters of the FBI, Ronald Kelly of the FBI, Stephen Burmeister of the FBI, William Davitch of the FBI, and Louis Hupp -- also Andrew Grindstaff. Is that right?

A. That's correct.

Q. Now, Mr. Burmeister was there from the FBI laboratory specifically for the purpose of looking for explosives residue. Is that right?

A. I don't know what his whole entire purpose of being there was. I know he was looking for -- yes, explosive residues; but what else he was looking for, I do not know.

Q. Well, you knew that it included looking for explosives residue. Is that right?

A. Yes, sir.

Q. Now, you said that he started by taking air samples. Tell us about that. What did he do to take air samples?

A. Well, he actually started by what he said was vacuuming the door handles.

Q. With a vacuum cleaner?

A. No, sir. I'm not sure what technique he used. I wouldn't know anything about it.

Q. Were you watching?

William Eppright, III- Cross

A. Yes, I was.

Q. Can you tell us what it looked like?

A. Yes, sir, I can. His procedure, or what he did?

Q. What you observed him doing to the door handles.

A. I just observed him -- what appeared to be to take a sample of any contents that would be on the door handles.

Q. How did he go about taking that sample of what might be on the door handles?

A. I couldn't really tell you.

Q. Did he have a brush? I mean --

A. I don't recall.

Q. Okay. Do you know how he went about taking air samples inside the car?

A. No, sir, I sure don't.

Q. Were you able to see him do that?

A. Yes, sir, I could see him inside the vehicle.

Q. What did it look like he was doing?

A. Looked like he was taking air samples.

Q. I'm kind of slow sometimes, but I don't know -- I don't have any idea what that would look like.

A. He had a number of different pieces of equipment; and what they were or what they're called, I can't tell you.

Q. Do you remember what they looked like?

A. I know at one point he took vacuumings, and he would have

used an evidence-type vacuum cleaner; but other than that, I

William Eppright, III- Cross

really can't tell you. I know he had a machine set up and was testing different things, and I really don't know what he was doing.

Q. Was he testing for explosives residue?

A. I wouldn't know that.

Q. You understood that he was looking for explosives residue in conducting these tests; is that right?

A. As part of his test, yes, sir.

Q. Now, you, yourself, in connection with your role in this case, obtained some swabbings from different locations, did you not?

A. No, sir, I did not. Agent Burmeister did all the laboratory field work on the vehicle; and he would have handed different processes to me. And I was just the evidence custodian. I accepted what he did and gave it an item number and a description.

Q. I'm talking now about what occurred on April 24, 1995 at South Robinson and 5th Street.

THE COURT: What's the question?

MR. NIGH: I'm trying to refresh his recollection, your Honor, about it.

BY MR. NIGH:

Q. Let me direct your attention, if I may, to what's been marked for identification as Defendant's Exhibit O-13. You

should have a file folder in front of you.

William Eppright, III- Cross

A. Yes, I have that.

Q. Does that reflect a report by you which was completed on April 24 of 1995?

A. Yes, sir, it does.

Q. Does that indicate that you took some swabbings at South Robinson and 5th Street?

A. No, sir, it doesn't.

Q. You just documented the process? Is that what happened?

A. Yes, sir. I accompanied Mr. Bender, Ed Bender, and Rick Strobel; and they conducted all the analysis work. And I just received what they handed me and itemized it and made the paperwork.

Q. All right. And then did you send it on to the FBI laboratory, or did they take it with them to the FBI laboratory, if you know?

A. I do not know.

Q. 5th and Robinson: Where is that in relation to the Murrah Building?

A. I'm not sure.

Q. Were you in the vicinity?

A. I -- I'm not sure. I assisted this same-type procedure on a number -- I remember one time we were pretty close to the Murrah Building, yes, sir. I don't know if this is the



specific case or not.

Q. All right. You don't remember this specific instance, but

William Eppright, III- Cross

you remember doing things like this; correct? Taking swabbings?

A. I didn't take any swabbings.

Q. Well, documenting the process of taking swabbings, accompanying other agents that were taking swabbings?

A. I remember doing it on at least the two occasions of the vehicle and one other time, and perhaps this is the time.

Q. And was the purpose of the swabbings to find explosives residue?

MR. MENDELOFF: Objection, your Honor. It's way beyond what the witness testified about.

THE COURT: Sustained.

BY MR. NIGH:

Q. Your role in this case continued into the fall of 1995, did it not?

A. I believe in the fall of 1995, I spent 30 days at Oklahoma City at the task force, yes, sir.

Q. And part of that was to review videotapes; is that right -- and other evidence?

A. I -- yes, as I recall.

Q. And was part of what you were trying to do in November of 1995 -- was part of that trying to identify John Doe No. 2?

MR. MENDELOFF: Objection, your Honor.

THE COURT: Sustained.

MR. NIGH: If it's beyond the scope of direct, it

William Eppright, III- Cross

seems more expeditious to do this now.

THE COURT: I sustained the objection as being beyond the scope of direct.

MR. NIGH: Thank you, your Honor.

BY MR. NIGH:

Q. In the file folder of defense exhibits in front of you, I'd like to direct your attention to Defendant's Exhibit O-14.

A. I have that.

Q. Does that document in front of you -- does that document in front of you have the article in reference to an American -- called, "The American Response to Tyranny"?

A. Yes, sir, it does.

Q. And does it also have the John Locke quote?

A. Yes, sir.

Q. And then does it have the reference to the 51 -- the recent 51-day siege at Waco?

A. Yes, sir, it does.

Q. Some of the same quotes that you've identified from

documents taken from Mr. McVeigh's car?

A. That's correct.

Q. And in fact, it appears to be photocopies of them. Is that right?

A. Well, this is a photocopy, so I don't -- I don't understand your question.

Q. Well, does it look to be -- the documents -- some of the

William Eppright, III- Cross

documents you found in Mr. McVeigh's car were photocopies; right?

A. Yes, sir.

Q. Including "The American Response to Tyranny"?

A. Yes, sir.

Q. And the -- there was a photocopy of the John Locke "Second Treatise of Government" quotation. Is that right?

A. Yes. I believe on a document much like this one; that's correct.

Q. And this appears very similar to some of the same things you found in Mr. McVeigh's car. Is that right?

A. Very similar, yes, sir.

MR. NIGH: Your Honor, I'd move for the admission of Defendant's Exhibit O-14.

MR. MENDELOFF: I object, your Honor. There is no foundation for this.

THE COURT: Well what -- yeah, we don't know what this is.

MR. NIGH: We can link it up later. This is a copy of

an exhibit I expect the Government will admit or attempt to admit later.

THE COURT: Well, it's not admissible under the present foundation.

BY MR. NIGH:

Q. Let me direct your attention, if I may, to Defendant -- let

William Eppright, III- Cross

me go back to O-14 for just a moment, if I may. Defendant's Exhibit O-14 is not a document that you took out of Mr. McVeigh's car, is it?

A. I really can't tell by what's in front of me. I wouldn't know if it was or not.

Q. Does it have your initials anywhere on it?

A. Not on this sheet of paper, it doesn't; but I don't know if there is a reverse side -- or it looks like part of it may even be cut off.

Q. Is there anything on this document that indicates that it's one of the things you took out of Mr. McVeigh's car?

THE COURT: You're asking him about this specific paper; right?

MR. NIGH: That's correct, your Honor.

THE WITNESS: I don't believe I took it out of Mr. McVeigh's car.

BY MR. NIGH:

Q. It also has an FBI laboratory designation on it, does it

not?

A. Yes, sir, it does.

Q. That's not something that you would have put on something you took out of Mr. McVeigh's car?

A. That's correct.

Q. Now, let me direct your attention, if I may, to Defendant's Exhibit O-15.

William Eppright, III- Cross

A. I have that.

Q. Another photocopy of the John Locke quote?

A. That's correct.

Q. Does that have your initials on it anywhere?

A. No, sir, it doesn't; but again, it's just a one-sided copy, and I'm not going to say that my initials wouldn't be on the reverse side.

Q. Okay. I won't try to make you say that.

It has an FBI laboratory seal on it? Is that right?

A. Yes, sir.

Q. Government's Exhibit -- Defense Exhibit O-16.

A. I have that.

Q. That appears to be a small clipping of the John Adams quotation. Is that right?

A. Yes, sir.

Q. This appears to be a pretty small clipping.

A. Yes, it does.

Q. Did you remove a clipping from that small Green Book Mr. McVeigh had?

Q. Did you remove a clipping, that small from Mr. McVeigh's car?

A. I removed a similar clipping, yes, sir; but I believe it was different in contents.

Q. It was the Sam Adams quote instead of the --

A. I believe it was a different quotation.

Q. All right. Do you think that that -- do you think that the document depicted in McVeigh Exhibit O-16 is one that you

William Eppright, III- Cross

removed from Mr. McVeigh's car?

A. I don't believe it is.

Q. Let me direct your attention to Defense Exhibit O-17. Does that appear to be another copy of the article which compares the assault on the Branch Davidians with the assault on the Warsaw Ghetto in 1943?

A. Yes, it does.

Q. With the other quotes that appear at the bottom?

A. Yes, sir.

Q. Do your initials appear anywhere on this document?

A. No, sir, they don't.

Q. Does that appear to be one of the ones that you removed out of Mr. McVeigh's car?

A. It looks a lot like one that I did remove out of Mr. McVeigh's car.

Q. Is there anything on it that makes you think that it's one of the same ones that you removed? I mean physically the same

of the same ones that you removed. I mean physically the same document, or just a photocopy of the same material?

A. There is nothing that would indicate to me that I removed this one out of his car, no, sir.

Q. And this one has the FBI laboratory designation; right?

A. Yes, it does.

Q. Let me direct your attention, if I may, to Defendant's Exhibit O-18.

A. Yes, sir.

William Eppright, III- Cross

Q. Does that appear to be a photocopy of the Patrick Henry quote on the left column?

A. Yes, I believe we talked about this one earlier.

Q. And also, the quote from Alexander Solzhenitsyn's book, The=20

Gulag Archipelago?

A. That's correct.

Q. Does this have any indication on it that it's one of the ones you removed from Mr. McVeigh's car?

A. Under the same theory as I previously testified to, no, it doesn't.

Q. And it also has an FBI laboratory designation?

A. Yes, sir, it does.

Q. I'd like to direct your attention to Defendant's Exhibit O-19. Does this have a photocopy of "The American Response to Tyranny"?

A. Yes, sir.

Q. The quote from John Locke's "Second Treatise of Government," hand-printed?

A. Yes, sir.

Q. And then a reference to the siege of the Branch Davidians.

A. That's correct.

Q. Is there anything on this document which indicates that it's one of the ones you took from Mr. McVeigh's car?

A. Again, under the same theory, no, there isn't.

Q. I'd like to direct your attention to Defense Exhibit O-20.

William Eppright, III- Cross

A. I have that.

Q. This is the -- this is a -- appears to be a photocopy of the American eagle again?

A. Yes, sir.

Q. Correct?

The quote from Thomas Jefferson about the course of history. Is that right?

A. That's correct.

Q. The handwritten quote from John Locke, "Second Treatise of Government"?

A. Correct.

Q. The quote from Winston Churchill?

A. Yes, sir.

Q. Is there anything on this document which makes you believe



that you took it out of Mr. McVeigh's car?

A. No, there isn't.

Q. It also has the FBI laboratory designations; is that right?

A. Yes, it does.

Q. I'd like to direct your attention to Defendant's Exhibit  
O-21.

A. I have that in front of me.

Q. This is a picture of the cartoon of the assault on a house  
with a tank.

A. That's correct.

Q. And this -- a copy of this appeared in the materials that

William Eppright, III- Cross

you took out of Mr. McVeigh's car. Is that right? But it was  
superimposed on some other documents.

A. Well, I'd have to compare the two. I don't recall.

Q. Well, look at O-22 for a moment.

O-22 looks more similar to a Government exhibit, does  
it not?

A. Yes, it does.

Q. And the cartoon which appears in O-21 appears at the top of  
O-22?

A. Yes, sir, it does.

Q. And do you believe that O-21 is one of the same documents  
you removed from Mr. McVeigh's car?

A. No, sir, I don't believe I removed this document from

Mr. McVeigh's car

Mr. McVeigh's car.

Q. And this one has the FBI laboratory sticker; right?

A. Yes, sir, it does.

Q. O-22 appears very similar to one that you removed from Mr. McVeigh's car; is that right?

A. Yes, sir, it does.

Q. Does it have any indication on it that it is in fact one that was removed from Mr. McVeigh's car? In other words, do your initials appear anywhere on it?

A. No, sir, they don't.

Q. It also has the FBI laboratory designation; right?

A. Yes, it does.

William Eppright, III- Cross

Q. O-23 is another copy of the Declaration of Independence; is that right?

A. Yes, sir.

Q. Are your initials anywhere on that document?

A. No, they're not.

Q. O-25: Is this yet another copy of the quote from Thomas Jefferson, the article which compares the Waco assault to the assault on the Warsaw Ghetto?

A. Yes, sir, it is.

Q. Does that appear to have your initials on it, or does that appear to be one of the ones you removed from Mr. McVeigh's car?

A. It does not have my initials on it, no, sir.

Q. I'd like to direct your attention to O-27. This one has a quote from Montesquieu. Is that right? Very top?

A. Yes, it does.

Q. Do you recall seeing that before in the items that you took from Mr. McVeigh's car?

A. I don't recall, no, sir.

Q. It does have the quote from Alexander Solzhenitsyn and The=20 Gulag Archipelago. Right?

A. Yes, it does.

Q. And some of the other quotes that you've seen on documents taken from Mr. McVeigh's car. Is that right?

A. Well, it has the one you mentioned; and it has the same

William Eppright, III- Cross

title as another document. Yes, it does.

Q. But that does not appear to be one of the ones that you actually took out of Mr. McVeigh's car on the 21st.

A. No, it does not.

Q. If I understand what happened, Agent Eppright, when you reviewed these materials in Mr. McVeigh's car and a lot of these quotations and photocopies, some of them appeared more than once. Is that right?

A. That's correct.

Q. And they were contained within a business-size envelope that could have been addressed and mailed?

A. I didn't hear the last part of your question.

Q. That could have been addressed and mailed?

MR. MENDELOFF: Objection, your Honor. I'm not sure -- that's vague.

THE COURT: Are you talking about the form of the envelope was such that it could be addressed and mailed?

MR. NIGH: Precisely.

THE WITNESS: You've lost me. I don't understand the question.

THE COURT: Well, the question was, were these materials in an envelope and the envelope was in a form that could be addressed and mailed?

THE WITNESS: It could be addressed to an individual in May?

William Eppright, III- Cross

THE COURT: Mailed.

THE WITNESS: Oh, "and mailed." I'm sorry.

THE COURT: Put in the mail.

THE WITNESS: I'm sorry, sir.

Yes, it did appear that it could be addressed and mailed.

BY MR. NIGH:

Q. And if I understood you also correctly, the documents that we just went through contain photocopies of many of the same things that you found in Mr. McVeigh's car. Is that right?

A. That's correct.

MR. NIGH: Your Honor, may I have just a moment?

THE COURT: Yes.

MR. NIGH: That's all I have, your Honor.

THE COURT: Do you have any redirect?

MR. MENDELOFF: Just half a minute, your Honor.

THE COURT: Okay.

REDIRECT EXAMINATION

BY MR. MENDELOFF:

Q. Agent Eppright, let me show you Government's Exhibit 454, which Mr. Nigh asked you about. Do you recall this document?

A. Yes, sir, I do.

Q. Do you recall Mr. Nigh asking you or reading to you a portion of this document which referred on the -- or which was from the back of the document which indicated, "I would rather

William Eppright, III - Redirect

fight with pencil lead than bullet lead"? Do you remember that?

A. Yes, sir, I do.

Q. Was there any writing on the back of that document?

A. No, sir, there was not.

Q. Where do you find writing?

A. I find writing on the side that says, quote, "When the government fears the people, there is liberty. When the people fear the government, there is tyranny." S. Adams.

That contains the handwriting notations.

Q. And the handwriting notation was, "Maybe now, there will be liberty"?

A. Yes, sir.

Q. Is there a comma after the word "now"?

A. Yes, sir, there is.

MR. MENDELOFF: Nothing further, your Honor.

THE COURT: Recross?

MR. NIGH: No, your Honor.

THE COURT: You want the witness to remain available, I take it.

MR. NIGH: Yes, your Honor.

MR. MENDELOFF: Very well, your Honor.

THE COURT: All right. You may step down.

THE WITNESS: Thank you, sir.

THE COURT: Well, it's about 2 minutes to 5. I think we're going to waste a couple of minutes instead of calling another witness; so we're going to send you home early again today, members of the jury. But, of course, please do follow the cautions that we have always given and will always give to you to remember to keep open minds until you've heard it all. And of course, we're just getting under way; so please do not discuss the case among yourselves or with any persons, nor come into contact with anything that might appear in any newspapers, magazines, radio, television, whatever, so that you can do your duty in this case and decide according to the law and the evidence.

You're excused till 9:00 tomorrow morning.

(Jury out at 4:58 p.m.)

THE COURT: Mr. Hartzler?

MR. HARTZLER: Could Ms. Wilkinson address the Court about a couple of logistical issues relating to large exhibits?

THE COURT: All right.

MS. WILKINSON: Your Honor, tomorrow we intend to introduce the model of downtown Oklahoma City and one of the large pieces of the truck debris, and we ask that we be permitted to set up the model tomorrow and have it covered so it -- it won't be for the first witness but it will be for the second witness -- so we don't have to take a long break and also to bring in the large piece and have it covered and sit in the back of the courtroom.

THE COURT: Have defense counsel seen these?

MS. WILKINSON: Yes, they have, your Honor.

MR. JONES: We have, your Honor.

THE COURT: Any objection to them?

MR. NIGH: No, your Honor, there is not.

THE COURT: All right. Sure.

MS. WILKINSON: Thank you.

THE COURT: How big is this --

MS. WILKINSON: The model is quite large. It will run the length of counsel table and a little further; and then we can break part of it off to move it so the jury can see it, and the rear axle is on a pulley that's --

THE COURT: I'm not so concerned about that as I am about the size of the model.

MS. WILKINSON: It's quite long, but we --

THE COURT: Are we going to trip over it, or --

MS. WILKINSON: Yes, your Honor.

MS. WILKINSON: Pardon?

THE COURT: Are you going to trip over it?

MS. WILKINSON: I hope not. We've practiced so that we can show the entire model to get it in and then removed one part so we can move it closer to the jury so they can see it as the witness uses it.

THE COURT: All right.

MS. WILKINSON: Thank you.

THE COURT: You have my permission to do that.

We'll be in recess till 9:00.

(Recess at 5 p.m.)

INDEX

ItemPage

WITNESSES

Charles Hanger

Direct Examination Continued by Ms. Ramsey 5372

Redirect Examination by Mr. Mendeloff

William Eppright, III,

Direct Examination by Mr. Mendeloff

Cross-examination by Mr. Nigh

Redirect Examination by Mr. Mendeloff

PLAINTIFF'S EXHIBITS

Exhibit Offered Received Refused Reserved Withdrawn

414A 54005400

415A 53985398

447 54085408

448 54125412

448A 54145415

450 54465446



100 54100110

450A 54485448

451B 54245424

451 54375437

452 54495449

453 54225422

PLAINTIFF'S EXHIBITS (continued)

| Exhibit | Offered | Received | Refused | Reserved | Withdrawn |
|---------|---------|----------|---------|----------|-----------|
|---------|---------|----------|---------|----------|-----------|

|      |          |  |  |  |  |
|------|----------|--|--|--|--|
| 453A | 54245424 |  |  |  |  |
|------|----------|--|--|--|--|

|     |          |  |  |  |  |
|-----|----------|--|--|--|--|
| 453 | 54265426 |  |  |  |  |
|-----|----------|--|--|--|--|

|      |          |  |  |  |  |
|------|----------|--|--|--|--|
| 454B | 54275427 |  |  |  |  |
|------|----------|--|--|--|--|

|     |          |  |  |  |  |
|-----|----------|--|--|--|--|
| 456 | 54295429 |  |  |  |  |
|-----|----------|--|--|--|--|

|      |          |  |  |  |  |
|------|----------|--|--|--|--|
| 456A | 54305430 |  |  |  |  |
|------|----------|--|--|--|--|

|     |          |  |  |  |  |
|-----|----------|--|--|--|--|
| 458 | 54395439 |  |  |  |  |
|-----|----------|--|--|--|--|

|      |          |  |  |  |  |
|------|----------|--|--|--|--|
| 458A | 54405440 |  |  |  |  |
|------|----------|--|--|--|--|

|     |          |  |  |  |  |
|-----|----------|--|--|--|--|
| 459 | 54505450 |  |  |  |  |
|-----|----------|--|--|--|--|

|      |          |  |  |  |  |
|------|----------|--|--|--|--|
| 459A | 54515451 |  |  |  |  |
|------|----------|--|--|--|--|

|     |          |  |  |  |  |
|-----|----------|--|--|--|--|
| 460 | 54525452 |  |  |  |  |
|-----|----------|--|--|--|--|

|      |          |  |  |  |  |
|------|----------|--|--|--|--|
| 460A | 54545454 |  |  |  |  |
|------|----------|--|--|--|--|

|     |          |  |  |  |  |
|-----|----------|--|--|--|--|
| 461 | 54555455 |  |  |  |  |
|-----|----------|--|--|--|--|

|     |          |  |  |  |  |
|-----|----------|--|--|--|--|
| 462 | 54565456 |  |  |  |  |
|-----|----------|--|--|--|--|

|      |          |  |  |  |  |
|------|----------|--|--|--|--|
| 462B | 54575457 |  |  |  |  |
|------|----------|--|--|--|--|

|     |          |  |  |  |  |
|-----|----------|--|--|--|--|
| 466 | 54035403 |  |  |  |  |
|-----|----------|--|--|--|--|

|     |          |  |  |  |  |
|-----|----------|--|--|--|--|
| 468 | 54035403 |  |  |  |  |
|-----|----------|--|--|--|--|

DEFENDANT'S EXHIBITS

| Exhibit | Offered | Received | Refused | Reserved | Withdrawn |
|---------|---------|----------|---------|----------|-----------|
|---------|---------|----------|---------|----------|-----------|

|      |      |  |  |  |  |
|------|------|--|--|--|--|
| O-14 | 5489 |  |  |  |  |
|------|------|--|--|--|--|

\* \* \* \* \*

REPORTERS' CERTIFICATE

We certify that the foregoing is a correct transcript from  
the record of proceedings in the above-entitled matter. Dated  
at Denver, Colorado, this 28th day of April, 1997.

---

Paul Zuckerman

---

Kara Spitler