

Tuesday, April 29, 1997 (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 69)

Proceedings before the HONORABLE RICHARD P. MATSCH,
Judge, United States District Court for the District of
Colorado, commencing at 1:40 p.m., on the 29th 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

(In open court at 1:40 p.m.)

THE COURT: Be seated, please.

All right, we'll bring in the jury.

(Jury in at 1:40 p.m.)

THE COURT: Resume the stand, please, Mr. Anderson.

(Clark Anderson was recalled to the stand.)

THE COURT: Mr. Tritico.

MR. TRITICO: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. TRITICO:

Q. Mr. Anderson, you've been with Ryder Rental Systems for how long?

A. A little over 24 years.

Q. It seems to me in listening to your earlier testimony before lunch that you've taken great pains in that 24 years to learn every, every facet of the truck process with Ryder; is that a fair statement?

A. Well, we don't have an extremely large staff, and so at the executive level, you learn to be quite in-depth about a lot of pieces of the business.

Q. And you know quite a bit about the process Ford takes in building the trucks; it seems that you've taken quite a bit of interest in that?

A. I know relative to building Ryder trucks quite a bit about it, yes, sir.

Q. And that was my inquiry. And with respect to Morgan Box Company, you've taken quite a bit of interest in learning what they do to put the boxes together; is that fair?

A. In building Ryder boxes, yes, sir, I do.

Q. In 1995, how many trucks did Ryder own on the commercial

Clark Anderson - Cross

side?

A. On the commercial side?

Q. The consumer rental side.

A. The consumer rental side?

Q. Yes, sir.

A. I believe it was approximately 33,000.

Q. And on any given day in 1995, how many of those 33,000 would be rented?

A. On any given day, slightly less than half.

Q. 15,000?

A. Yes, sir.

Q. What's the theft rate in 1995 for Ryder trucks on the consumer rental side?

A. Surprisingly enough, for the type of business that we're in, the theft ratio is quite low on the vehicles. I don't know if I can express it in a percentage or not, but it's not as large as one might seem to believe.

Q. All right. Does Ryder have records regarding the theft rate?

A. Yes, we do.

Q. Maintain those at your office?

A. Yes, sir.

Q. You just don't have access to them today?

A. I don't have them with me today, no, sir.

Q. Now, the National Insurance Crime Bureau is a group that

Clark Anderson - Cross

you're a member of, or that Ryder is a member of?

A. Yes, sir; that's correct.

Q. If I understand it correctly, this is a private industry or

a private company that people like Ryder or other rental people join?

A. Yes, sir, as an association; that's correct.

Q. I'm sorry, I didn't mean to interrupt you.

How much does it cost to join the National Insurance Crime Bureau?

A. I believe it's in the neighborhood of several thousand dollars a year as dues.

Q. And aside from the several thousand dollars a year, are there other things that you have to pay for to be a member of the National Insurance Crime Bureau?

A. Not to my recollection.

Q. Are manufacturers such as Ford Motor Company a member of the National Insurance Crime Bureau, or do you know?

A. I don't know precisely.

Q. Does the -- is this a private company? You said it was an association?

A. It's a company; but it acts more as an association. So it's a -- it's a -- you know, I believe it's a not-for-profit organization.

Q. Is it formed by organizations such as Ryder, along with insurance companies?

Clark Anderson - Cross

A. It serves organizations such as Ryder along with insurance companies. And law enforcement.

Q. Have you ever served on the board of the National Insurance Crime Bureau?

A. No, sir, I have not.

Q. Do people from industry such as Ryder or other rental agencies serve on the board?

A. I believe there is an advisory board of members.

Q. Has anyone from Ryder Systems ever served on the board of the National Insurance Crime Bureau?

A. I do not know.

Q. Now, with respect to the -- to the building of the Ryder truck -- in evidence here today are two documents, one

truck, you -- in evidence here today are two documents, one from Ford Motor Company and one from Morgan Box; is that correct?

A. Well, they're --

Q. Well, they're your records?

A. They're Ryder documents that we gave to Ford and we gave to

Morgan Corporation to detail the -- to authorize building the chassis and the truck body according to our specifications, yes, sir.

Q. And did you take part in the development of the documents? I believe the Ford Motor Company is Government Exhibit 644, and

the Morgan Box is 645.

A. Yes.

Clark Anderson - Cross

Q. You did take part in this?

A. Yes, in the developing the specifications and issuing the purchase orders to Ford and Morgan, respectively.

Q. Now, looking at Government Exhibit 645 for a moment, if you would.

A. Yes, sir.

Q. Do you have engineers' drawings at Ryder for the -- for the

Morgan boxes that you used to develop this purchase order? Is that what it's called?

A. This is a purchase order. And I believe the engineer drawings are kept at Morgan, where the trucks are manufactured.

Q. Are the engineers' drawings that were produced and paid for

by Ryder Systems?

A. Yes, sir.

Q. And these engineers' drawings go down to the very last rivet in the box; is that fair?

A. That's correct.

Q. Including the number of rivets that's used in the box?

A. If you counted them all up, yes, sir.

Q. Okay. Looking at the second page of Government Exhibit 645 --

MR. TRITICO: Can we get this on?

THE COURTROOM DEPUTY: Uh-huh.

BY MR. TRITICO:

Q. If you look at your screen, can you see that?

Clark Anderson - Cross

A. Yes, I can. Can you zoom in on it just a little bit more? That's great, thank you.

Q. Now, can you see the part there that's highlighted?

A. Yes, sir, I can.

Q. Now, this paragraph, if I can call it that, is dealing

with
the side panels and the front of the box; is that correct?
A. Yes, it is.
Q. And this is outlining and detailing for Morgan Box how you want the box constructed as far as the side panels and the front is concerned; correct?
A. Yes, sir.
Q. I notice in here that it says, "Standard white Gelcoat on interior." Do you see that highlighted portion?
A. Yes, sir, I do.
Q. Now, my experience, Gelcoat is something that is sprayed on wet and dries into a solid; is that correct?
A. Yes, sir.
Q. And that's what's done here; right?
A. Yes.
Q. There's an adhesive that's included within the Gelcoat to cause it to bond with the, in this case, plywood wall; correct?
A. Yes, sir.
Q. What is the adhesive that is used on this Gelcoat?
A. It's a resin material, a resinous-type material.
Q. Do you know anything what the adhesive is comprised of

Clark Anderson - Cross

other than a resin? Do you know what the glue compound is?
A. No, sir, I do not know what the glue compound is.
Q. Do you have those records at Ryder Rental Systems?
A. I don't know that I have ever seen the chemical compound that makes up the resin, no, sir.
Q. Okay. Suffice it to say that when this is poured on wet and dries, it glues itself to the plywood wall; correct?
A. That is correct.
Q. And then it -- the specifications calls for Morgan Box, after the resin -- after the Gelcoat is applied, to rivet it all the way around the sides; is that correct?
A. Yes, to top and bottom and rails and corner posts, yes, sir.
Q. Now, you said top and bottom. It's also riveted along the side walls, up and down; isn't that correct?
A. Yes, the front and rear posts.
Q. Okay. That's what you said about the posts, okay. And then it's got -- on the box, it's got three side rails, approximately 2 feet apart; correct?
A. They're -- on the interior of the box, there are three slats of hardwood material that you can tie things to on the interior of the body, yes, sir.
Q. And those are riveted all the way through the box?
A. Yes, sir, they are.
Q. And through the Gelcoat?

Clark Anderson - Cross

A. Yes. With Camtainer fasteners.

Q. Now, also the specifications call for -- let me put this back up, one more time -- the specifications call for a protective -- Morgan to protect and fully seal all panel edges from moisture with an adhesive sealer; do you see that?

A. Yes, sir, I do.

Q. What type of adhesive sealer is used around the edges of the Gelcoat?

A. It is typically a silicone-type caulking material that is applied in the extruded post or rail, with rail being top and bottom, post being front and back -- where it creates an L-shaped -- or U-shape, and the panel fits inside as such; and on the interior of the rail, a silicone-type caulking material is placed in there so the panel seats firmly into the extruded part.

Q. And to keep moisture from getting in between the Gelcoat and the plywood?

A. Yes, sir.

Q. And to keep moisture from getting into -- between the panels of plywood, if I can use that term?

A. In between the laminations of the plywood, yes, sir.

Q. And that keeps the box together, or helps keep the box together?

A. It keeps the panel intact.

Q. Correct. Now, you were testifying earlier about the

Clark Anderson - Cross

plywood that's used by Morgan Box Company. I want to make sure

that I understood what your testimony was. There's a piece of board, fiber of some kind that's wood; is that correct?

A. It's a piece of plywood, just much as if you would buy it at the hardware store, that is sandwiched by the materials that

I described earlier, yes, sir.

Q. And if I understood you correctly, there was a piece of wood, some resin glue, a piece of fiberglass, and then you keep

doing that until you get the correct thickness of the wood that

you want on the Morgan Box; correct?

A. Well, somewhat close to that. The thickness of the panel is predominantly determined by the thickness of plywood that you start with. And then it is built out in layers on either side of the plywood with the resin material; and finally on the

interior, a Gelcoat and the exterior a Tedlar film. However, those coatings, when properly cured and finished and everything, are quite thin, as you might imagine; and the thickest part of the panel, then, is still the sandwiched plywood board.

Q. How many layers of resin are on each side wall of a Morgan Box?

A. It's about 2, 2-inch.

Q. That includes the layer of resin that adheres the Gelcoat

Q. That includes the layer of resin that adheres the Gelcoat to the inside of the box?

A. That's all applied almost in one process. That goes on in

Clark Anderson - Cross

liquid form.

Q. And the resin that you're talking about is the glue that we

were discussing earlier; is that correct?

A. Right.

Q. You've -- let me show you, sir, Defendant's Exhibits U1 through 6. Do you have those in front of you? Should be in the folder.

A. Yes, sir, I do.

Q. You've previously seen those, have you not?

A. Yes, sir, I saw them last night.

Q. And these -- all six of these are pictures of a Ryder truck; is that correct?

A. With the exception of U5. I'll have to take your word for it that that's the interior of a Ryder truck, because there is no Ryder identification on this picture that I can tell.

Q. Since we haven't introduced that yet, please don't hold it up that way.

A. I'm sorry.

Q. That's all right.

And looking at U5, does it appear to you to be the interior of a Morgan Box attached to a Ryder truck?

A. It appears to be the interior of a box with a white FRP lining and a slat applied to that lining.

Q. And do each of these pictures fairly and accurately depict what's purported in each photograph?

Clark Anderson - Cross

A. Yes, sir, they do.

MR. TRITICO: Your Honor, at this time I'd offer Defendant's Exhibits U1 through 6.

MR. MACKEY: No objection.

THE COURT: Received.

BY MR. TRITICO:

Q. Now, in looking at Defendant's Exhibit U1, that's a photograph of a 20-foot Ryder truck; is that correct?

A. From the right-hand side, yes, sir.

Q. And that -- what you're seeing there is the door that you were discussing earlier that is typical only to the 20-foot Ryder; is that correct?

A. That's correct.

Q. Now, I want to show you Defendant's Exhibit U2, sir.

Now, this picture shows the rear door open, and you can see the slats and the white Gelcoat that we were discussing

earlier; is that correct?

A. That's correct.

Q. And down on the bottom here. if you can see where my pen

Q. And down on the bottom here, if you can see where my pen is

pointing, you see the rivets that I was asking you about earlier along the bottom; is that correct?

A. Yes, where they're fastened to the side rail, bottom side rail.

Q. Do you know how far apart those rivets are?

A. Not from memory, but --

Clark Anderson - Cross

Q. Is it in Government's Exhibit 695?

A. I would presume that it is, yes. Would you like for me to find it?

Q. Would you look for it, please.

645. I believe I misspoke.

A. Yeah, I have it.

If I'm not mistaken, they are -- let's see. On page 4, it relates to the Camtainer fasteners on 6-inch centers to secure body walls to extrude and rear frames.

Q. So they would be 6 inches apart?

A. I believe that's correct; yes, that's what it's referring to.

Q. Okay. And there -- does that include the rivets in the side rails?

A. Well, that's what I'm presuming this extrusion to be because an extrusion is something different and different material than a rear frame.

Q. I see.

A. Rear frames are steel, extrusions are aluminum.

Q. So the rivets in the side rails are 6 inches apart. Do we know if the rails on the bottom, the sides, and the tops are also 6 inches apart?

A. Yes.

Q. All right. Let me refer you, sir, to Defendant's Exhibit

U3. Can you see that on your screen?

Clark Anderson - Cross

A. Yes, sir, I can.

Q. This is the back of the Ryder truck; is that correct?

A. Yes, sir; that's the back door.

Q. Can you see the vehicle or the number, the Ryder number, on the top left-hand corner?

A. Yes, sir, it appears to be Unit No. 137274.

Q. In looking at your documents that you sent to Ford Motor Company, this Ryder truck was made at the same time as Unit No. 137328; is that correct?

A. Yes, sir. It's in the same series.

Q. And so this Morgan Box would be built to the same specifications as Unit No. 137328; is that correct?

A. It should be, yes, sir.

Q. And let me refer you now to Defendant's Exhibit U4, if I may.

It's on your screen, if you just want to --

A. Okay.

Q. Or you can look at the other one, too. This is looking into the back of the same truck we were just looking at; is that right?

A. Yes.

Q. Now, here you can clearly see the side rails on either side; right?

A. The slat lining, yes, sir.

Q. And looking at the top on the very -- I guess the front of

Clark Anderson - Cross

the box, on this right here, you can see the rivets that go through the front; is that correct?

A. Yes. That attach the front radius panel to the front wall.

Q. Which would be the same construction as the side walls; right?

A. Yes.

Q. Okay.

MR. TRITICO: Thank you, Kathi.

BY MR. TRITICO:

Q. Now, Mr. Mackey asked you to look at some photographs that have yet to be introduced into evidence -- do you recall that -- some black-and-white photographs?

A. Yes, sir, I do.

Q. Upon reviewing -- you looked at those last night, is that correct, or sometime last weekend?

A. Yes, sir.

Q. Upon reviewing that -- do you know by looking at -- strike that.

Have you ever been to Oklahoma City?

A. Yes, sir, I have.

Q. Do you know which way -- in looking at that photograph, which way that truck was moving, north, south, east, west?

A. I can tell you whether it was moving from left to right or right to left, but I don't know if it's moving north, south, east, west.

Clark Anderson - Cross

Q. And by looking at that photograph, you can't see the door on the cargo box that is indicative of the 20-foot Ryder truck;

is that correct?

A. That is correct.

Q. You can't see the unit number on that truck; is that correct?

A. I was not able to see a unit number on it, no, sir.

Q. As a matter of fact, there are not unit numbers on the side, they are on the front and back?

A. No, sir. There are unit numbers on the side. Unit number placements are made in four locations. They're made on the front left cowling, the front right cowling, and right in front

of the driver's door; and they are made on the top of the front

of the body and the top of the rear of the body.

Q. And I'm not as versed in trucks as you are. What's a cowling?

A. The cowling is the area right in front of the driver's door

or kind of the area that -- and before the hood.

Q. This would be very small letters -- is that correct -- smaller letters?

A. They're 2 inches tall as opposed to 3 inches tall at that placement.

Q. Okay. At any rate, you couldn't see the unit number on the

truck that you identified in the photographs?

A. I don't recall seeing a unit number on it, no, sir.

Clark Anderson - Cross

Q. Could have been a lot of trucks in the Ryder inventory in 1995, couldn't it?

A. Well, it could have been any, you know, one of the trucks that is of a 20-foot size in the Ryder inventory at the time.

Q. And it's possible that it could have been a 24?

A. No, sir, I don't believe it's a 24-footer.

Q. You don't believe it, but you don't know, do you?

A. I'm pretty positive that it's a 20-footer, as I used my experience to look at the vehicle, based upon the body placement relative to the wheel base, yes.

Q. But it's possible it could have been?

A. No, using my experience, Mr. Tritico, I believe it's a 20-footer.

Q. Okay.

MR. TRITICO: Your Honor, may I have just a moment?

THE COURT: Yes.

BY MR. TRITICO:

Q. Sir, a moment ago I was talking to you about the theft rate

for Ryder trucks, and you said that you didn't have a number off the top of your head. I want to ask you, though, over the experience of 24 years that you've had with Ryder, approximately how many trucks are stolen from Ryder a year out of the consumer rental market?

A. Generally a hundred to 150 are stolen, and, you know, a good number -- a good percentage of that are recovered.

Clark Anderson - Cross

Q. What's a good percentage?

A. Greater than 50 percent.

Q. And so there's 50 to 75 a year that are not recovered.

Q. And so there's 30 to 75 a year that are not recovered, correct?

A. That's correct.

Q. And let me ask you this. When a Ryder truck in the consumer rental market has exceeded its life for Ryder and you're ready to dispose of that truck, do you sell it to the general public?

A. Yes, sir, we do.

Q. Do that from a Ryder office somewhere, or do you send them through a public auction, or how do you do that?

A. No, sir, we do it through company-owned locations and a few

dealer sites throughout the country.

Q. And when they're sold, do they leave with the Ryder decals on them or are they removed?

A. The units are completely deidentified so that there's no Ryder identification on them whatsoever.

Q. So what you see is a truck with Ryder yellow on it?

A. That's correct. Or in some cases, they're repainted a different color.

Q. How often do you repaint them?

A. We repaint them never in their lifetime; but upon sale, we probably repaint prior to sale a third in various other colors to give us a broader offering to the public.

Clark Anderson - Cross

Q. How many trucks a year does Ryder sell?

A. Ryder sells approximately 6,000 consumer vehicles a year.

Q. How many years prior to 1995 had Ryder been utilizing the 20-foot truck?

A. We began -- the first group of them was put in service in the spring of 1993. I'm sorry, 1991.

Q. Did I understand you to say you have a 18-foot truck?

A. No longer in the fleet, no, sir.

Q. How long ago did you have 18-foot trucks in the fleet?

A. The last 18-foot truck we had in the fleet was . . . let's see. I believe about 1993 or maybe to the end of 1993.

Q. How long did you have 18-foot trucks in your fleet, for how many years?

A. We had 18-foot trucks in the fleet for 15, 16, 17 years.

Q. Approximately how many 18-foot trucks did Ryder buy and go through in that lifetime?

A. That number escapes me as I sit here today.

Q. When someone desired -- desires to become a part of the Ryder family, lease trucks from their shop, do they buy a franchise from you?

A. No, sir, they're not franchises. They're dealerships; and more technically to the point, they are commissioned agents for Ryder operating under contract.

Q. And so they sign a contract with you, but they are not full-time regular employees of the Ryder Systems, Inc., as you

Clark Anderson - Cross

are; is that correct?

A. That's correct.

Q. They maintain and operate independently their own business wherein they also lease Ryder trucks through a contract with you; is that correct?

A. That's correct. Well, they rent Ryder trucks to the public through a contract with us, yes, sir.

Q. That's what I meant.

MR. TRITICO: I thank you very much.

I pass the witness.

THE COURT: Mr. Mackey, do you have some redirect?

MR. MACKEY: Please, your Honor.

REDIRECT EXAMINATION

BY MR. MACKEY:

Q. Mr. Anderson, recalling your attention to Government Exhibit 670A, a series of still photographs.

A. Yes, sir.

Q. Based on your examination both previously and now, can you see a Ryder decal on each of the frames we described?

A. Yes, sir, quite clearly.

Q. In April of 1995, could there have been a used Ryder truck on the streets of Oklahoma City with those decals?

A. No, sir.

Q. Tell the ladies and gentlemen of the jury who designed the 20-foot Ryder truck.

Clark Anderson - Redirect

A. I did.

Q. And based on that role in developing that truck, how confident do you feel of its -- your recognition, your ability to recognize that vehicle?

A. Very confident.

Q. Mr. Tritico asked you a few questions about the theft of Ryder trucks. I have a few follow-up questions, if you don't mind.

Let me start by asking you what's the difference between a one-way and a local rental, as those terms are used by a Ryder dealer?

A. A local rental is a euphemism for a truck that is rented at Point A and returned to Point A. Rent it here, return it here.

We use the one-way euphemism to describe renting it here and leaving it there, renting it at Point A and leaving it at Point

B.

Q. What was the Kling rental?

A. The Kling rental was a one-way rental.

Q. Can you tell the members of the jury what options a renter has in the time period that he's allowed -- he or she is allowed to hold on to a Ryder truck?

A. There is a predetermined number of days that are included in a flat rental that is delivered to the dealer via computer. And the sending dealer has the option of preselling at the time of the rental additional days for the use of that truck beyond

Clark Anderson - Redirect

the prescribed number of days that we send to them.

Q. What's the number of prescribed days -- that is, prescribed

by Ryder -- for driving a truck from Junction City, Kansas, to Omaha?

A. I believe it's two days.

Q. And based on your review of records available to Ryder, how

many days did the Kling rental provide for?

A. The dealer sold two additional days for a total of four.

Q. Meaning that the truck would be due in Omaha on April 21?

A. That is correct.

Q. When does Ryder first call the police about a stolen truck?

A. It depends. It's certainly never before the end of the due

date of the vehicle because the customer has authorization, having rented it, to use the vehicle. So the earliest would be

at -- upon the expiration of the due date of the rental; and the latest would be if there was some additional days after the

due date, because some states have laws about conversion that requires a certain number of days to cure after a due date of the rental.

Q. So the earliest in the Kling rental case that anyone at Ryder would begin to look for that truck was April 21?

A. Would have been the day after April 21.

Q. April 22.

A. Yes, sir.

Q. As you sit there now, based on your evaluation of the

Clark Anderson - Redirect

evidence and your review of Ryder records, do you have any reason to think that unit 137328 is missing?

A. I know it's missing.

Q. Is it missing, or is it gone?

A. It's gone.

MR. MACKEY: Nothing else.

MR. TRITICO: Just one.

THE COURT: Yes.

REXCROSS-EXAMINATION

BY MR. TRITICO:

Q. Mr. Mackey asked you if it was possible that -- if I understood correctly, that it was possible that a truck that was sold by Ryder could be on the streets of Oklahoma with a

was sold by Ryder could be on the streets of Oklahoma with a decal on it.

A. That's correct.

Q. Do you personally oversee the sale of each truck from Ryder?

A. I don't personally oversee the sale of each truck from Ryder; but as a member of the management team, the executive team, we have some very, very, very strict policies and standards in the company with respect to the deidentification of the truck --

Q. Sir, is the answer --

A. -- and I have a high confidence --

Q. Sir, is the answer to my question, no, you don't personally

Clark Anderson - Recross

oversee the sale of the trucks?

A. I don't personally oversee the sale of the trucks, no, sir.

Q. Is it possible, sir, that there could have been a stolen Ryder truck on the street of Oklahoma City?

A. It's possible, yes, sir.

MR. TRITICO: Pass the witness.

THE COURT: Is the witness to be excused?

MR. MACKEY: Yes, your Honor.

THE COURT: Is that agreed, Mr. Tritico?

MR. TRITICO: Yes.

THE COURT: You may step down. You're excused from further attendance.

Next, please.

MR. HARTZLER: The Government calls Lori Fortier.

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

(Lori Fortier 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: Lori Roberta Fortier, F-O-R-T-I-E-R.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Hartzler.

MR. HARTZLER: This is my first time back here, your Honor, and I had difficulty hearing her. Is the microphone

Clark Anderson - Recross

active there?

THE COURT: It is.

DIRECT EXAMINATION

BY MR. HARTZLER:

Q. Could you tell us where you presently live.

A. I live in Kingman, Arizona.

Q. And I don't want you to give us a geography lesson, but can

you describe the surroundings and the nearby large cities?

A. It's in the northwest corner of Arizona, approximately a hundred miles from Vegas.

Q. That's Las Vegas in Nevada?

A. Yes.

Q. So Las Vegas is across the border. Are there any other state borders nearby?

A. California is close by.

Q. What's the terrain in that area?

A. Desert with some mountains.

Q. Were you born and raised in that area?

A. Yes, I was.

Q. And did you graduate from high school in Kingman?

A. Yes, sir, I did.

Q. How many high schools are there in the Kingman area?

A. When I was going to high school, there was one. There are two now.

Q. What year did you graduate?

Lori Fortier - Direct

A. January of 1990.

Q. Are you married?

A. Yes, I am.

Q. What is your husband's name?

A. Michael Fortier.

Q. And when did you first meet him?

A. In July of 1987.

Q. While you were still in school?

A. Yes.

Q. Did you date Michael Fortier continuously from the first time you met him until you got married?

A. Yes, I did.

Q. And after you met Mr. Fortier, did you live in the Kingman area continuously?

A. No. I moved for a short period of time.

Q. Okay. Please describe for us when it was and why it was you moved from that area.

A. Michael enlisted in the Army in 1988. And after I graduated high school, I moved to Kansas to be with Michael because he was stationed in Fort Riley. In approximately March of 1990.

Q. And how long did you and he stay there?

A. For about a little over a year.

Q. What happened then?

A. We moved back to Kingman, Arizona.

Lori Fortier - Direct

Q. Was he discharged at that time?

A. Yes, he was.

Q. Honorably?

A. Yes.
Q. Do you have any children?
A. Yes, I do. I have two children.
Q. What are their names and ages?
A. Kayla is four and Michael is one.
Q. And do they live with you?
A. Yes, they do.
Q. Does your husband live you with now?
A. No, he does not.
Q. Where is he?
A. He is currently in federal custody.
Q. Why is that?
A. He pled guilty and he's awaiting sentencing.
Q. And the charges that he pled guilty, are they related to this case?
A. Yes, they are.
Q. How long has it been since he's been in custody?
A. Since August 10 of 1995.
Q. So about 20 months?
A. Yeah.
Q. And do you know when he will be sentenced?
A. I'm not really sure.

Lori Fortier - Direct

Q. Do you know Timothy McVeigh?
A. Yes, I do.
Q. And approximately how long have you known Timothy McVeigh?
A. Approximately eight years.
Q. Do you recall when you first met him?
A. Yes, I do.
Q. Can you describe for us the circumstances, where you were when you first met him?
A. I was in Kingman, and Michael had just enlisted into the Army, and he came home for Thanksgiving leave in 1988. And Tim was also in the military with Michael, and he came home with Michael.
Q. Were they -- the two men stationed at the same base?
A. Yes, they were.
Q. And where was that?
A. Fort Riley, Kansas.
Q. Do you know how they came to know each other?
A. They went to basic training together, and they were -- they shared the same barracks and the same room.
Q. Did you have a conversation with Mr. McVeigh during this Thanksgiving leave visit when he came to Arizona about why he was there?
A. Yes, I did.
Q. Tell us what he said to you.
A. He had drove up with Michael because he wanted to look at

Lori Fortier - Direct

some land outside of Kingman.

Q. Did he describe what land he was looking for?

A. Yes, he did. It was outside the Kingman area, in Seligman, and he had it outlined on a map that had like possible nuclear attack zones outlined.

Q. Describe that map for us, please.

A. It was a regular road atlas that had like certain areas highlighted that wouldn't be like hit if there was a nuclear attack.

Q. So it reflected the nuclear safe zones?

A. Yes.

Q. And what area was it that he was interested in?

A. Around the Seligman area, which is about an hour outside of Kingman.

Q. And explain, please, why it was he was interested in that area.

A. Because he was wanting to purchase land.

Q. That area was in or not in one of the safe zones?

A. It was in one of the safe zones.

Q. Was this a commercially purchased and printed map --

A. Yes.

Q. -- or hand-drawn?

A. It was hand-drawn. The highlighting was hand-drawn, but it

was a commercial-like atlas.

Q. And in what form was the highlighting?

Lori Fortier - Direct

A. It was in like -- it was circles of certain areas.

Q. And the circles represented what?

A. The like areas that would be hit by a nuclear attack.

Q. Did he tell you why he wanted to look at this land in this safe zone?

A. Because he was thinking about purchasing land around there because he already had some land, and he wanted to purchase more.

Q. And did he tell you where the land was that he already had purchased?

A. Yes, he did.

Q. Do you know whether or not McVeigh looked at any of the land in that area?

A. I had talked to Michael afterwards, and Michael said, yes, that they did --

MR. JONES: Object, your Honor, as hearsay.

THE COURT: Sustained.

BY MR. HARTZLER:

Q. Do you know whether or not or did Mr. McVeigh say to you whether he looked at the land?

A. Tim never said to me that he looked at the land.

Q. Were you present when he and your husband left to return to

Fort Riley?

FOR RILEY.

A. Yes, I was.

Q. And what did he say at that time?

Lori Fortier - Direct

A. He said that they were going to leave early so they could go look at the land.

Q. After that visit in Thanksgiving of 1988, did you ever see McVeigh again after that?

A. Yes, I did.

Q. Did you see him before you graduated from high school?

A. Yes, I did.

Q. Approximately how many times and in what circumstances did you see him before you graduated from high school?

A. I saw him approximately three times on occasions that I'd go up to visit Michael in Kansas.

Q. And what was Michael doing in Kansas at that time?

A. He was still in the Army.

Q. Did you see McVeigh every time you visited Michael in Kansas?

A. Yes, just about every time.

Q. Had they remained friends during that period of time?

A. Yes, they had.

Q. Was Terry Nichols then a friend of Michael's, if you know?

A. Not that I know of.

Q. Had you ever heard of Nichols on any of these trips that you took to visit your -- to visit Michael in Kansas?

A. No, I had not.

Q. And had Michael spoken to you about Nichols during any of these trips?

Lori Fortier - Direct

A. No, he had not.

Q. What did you do after you graduated from high school?

A. I stayed in the Kingman area for a couple months, and then I moved to Kansas.

Q. Where in Kansas?

A. Manhattan, Kansas.

Q. Was Michael still stationed at Fort Riley?

A. Yes, he was.

Q. And was McVeigh?

A. Yes, he was.

Q. Were they still friends?

A. Yes.

Q. What did you do?

A. I worked like at some odd jobs after I got there.

Q. And how long did you stay in the Manhattan, Kansas/Fort Riley area?

A. For a little over a year. Until Michael was discharged.

Q. And you left after he was discharged?

A. Yes, we did.

Q. What did the two of you do after the discharge from the Army?

A. We moved back to Kingman, Arizona.
Q. And during the year or so after you moved back to Kingman -- this would be following Michael's discharge -- did you have any contact with McVeigh?

Lori Fortier - Direct

A. No, not during that year.
Q. Do you recall your next contact with McVeigh?
A. Yes, I do.
Q. When was it?
A. In approximately December of '92 or early '93.
Q. What was the contact?
A. Tim sent Michael two books.
Q. Do you recall the books?
A. Yes, I do. One was called Detaxing America and the other one was called Kingdom of Moltz.
Q. M-O-L-T-Z. T-Z-E, Moltz?
A. I'm not sure.
Q. Did you read either of those?
A. No, I did not.
Q. What was the form of the book?
A. They were photocopied books.
Q. These were not hardback or bound volumes?
A. No, they were not.
Q. Did you have any contact with McVeigh after Michael received those books?
A. Yes, I did.
Q. Can you recall the next contact you had with him?
A. Yes. Tim showed up in approximately March of 1993.
Q. You were living in Kingman at the time?
A. Yes.

Lori Fortier - Direct

Q. Where were you living?
A. We were living in our trailer in Kingman.
Q. And that's the same trailer you lived in until when?
A. Until Michael was taken into custody.
Q. So since -- well, when did you move into the trailer?
A. February 1 of '93.
Q. Approximately a month before McVeigh arrived?
A. Approximately.
Q. And so you remained there until sometime into and after August of '95?
A. Yes.
Q. How is it that you can recall the approximate date that McVeigh arrived in Kingman?
A. Because our daughter was born on Valentine's Day of 1993, and he came approximately a month after that.
Q. And did he explain to you why he was there at that time?
A. He just wanted to visit.
Q. Did he tell you where he had come from?
A. Yes, he did.

Q. Tell us what he said.

A. He had come from Michigan. He said he was living with Terry Nichols.

Q. Had you ever heard of Terry Nichols before that date?

A. Not that I remember.

Q. Do you recall anything unusual that was happening in the

Lori Fortier - Direct

world at this time in March of 1993 when McVeigh arrived in Kingman and visited you?

A. Yes, I do. Waco had just started.

Q. Would you please explain for us what you mean when you say Waco?

A. Waco is a city in Texas where the Branch Davidians were held up for a few months.

Q. Do you recall the period of time?

A. It was like shortly after it started.

Q. And how did it end?

A. The compound burned down.

Q. Was this visit by McVeigh before or after the compound burnt down?

A. Before.

Q. And how is it that you can recall these two events being related; that is, Waco being under siege and McVeigh visiting you in Kingman?

A. Because we sat and watched the news with Tim.

Q. Did he talk about the incident?

A. Yes, he did.

Q. Do you recall anything that he said?

A. Yes. That he was very upset about it, and he thought it

was wrong. He thought the government should have just walked up and knocked instead of raiding the place.

Q. So far as you're aware, did McVeigh have any religious

Lori Fortier - Direct

affiliation?

A. Not that I'm aware of.

Q. Did McVeigh ever disclose to you whether or not he had visited the compound or the area near Waco, Texas?

A. Yes, he did.

Q. What did he say?

A. He said that on two occasions he'd visited Waco, once while

it was still going on and once like after it had burned down.

Q. During this visit in March of 1993 when McVeigh came to Kingman, where did he stay?

A. He stayed with us in our house.

Q. Did you have room for him?

A. Yes, we did.

Q. Why is that?

A. We had a spare room.

Q. And do you recall approximately how long he stayed with

Q. And do you recall approximately how long he stayed with you?

A. A few weeks.

Q. Was your husband employed? Was Michael employed at that time?

A. Yes, he was.

Q. Tell us what his job was and where he was employed.

A. He was working at Kingman TruValue.

Q. That's there in Kingman?

A. Yes, it is.

Lori Fortier - Direct

Q. Obviously a hardware store?

A. Yes.

Q. What was his job?

A. I think at that time he was working out back in the yard.

Q. How long approximately had he had that job?

A. Probably not even a month.

Q. Do you recall when McVeigh left, approximately?

A. A couple weeks after he showed up.

Q. And did he tell you where he was going?

A. Yes, he was going back to Michigan.

Q. Did you ever see McVeigh after that visit during the Waco siege?

A. Yes, we did.

Q. Do you recall the next time?

A. Yes. Shortly after Waco burned down.

Q. So this still would have been in the spring of 1993?

A. Yes.

Q. And where was it that you saw McVeigh on this next visit?

A. He came back to Kingman, Arizona.

Q. You were still living in the same place?

A. Yes.

Q. With your husband and daughter?

A. Yes.

Q. And did he stay with you again?

A. Yes, he did.

Lori Fortier - Direct

Q. During -- you indicated that at that time the fire at Waco had already occurred; is that right?

A. Yes.

Q. Did you discuss that incident with McVeigh?

A. Yes, we did.

Q. Do you recall anything that he said?

A. Yes. That he was very upset and he thought that the government had murdered the people.

Q. And did he tell you whether or not he had visited Waco?

A. Yes, he did.

Q. Did he tell you where he was coming from when he came to Kingman to visit you that time?

A. I think he like was coming from Michigan, and then he

stopped by Waco on his way to Kingman.

Q. And did he tell you how he had learned of the fire at Waco?

A. Yes, he did. He said he was listening to it on the radio while he was in Michigan with Terry Nichols.

Q. During this visit -- now, this would have been his third visit to the Kingman area, right, first being the Thanksgiving,

'88, then the one in March of '93, and now this one after the Waco incident in '93; is that right?

A. Yes.

Q. During this incident, did he tell you why he was there?

A. He was going to move to the Kingman area for a little while.

Lori Fortier - Direct

Q. And did he in fact move to Kingman?

A. Yes, he did.

Q. How long approximately did he stay in the Kingman area?

A. Until late summer of '93.

Q. So it was for a number of months?

A. Yes.

Q. During those number of months -- that would have been sometime from spring until late summer of 1993 -- did you on occasion see McVeigh?

A. Yes.

Q. Approximately how often did you see McVeigh? And I'm just going to use the shorthand to say it's through the summer of '93 that he was there. Approximately how often did you see him

through the summer of '93?

A. Approximately monthly.

Q. For what purposes?

A. Weekly, I'm sorry.

Q. For what purposes did you see him?

A. Just socializing.

Q. And do you recall when he left?

A. He had left, I'd say, in the late part of the summer.

Q. Did he tell you where he was going?

A. Yes, he was going back to Michigan.

Q. To go to what location; do you recall?

A. To live with Terry.

Lori Fortier - Direct

Q. After McVeigh left near the approximately end of the summer, 1993, did you or Michael have any further contact with him?

A. Yes, we did.

Q. Do you recall the next contact?

A. Yes.

Q. What was it?

A. It was a phone call.

Q. Do you recall whether you received the phone call or your husband did?

A. Pretty sure Michael did.

Q. And do you recall approximately when that phone call came in?

A. It came in the fall of '93.

Q. Okay. As a result of that telephone conversation, do you recall what happened?

A. Yes. Terry Nichols came to Kingman.

Q. Had you ever met him before?

A. No, I had not.

Q. And describe the situation and circumstances in which he arrived.

A. Tim called to tell us that Terry's son had died; and then like a short while after that, Terry called us and said he was like just outside of Kingman and he wanted to know if he could come by and say hello. So Michael went and met him somewhere

Lori Fortier - Direct

and brought him back to our house, and we talked for approximately an hour.

Q. Was he alone?

A. No, he was not. He was -- he had his wife and his daughter with him.

Q. How old was his daughter?

A. Probably -- I don't know. She was an infant still.

Q. As was your daughter?

A. Yes.

Q. And do you recall the conversation in that hour or so?

A. It was just small talk. He was planning on moving to Vegas, and he was on his way there.

Q. Do you recall your next contact with McVeigh after that telephone call?

A. Yes.

Q. When was it, approximately?

A. Approximately the first part of February.

Q. What year?

A. '94.

Q. How is it that you recall that approximate date?

A. Because I remember that Tim was not there for the Super Bowl of 1994.

Q. How do you remember that?

A. Because the Bills were playing in the Super Bowl and that was his favorite team.

Lori Fortier - Direct

Q. Buffalo Bills?

A. Yes.

Q. Do you recall who they played?

A. They played the Cowboys.

Q. And you recall watching the game?

A. Yes, I do.
Q. He was not there in that area?
A. No, he was not.
Q. All right. How do you recall when he arrived?
A. Because he was there for our daughter's first birthday party, which would have been Valentine's Day of 1994.
Q. Do you recall how long he stayed during this visit?
A. Through the next summer.
Q. When he first arrived, where did he stay?
A. He stayed with us approximately for a few weeks, and then he got his own like house.
Q. When you say he got his own house, what do you mean?
A. He rented a house.
Q. Where did he rent a house?
A. It was a block house out in Golden Valley, about 10 miles outside of Kingman.
Q. Which direction from Kingman is Golden Valley?
A. South, I believe.
Q. Is that a smaller community, small city? What is that?
A. Yeah, it's like a suburb of Kingman.

Lori Fortier - Direct

Q. And you referred to a block house. What's a block house?
A. Like a concrete-block house.
Q. During the time that McVeigh had rented this block house in 1994, did you ever visit him there?
A. Yes, we did.
Q. Do you recall your first visit?
A. The first time we went to visit him, Terry Nichols was there.
Q. How long had McVeigh lived in that block house, approximately?
A. A few weeks.
Q. And do you recall what happened when you visited him?
A. Yes, Terry cooked us dinner.
Q. Anything else that you remember?
A. No, not that I remember.
Q. Did you ever see Nichols in that block house again?
A. No, I did not.
Q. And do you know where Nichols' wife and child were then?
A. They were in the Philippines.
Q. Was his wife, by the way, from the Philippines?
A. Yes, she was.
Q. Do you recall her name?
A. Marife.
Q. Do you recall his daughter's name?
A. No, I do not.

Lori Fortier - Direct

Q. Do you have any idea how long Nichols stayed in the Kingman area?

....

A. I'd say a couple weeks.

Q. Why do you know that?

A. Because Tim said that they were fighting and Terry moved out.

Q. During this period of time in the -- I was going to say the middle of '94, but you said it was sometime beginning before Valentine's Day of '94 and continuing through a good portion of the summer; is that right?

A. Yes.

Q. So during those months of 1994, when McVeigh was living in the Kingman area, did he have any employment?

A. Yes, he did.

Q. Where did he work?

A. He worked at Kingman TruValue, also.

Q. Same place as your husband was working?

A. Yes.

Q. And do you know what his job -- what McVeigh's job was?

A. He worked out back.

Q. Meaning what?

A. He worked in the lumberyard part of the store.

Q. Okay. What was your husband doing at that time?

A. He was working as a bookkeeper in the office.

Q. How often did you see McVeigh during this period of time,

Lori Fortier - Direct

several months in 1994, when he was living in the Kingman area?

A. Weekly.

Q. And for what occasions did you see him?

A. Pretty much social, just socializing.

Q. Did you consider him to be a friend at that time?

A. Yes.

Q. And did you include him among your friends for various social activities?

A. Yes, we did.

Q. What kind of things did you do together in which you included McVeigh?

A. We'd go see Michael's brother and we'd go see my friend Norma and we'd rent movies, stuff like that.

Q. Do you recall whether McVeigh had a telephone in that block house?

A. No, he did not.

Q. Do you know how he made phone calls?

A. He'd come to our house and make phone calls.

Q. And did you ever observe him make phone calls during this period of time?

A. He used the phone pretty regularly.

Q. Did you see whether or not he simply dialed direct, charging the calls to your phone, or did he have some other means to make phone calls?

A. He said he had a calling card, and he had memorized the

Lori Fortier - Direct

number.

Q. Did you ever see the card actually?

A. No, I did not.

Q. Do you know what name that card was in?

A. No, I do not.

Q. Did he in any way further describe the card to you?

A. At one time he called on the card to see if it had any minutes left on it, so I thought it was like a prepaid calling card. That would be it.

Q. During this period of time, again in 1994, how long did McVeigh continue to work at Tru -- at Kingman TruValue?

A. Until the end of the summer.

Q. And approximately when did he quit; do you recall?

A. Approximately July.

Q. After he quit his job at Kingman TruValue, did he remain in the area for any period of time?

A. Yes, he did.

Q. Approximately how long after he quit his job did he remain in the area?

A. About a month.

Q. And did he continue to live at the block house?

A. No. He moved out of the block house, and he stayed with us for a short period of time after our wedding.

Q. Explain that whole situation, if you would.

A. We were married on July 25 of 1995 (sic). And Tim stayed

Lori Fortier - Direct

at our house during our honeymoon, which was --

Q. How long was your honeymoon?

A. A week.

Q. And why did he stay there?

A. To watch our animals. We have two cats.

Q. Where was your wedding?

A. In Las Vegas.

Q. Did McVeigh attend?

A. Yes, he did.

Q. Was he in the wedding party?

A. Yes, he was.

Q. What was his part in the wedding party?

A. He was Michael's best man.

Q. How did that come about?

A. Because at the time Michael's brother, who is in the Army, also, he was -- he came to town on leave; and Michael didn't expect him to come to town because he was going to ask his other brother to be his best man. But he didn't want to ask Rick because John was there, because he didn't want to hurt John's feelings.

Q. But McVeigh was clearly a friend of his?

A. Yes, so he asked McVeigh instead.

Q. Do you recall when you got back from your honeymoon, was McVeigh at your house?

A. Yes, he was.

Lori Fortier - Direct

Q. And how long did he stay in the area after you returned from your honeymoon?

A. A few days.

Q. Do you recall where he said he was going, if he said he was going when he departed?

A. He said he was going to Kansas to see Terry.

Q. Again, during this same period of time, between February -
-
and now you've indicated he left sometime in early August; is that right?

A. Yes.

Q. Did you have any contact with any explosives during that period of time?

A. Yes, I did.

Q. Would you please describe for us the situation in which you had contact with explosives?

A. One day me and Michael went over to Tim's house in Golden Valley, and he was in the process of finishing making a pipe bomb; and he asked us to go up in the mountains and blow it off with him.

Q. Can you describe that pipe bomb for us?

A. Yes, it was approximately a foot, foot and a half long, a couple inches in diameter, and it was made up of gun powder. And when we got there, he was putting the cap on it, on the end of it.

Q. What color was it, what material was it made of; could you

Lori Fortier - Direct

tell?

A. It was a silver metal pipe.

Q. Did it have a fuse that you saw?

A. Yes, it was.

Q. What color was the fuse?

A. Green, and it had been drilled through one end of it.

Q. And did he say how he had made the pipe bomb?

A. He said he had made it with gun powder.

Q. Was the pipe bomb detonated?

A. Yes, it was.

Q. Describe that experience for us.

A. We drove to an area between Golden Valley and Laughlin, Nevada. It's a mountain range called Union Pass, and we walked
up about a mile maybe 2 miles into the mountains

up about a mile, maybe 2 miles into the mountains.

Q. You've been saying "we." Can you tell us who you're talking about?

A. Me, Michael, and Tim. We walked into the mountains, and Tim put it under a boulder and set it off.

Q. Did you watch it?

A. Yes, I did.

Q. Okay. How far away were you when it detonated?

A. I'm not really sure how far away.

Q. What happened?

A. A big cloud of smoke, and Tim and Mike went up there to look at what happened to the boulder, and it split in half.

Lori Fortier - Direct

Q. Did McVeigh ever discuss with you any other use of explosives?

A. Yes, he did. He said that he and Terry had blew off some jugs like Gatorade bottles while he was living at the farm there.

Q. I'm sorry, I just didn't hear you. What bottles?

A. Gatorade bottles.

Q. What was the explosive?

A. I'm not sure.

Q. During this same time period, February to August of 1994, were you involved in any political discussions with McVeigh?

A. Yes.

Q. Could you describe them for us?

A. We were involved with talking about Waco and various other things.

Q. What did McVeigh say about Waco?

A. He thought the government had murdered the people in Waco.

Q. Anything else that you recall, any other political discussions that you recall?

A. Yes, we discussed the United Nations.

Q. What did he say about the United Nations?

A. He thought the United Nations' plan was to take over America.

Q. And did McVeigh provide you with any materials; did he have any materials about any of these subject matters?

Lori Fortier - Direct

A. Yes, he did. He had various like books and stuff about everything that he talked about.

Q. Were there any other political issues that he discussed with you?

A. Yes. He discussed Randy Weaver and Gordon Kahl.

Q. And who is Gordon Kahl?

A. Somebody that died like on a tax-fraud thing. I'm not really sure.

Q. What about Randy Weaver?

A. He was held up somewhere in Idaho.

Q. "Held up" meaning what?

A. He was barricaded inside of his house and his family was killed.

Q. And this involved the federal government in some way?

A. Yes, it did.

Q. Do you know how --

A. Yes. Tim said that they had got him on false weapons charges and stuff.

Q. That period of time between February and August of 1994 of course cover the 4th of July?

A. Yes, it did.

Q. Do you recall any 4th of July activities that were planned?

A. Yes, I do. Tim had printed up a pamphlet that he was planning on handing out on the 4th of July.

Q. How large was this pamphlet?

Lori Fortier - Direct

A. It was a few pages long.

Q. Did you see it?

A. Yes, I did.

Q. Did you read it?

A. Yes, I did.

Q. Do you recall any of the subject matters in the pamphlet?

A. Gun control, Waco, he thought that like the money standard should be back to gold. That's all that I really remember.

Q. And what was he going to do with this pamphlet?

A. He was going to hand it out on the 4th of July.

Q. Where?

A. At the local fireworks.

Q. Did that actually happen?

A. No, it did not.

Q. Do you know why?

A. No, I do not.

Q. Again, during this same period of time in 1994, February to August, did you ever hear McVeigh advocate violence against the government?

A. Not really out-and-out violence, but he -- as an example, he had like a hat that said ATF that had bullet holes through it, and he also described . . . oh, somebody that -- it was like a newscaster who like thought it was okay to shoot federal agents.

Q. So that would have been a use of violence --

Lori Fortier - Direct

A. Yes.

Q. -- well, I'm not sure. Is this a threat of violence aggressively or defensively?

A. I'm not sure.

Q. After McVeigh left the Kingman area after your honeymoon,

this would have been in the first part of August, 1994; is that right?

A. Yes.

Q. Do you recall your next contact with McVeigh?

A. Yes, I do.

Q. When was that?

A. September.

Q. And what was the nature of the contact?

A. We received a letter from Tim.

Q. And was the letter read to you, or did you read it?

A. It was read to me by Michael.

Q. Do you recall what it was -- what it said?

A. Yes, I do. It -- the first thing it said was that Michael should not tell me about the letter. And the next part, he was asking -- telling Michael that he wanted to take action against the government.

Q. Do you recall anything else about the letter?

A. No.

Q. Did you discuss that letter with your husband?

A. Yes, we did.

Lori Fortier - Direct

Q. What did you discuss?

A. What he meant by "take action against the government."

Q. And did either of you respond to the letter?

A. Yes. Michael wrote him back.

Q. Did you see Michael's response?

A. No, I did not.

Q. Did your husband tell you what he wrote back?

A. Yes, he did.

Q. Can you relate to us what your husband said he wrote back to McVeigh?

A. He told Tim that he had told me about the letter, and he asked Tim what he was talking about by saying, "take action against the government."

Q. He told Tim that he had told you about the letter. Is that what you said?

A. Yes.

Q. After you had received that letter from McVeigh requesting or telling you that he was going to take action, did you have any further contact with him?

A. Yes, we did.

Q. Do you recall your next contact?

A. A couple weeks later, Tim showed up.

Q. Showed up where?

A. In Kingman.

Q. And do you recall how long he stayed during this time?

Lori Fortier - Direct

LORI FORTIER - Direct

A. A couple days.

Q. Do you recall any conversation you had with him during that

couple days' visit?

A. Yes, I do.

Q. And what month would we be in at this point?

A. September.

Q. Who was present during the conversation?

A. Me, Michael, and Tim.

Q. And where did the conversation take place?

A. In our living room.

Q. Do you recall what time of day this conversation took place?

A. It was evening. The evening.

Q. Where was your daughter?

A. She was either sleeping or with my mother.

Q. As best you can recall, tell us what McVeigh said to you and what you and Michael said to him in your living room during

this meeting in September of 1994.

A. He told --

MR. JONES: I'm going to object to any testimony about

what Michael said. That's hearsay.

THE COURT: Overruled. I assume it's not for the truth but what he said.

MR. HARTZLER: Correct.

THE COURT: All right.

Lori Fortier - Direct

THE WITNESS: Okay. Tim told us that what he meant

by

"take action against the government" was to blow up a federal -- a building, a federal building.

BY MR. HARTZLER:

Q. Anything further?

A. No. That's about it on the first occasion.

Q. Did he tell you what building he wanted to blow up?

A. No, he did not specify a location.

Q. Did he tell you when he wanted to take this action?

A. No, he did not.

Q. Did he explain to you why he was telling you this?

A. No, he did not.

Q. Did he ask for your assistance?

A. Not outright.

Q. Did he appear to be serious?

A. Yes, he did.

Q. Do you recall saying anything in response?

A. I think Michael told him that he was crazy.

Q. Did you urge him not to do it?

A. No, I did not.

Q. Why not?

A. Because at that time, I didn't really know if he was serious or not.

----- -- -----
Q. Did you say anything to McVeigh at that time that would indicate to him that you did not support this action?

Lori Fortier - Direct

A. No.

Q. Why do you think you didn't say anything to him at that time?

A. Because he had never come to us like with any violent behavior before, so I wasn't really sure if he was serious about it.

Q. You said that he stayed with you during this time for a couple of days?

A. Yes.

Q. And when he left, did he tell you where he was going?

A. He was going back to Kansas.

Q. Do you recall either your or your husband's next contact with McVeigh after that visit in September of '94?

A. It was a few weeks after that.

Q. What was the nature of the contact?

A. We got a phone call.

Q. Did you talk to McVeigh?

A. No, I did not.

Q. Approximately what month and year was this in?

A. Late -- late September or early October.

Q. And do you recall the day of the week that the phone call came in?

A. I believe it was either on a Saturday or a Sunday.

Q. After that call, did Michael tell you what he had talked about with McVeigh?

Lori Fortier - Direct

A. Yes, he did.

Q. What did he say?

A. He said that Tim had asked him to get a storage shed outside of Kingman.

Q. I think you may have indicated; but tell me, approximately how long after McVeigh had sat in your living room and told you

he wanted to -- his planned action was a bombing, approximately

how long after that did this call come in?

A. A couple weeks.

Q. And did you understand any relationship between these two events?

A. No, I did not.

Q. Did you have any understanding of why McVeigh wanted a storage locker?

A. No, I did not.

Q. Did he request that you go look for a storage locker?

A. Yes.

Q. And did you do that?

A. Yes, we did.

Q. With Michael?
A. Yes.
Q. How long after the call did you go out, if you recall?
A. It was either the day after or that same day.
Q. And did you actually visit any storage locker facilities?
A. Yes, we did.

Lori Fortier - Direct

Q. Describe that event.
A. We drove out to Golden Valley, and we stopped at one storage shed area; and Michael went in and -- to check and see if they had any.
Q. Did you go in?
A. No, I did not.
Q. And did you get it? Did he rent a storage facility there?
A. No, he did not.
Q. Do you know why?
A. I'm not sure.
Q. Do you recall your next contact with McVeigh after that telephone call and your going out to look for a storage locker?
A. Yes, I do.
Q. When was that?
A. The next day.
Q. And what was the nature of that contact?
A. It was another phone call from Tim.
Q. Did you take that call?
A. I might have took the call. It was either me or Michael.
Q. And where was McVeigh calling from? Do you know?
A. He was calling from Petro, which is a truck stop approximately 15 miles outside of Kingman.
Q. That would be a local telephone call?
A. I'm not sure.
Q. Do you recall the conversation on the telephone?

Lori Fortier - Direct

A. Yes.
Q. What was it?
A. He had asked if we got the storage shed. And we had told him no.
Q. And did you see McVeigh after that?
A. Yes, I did.
Q. Where did you see him?
A. At our trailer. He showed up approximately a half hour after that.
Q. Was he alone?
A. No. He was not.
Q. Who was with him?
A. Terry Nichols.
Q. Anybody else?
A. No. Terry had a dog with him, though.
Q. What kind of dog?

A. It was a puppy. I'm not sure what kind it was.

Q. And how did they arrive? What was their mode of transportation?

A. Tim was driving his Chevy Spectrum, and Terry was driving a Chevy truck.

Q. Can you describe McVeigh's appearance at that time?

A. Yes. His hair had grown out, and his beard had grown out. And he looked really scruffy.

Q. What happened when they arrived?

Lori Fortier - Direct

A. Tim came inside and sat down on the couch and told us that he was mad that we hadn't gotten a storage shed.

Q. And how long -- Did Nichols come into the house?

A. He came in the house briefly to get water that he put like in some water jugs.

Q. And how long did they remain at your house for this visit?

A. Maybe 15, 20 minutes.

Q. Did they say where they were going?

A. Yes. They were planning on going to a campsite outside of Kingman.

Q. Now, it's your recollection that your husband was there at this time?

A. Yes, it is.

Q. And the campsite was what campsite?

A. It was an area that Terry had found outside of Kingman. It

wasn't like a chain campsite or anything; it was just an area in the desert.

Q. It wasn't an official campsite?

A. No, not at all.

Q. Did they say anything to Michael prior to their departure that you overheard?

A. Yes, they did.

Q. Who spoke?

A. Tim did.

Q. What did he say?

Lori Fortier - Direct

A. He said that he wanted Michael to meet him outside Kingman at the campsite later that night.

Q. This was during the afternoon, you said, that they met, that they arrived?

A. Yeah, approximately around 4:00.

Q. And do you recall what you did that evening?

A. Yes, I do. We went to -- me and Michael went to my parents' house, and we borrowed my dad's truck; and Michael went out to see Tim and Terry.

Q. Why did you borrow your father's truck?

A. To go see -- so Michael could go see Tim and Terry.

Q. But why didn't he just drive your car?

Q. But why didn't he just drive your car.

A. Because it was a dirt road and we didn't want to take the car out there.

Q. Did you go with him?

A. No, I did not.

Q. About how long was Michael gone?

A. An hour or two.

Q. And then what happened?

A. Michael came back to my mom's house, and he called me from there; and I went to pick him up and bring him back over to our house.

Q. Did he tell you what he had done?

A. Yes, he did.

Q. What did he say?

Lori Fortier - Direct

MR. JONES: Objection. That's hearsay.

THE COURT: Sustained.

BY MR. HARTZLER:

Q. As a result of that conversation, did you have any further contact -- I'll start again.

Did you have any further contact after that evening with McVeigh?

A. Yes, I did.

Q. I neglected to ask you: You said they arrived in McVeigh's

car, which you described as a Spectrum, and in Nichols' truck; is that right?

A. Yes.

Q. When they left, did they leave in both of those vehicles?

A. No, they did not.

Q. Tell us what they left in and what happened otherwise.

A. They left in Terry's truck, and Tim pulled his car inside of our yard and left it there.

Q. Did you notice anything about that car?

A. Yes. It was loaded down. The back seat had a bunch of stuff inside of it that was covered with blankets.

Q. And did you know what was in the car at that time?

A. No, I did not.

Q. When was the next time that you saw either McVeigh or Nichols?

A. The next day.

Lori Fortier - Direct

Q. Describe that event.

A. I was doing dishes inside the house early the next morning, and I seen someone walking up to Tim's car; so I ran outside. And it was Tim. He was dressed differently than I had ever seen him dressed before, though.

Q. Describe how he was dressed.

A. He was dressed like in a Harley shirt, and he had a

bandana

around his head; and he looked like a biker. His hair was grown out, and he had a scruffy beard.

Q. And how long did he remain in that area?

A. He walked to the car, opened the car, and then he got back with Terry and they left.

Q. So the car remained, but he left with Nichols?

A. Yes.

Q. And did you speak with him then?

A. Just briefly.

Q. Where was Michael at this time?

A. He was at work.

Q. How long did the car remain outside your house after that?

A. Until a couple hours later.

Q. What happened then?

A. Terry and Tim pulled up, and Tim got in the car and left.

Q. Did you have any conversation with him?

A. No, I did not.

Q. Did you see McVeigh or Nichols after that?

Lori Fortier - Direct

A. Yes, I did.

Q. Where was that?

A. At our house later that night.

Q. Describe that incident.

A. They came to our house, and Tim asked Mike to go with him to a storage shed that he had got.

Q. So you overheard a portion of the conversation?

A. Yes.

Q. And did Michael go with him?

A. Yes, he did.

Q. Do you know how he got there or how he left?

A. I believe he left with Tim in Tim's car.

Q. He didn't drive his car?

A. No.

Q. What vehicles did you see there?

A. I think all I saw was Tim's car.

Q. And how long, approximately, was Michael gone?

A. Approximately 30 minutes.

Q. When he returned, did he tell you what he had done?

A. Yes, he did.

Q. And after that evening, did you have further contact with McVeigh?

A. Yes, we did.

Q. Was it during this same period of time when he was in the Kingman area?

Lori Fortier - Direct

A. Yes.

Q. Please describe for us your next contact with McVeigh.

A. About a day or so later, Tim came to our house; and he stayed with us.

Q. Did he say where Nichols was?
A. Yes. He said that Terry had went to Las Vegas to see his son, Josh.
Q. You understood his son, Josh, lived in Las Vegas?
A. Yes.
Q. And did Josh live there with someone else?
A. Yes. His mother.
Q. Very well. And when McVeigh arrived at your house, where was he staying?
A. Tim was staying with us.
Q. For how long, approximately, did he stay with you?
A. Approximately five days.
Q. Same place, the same spare room --
A. Yes.
Q. -- that you've described before?
And did you have a conversation with McVeigh during this visit about the bombing plans that he had previously disclosed to you?
A. Yes.
Q. Do you recall that discussion?
A. Yes.

Lori Fortier - Direct

Q. Who else was present?
A. Me and Michael and Tim.
Q. And where did the discussion take place?
A. In our living room.
Q. What time of day, if you recall?
A. It was the evening.
Q. As best you recall now, tell us what you remember McVeigh saying and what you remember you or Michael saying to him.
A. Tim specified that the building he was planning on bombing was the Oklahoma City building. And he went into detail. He diagrammed what he was planning on doing.
Q. What do you mean he diagrammed it?
A. He diagrammed like circles inside of what he was -- he said he was going to rent a truck; and he diagrammed circles inside of a box that was supposed to re -- like resemble the box of a truck.
Q. What were the circles to represent?
A. Barrels.
Q. Of what?
A. He was thinking about using racing fuel and ammonium nitrate.
Q. Anything else?
A. Yes, he was going to put -- what do you -- fuse, like inside the barrels.
Q. Did he describe any other explosives that you would use in

Lori Fortier - Direct

this device?

A. Yes, he did. He described the sausage things that they

A. Yes, he did. He described the sausage things that they had stolen from the quarry.

Q. What do you mean "they had stolen from the quarry"?

A. He told us how Tim and -- he and Terry had robbed a quarry outside of Kansas.

Q. When did he tell you that?

A. That night.

Q. What did he say about the robbery of a quarry?

A. He said that him and Terry broke into a mining quarry one night while it was raining, and they drilled a lock on a building and they stole the explosives.

Q. Did he tell you where the quarry was that they broke into?

A. Somewhere in Kansas.

Q. And did they tell you how they drilled the lock at the quarry?

A. With a drill. That's all that I know.

Q. Okay. You said that he also actually drew a diagram of a truck?

A. Yes.

Q. The box -- what part of the truck was drawn? I'm sorry.

A. There was just a box, and then he filled the box in with circles that was representing barrels.

Q. And I think I broke you off where you were talking about some kind of sausage explosive that had been stolen from the

Lori Fortier - Direct

quarry.

A. Yes. That was one of the things that was stolen; and he was going to like fuse into the sausage that he would put inside the barrels that contained racing fuel and ammonium nitrate.

Q. I think you said he told you he was going to bomb a building in Oklahoma City; is that right?

A. Yes.

Q. Did he describe the building any further?

A. Yes, he did. He said it was a U-shaped building that had a glass front.

Q. And did he describe what type of building it was?

A. Yes. A federal building.

Q. Did he specify a particular building or use a particular name?

A. No. He just said "the federal building."

Q. But he definitely named the city?

A. Yes.

Q. Did he explain to you why he had selected a federal building in Oklahoma City?

A. He said it was an easy target and that it was a building that housed some of the people that were in the Waco raid.

Q. Did he give you any further description of the nature or the type of explosive device he was planning to use?

A. Yes, he did.

Lori Fortier - Direct

Q. What did he say?

A. He used the term "anhydrous hydrazine" once.

Q. How is that you can remember that term?

A. Just because it was a strange term.

Q. Any other reason?

A. Yes. Because he had looked the term up in our dictionary.

Q. Was that that evening?

A. No. I think that was the next day, when I was alone with Tim and Michael was at work.

Q. And did he describe how he was going to detonate this device in the truck?

A. Yes. He did.

Q. What did he --

A. He wasn't sure whether he was going to drill holes into the cab of the truck, or if the truck had windows, he was going to like just put them through the windows.

Q. Put what through the windows?

A. The fuse. There would be two separate fuses.

Q. Did he explain to you in any way how the explosion would work?

A. Yes. He used the term "shape charge."

Q. Were you familiar with that term?

A. No, I was not.

Q. Did he describe what "shape charge" meant?

A. Yes, he did. By drawing the barrels in the truck, he

Lori Fortier - Direct

formed them in a triangle shape with the biggest part of the triangle would be facing the building to get the most --

Q. What do you mean "the biggest"? The flat of the triangle?

A. Yes.

Q. Which direction would the point of the triangle be pointed toward?

A. Away from the building.

Q. Okay. So the flat or the bottom part of the triangle would be facing?

A. The building.

Q. And what did he describe the purpose of that to be?

A. That it would get the most impact that way.

Q. And did he tell you how he was going to manufacture this device?

A. Yes, he did. He said that he and Terry would do it together; that Terry would mix the bomb.

Q. Did he indicate to you whether or not he had any materials that would assist him in manufacturing this device?

A. Yes, he did.

Q. What did he say?

A. He said that he had went to a racetrack and he had obtained racing fuel.

Q. Did he indicate, or did he have any materials or literature to assist him?

A. Yes, he did.

Lori Fortier - Direct

Q. What did he have?

A. He had a book that had the different detonation ratios, I guess you'd call it, of different types of explosives.

Q. Did you see that book?

A. Yes, I did.

Q. What did you see in the book?

A. It was a light-blue, hardback book.

Q. Do you know the title of the book?

A. No, I don't.

Q. Were there any other discussions that you recall that evening --

A. Yes.

Q. -- about the bombing or the bomb plan?

A. Yes.

Q. What else do you recall?

A. He discussed robbing someone that he knew named Bob.

Q. Had you previously heard of this person?

A. Yes, I had.

Q. Do you recall when you had previously heard of this person?

A. One of the summers before.

Q. And you knew the person only by the name Bob?

A. I knew him by Bob in Arkansas. Tim had previously lived with him, and they had left on bad terms.

Q. And what was the man's employment or occupation?

A. He was a gun dealer that went to gun shows.

Lori Fortier - Direct

Q. Did McVeigh explain to you why he was going to rob this person?

A. He used the term "fund-raiser."

Q. Tell us what he said about this planned robbery.

A. That he wasn't sure if he wanted to go with -- he was planning on him and Terry robbing Bob; but he wasn't sure if he wanted to go with Terry or not, because he was afraid that Bob would recognize him.

Q. Did he explain to you why Bob had been the selected victim for this robbery?

A. Because he had a lot of weapons, and him and Tim were on bad terms.

Q. I think you described this meeting and this visit as having

occurred in early October. Am I correct?

A. Yes.

Q. And I believe you said that the call that you and your husband received prior to going to look for a storage locker was on a weekend --

A. Yes.

Q. -- you said it was Saturday or Sunday and that McVeigh arrived with Nichols a few days after that call.

A. Yes.

Q. And then a few days after that, McVeigh came and stayed in your house; is that right?

A. Yes.

Lori Fortier - Direct

Q. Do you recall whether or not he stayed in the Kingman area through the following weekend? That would be the second weekend in October.

A. Yes, he did.

Q. How do you know that?

A. Because Tim did a gun show in the Kingman area, and I bought a gun at the gun show. And I remember Tim being there and having a table.

Q. When you said, "Tim did a gun show," what do you mean?

A. He had a table at a gun show. And he sold like various things.

Q. What kind of gun did you buy?

A. A Mini-14.

Q. I didn't hear.

A. A Mini-14.

Q. Do you recall how much you spent on the gun?

A. \$600.

Q. And are you able -- why is it you're able to recall the time of that purchase?

A. Because I've reviewed my financial records, and there's a cash advance on one of my credit cards.

Q. And you provided us with copies?

A. Yes, I did.

Q. I'll come back to that and show you the exhibit.

A. Okay.

Lori Fortier - Direct

Q. During the period of time that McVeigh was staying at your house, did Michael go to work?

A. What do you mean?

Q. During this period in October, you said he was staying with you for a few days.

A. Yes.

Q. Okay. Was that a period of time when Michael was still employed at Kingman TruValue?

A. Yes, it was.

Q. And so he went off to work?

Q. And so he went off to work.

A. Yes.

Q. And McVeigh stayed at your house?

A. Yes.

Q. And you and your daughter, Kayla, were still there.

A. Yes.

Q. Okay. During any of the times that you and Kayla were alone in the house with McVeigh, did you have any further discussions about his plans to bomb the building in Oklahoma City?

A. Yes. I did.

Q. Do you recall that discussion?

A. One day Tim like went to the cupboard and got a bunch of soup cans out, and he started diagraming what he meant by "shape charge."

Q. What do you mean diagraming?

Lori Fortier - Direct

A. He placed the soup cans on the floor and arranged them in the same arrangement that he was going to arrange the barrels in the truck.

Q. What was that arrangement?

A. It was in a triangle shape.

Q. Approximately how many soup cans did he use?

A. Approximately 12.

Q. These were soup cans that you had, just regular Campbell's-soup-type cans?

A. Yes.

Q. You had them in your cupboard?

A. Yes.

Q. He just went to the cupboard and took them out?

A. Yes.

Q. And placed them -- you were in the kitchen with him?

A. Yes.

Q. What did he say about it?

A. That that's what he meant by "shape charge."

Q. Did he explain to you why he was showing you this, making this demonstration?

A. No, he did not.

Q. I think you also indicated that the day after he had the discussion with you and Michael in the evening in your living room, when he explained his plans and talked about the robbery and talked about the burglary in the quarry, that he also used

Lori Fortier - Direct

your dictionary.

A. Yes, he did.

Q. Was that the same day that he made this demonstration with these soup cans?

A. I believe it was.

Q. And tell us what you recall about his use of your dictionary.

A. He looked up the term "anhydrous hydrazine."

Q. Did he tell you what he had found?

A. Yes, he did; but I don't recall what it was.

Q. And anhydrous hydrazine was described to you as what by McVeigh?

A. A chemical, like in a bombing compound.

Q. Did McVeigh regularly use your phone when he visited you?

A. Yes, he did.

Q. And do you recall his using your phone at all during this period of time --

A. Yes, I do.

Q. -- when he was staying -- did you overhear any of his conversations, or did he tell you who he was calling?

A. He said he was going to call a chemical company and try to obtain like anhydrous hydrazine.

Q. Did he actually make a call that you observed?

A. Yes, he did.

Q. And do you recall whether he made that call by direct dial,

Lori Fortier - Direct

or charged it to his calling card?

A. I think he direct-dialed. I'm not sure, though.

Q. After that gun show, did McVeigh remain in the Kingman area

for any period of time?

A. No, he did not. He left right after the gun show.

Q. Do you know where he went?

A. I think he was going back to Kansas.

Q. Did you see him again after he left?

A. Yes, I did.

Q. When was the next time that you saw McVeigh?

A. In December.

I'm sorry. In November.

Q. Okay. Do you recall approximately when in November it was?

A. Late November.

Q. Do you recall when you and your husband purchased a vehicle?

A. Yes, I do.

Q. When was that?

A. We purchased our Jeep on Halloween day.

Q. Of 1994?

A. Yes.

Q. So the return visit, or the next visit by McVeigh: Was that before, or after you purchased your Jeep?

A. It was before, because we had took Tim to look at the Jeep.

Q. Just a moment ago, you said that the next time you saw him

Lori Fortier - Direct

was in November. And now you said that you purchased your Jeep

-- --

on Halloween.

A. I'm sorry. It was October.

Q. And you -- so the next visit with McVeigh, after this period when he did the gun show and demonstrated the bomb to you, was what?

A. In late October.

Q. And do you recall that visit?

A. Yes, I do.

Q. And for approximately how long did McVeigh stay in the Kingman area?

A. Just a day or so.

Q. Do you recall why that was such a short visit?

A. Yes, because previously we had got a call from his father, and he had said that his grandfather died and he was trying to reach Tim. And when Tim showed up, we told him; and he left to go see his dad, I think.

Q. So there were two visits that McVeigh made to the Kingman area and stayed with you during the month of October in 1994.

A. Yes.

Q. The first one was for several days, and the second one was only for a very short period of time?

A. Yes.

Q. During any of these visits, did McVeigh describe or tell you that he had obtained components for an explosive device?

Lori Fortier - Direct

A. Yes, he did.

Q. Do you recall that discussion?

A. Yes. He said that he had bought racing fuel.

Q. Did he describe how he had purchased racing fuel?

A. Yes, he did. He said he dressed up in a disguise and went to a racetrack.

Q. Did he describe his disguise?

A. Yes. He said it was like the Harley outfit that he was wearing before.

Q. That's the one that you had seen him arrive in; is that right?

A. Yes.

Q. And that was early October? Did I get the right --

A. Yes.

Q. And did he tell you where he had gone to purchase this racing fuel?

A. At a racetrack.

Q. Do you know where the racetrack was, or did he say where the racetrack was that he went to?

A. I don't remember.

Q. Did he tell you whether or not he had done this alone?

A. He said that Terry was with him but Terry was afraid to go

in, so Tim did it alone.

Q. Did McVeigh ever describe for you his obtaining any other components for an explosive device other than what you've

Lori Fortier - Direct

already told us about, including the burglary of the quarry?

A. Yes, he did. He said how he had bought ammonium nitrate fertilizer.

Q. Explain to us what he had said.

A. That he had went to areas in Kansas and, like hardware stores, and he had bought large quantities of it. He also said

that Terry had bought some, but he made fun of Terry because Terry had only bought like a couple bags at a time.

Q. Did he ever tell you where these components were stored?

A. He said he had a storage shed somewhere.

Q. Did you have any contact with McVeigh after you and Michael

purchased your Jeep on Halloween of 1994?

A. Yes.

Q. In the following month?

A. In --

Q. November of '94?

A. Yes.

Q. Do you recall that contact?

A. Yes. It was a phone call.

Q. Do you recall who answered the phone?

A. I think I answered the phone and took down the phone number

and then gave the phone to Michael.

Q. Describe your conversation with McVeigh during that phone call.

A. He just asked me to like take down a phone number, and I

Lori Fortier - Direct

did that; and then I gave the phone to Michael.

Q. As a result of that telephone call, what did you do?

A. We went to a pay phone and called him back.

Q. Where was that pay phone?

A. It was at a gas -- beside Exxon gas station.

Q. In Kingman?

A. Yes.

Q. And did you make the call or did Michael make the call?

A. Michael did.

Q. Do you understand -- know why you had gone to a pay phone?

A. Yes, because Michael said that Tim said it was code orange and he had to call him back from a pay phone.

Q. Had you previously heard from McVeigh what code orange meant?

A. Yes.

Q. What did it mean?

A. Beware that I might be in trouble.

Q. What did he tell you about the code before? Did he have some code system?

A. Yes, that green meant everything was going okay. Code orange was beware, something would happen. And code red is

I'm

in serious trouble.

Q. Did you and your husband have any further contact with McVeigh during 1994 after that incident at the pay phone?

A. Yes.

Lori Fortier - Direct

Q. Do you recall it?

A. Michael got a couple calls at work from Tim.

Q. When was that?

A. In December.

Q. And after those calls, did you have any further contact with McVeigh during 1994?

A. Yes, we did. Tim showed up in the area, and we went to see him at a motel.

Q. Do you recall the name of the motel?

A. Yes, it was the Mojave Motel.

Q. Where is the Mojave Motel?

A. It's right beside the Holiday Inn in Kingman.

Q. Do you recall when it was that you went to meet with McVeigh at the Mojave Motel?

A. December 14.

Q. How is it that you recall that date?

A. Michael's birthday is December 15, and it was the day before his birthday.

Q. And tell us what happened when you went to the Mojave Motel

on December 14 of 1994.

A. Tim had asked us to bring some things from home, so --

Q. What things?

A. He asked us to bring tape, wrapping paper, a couple boxes, and a stock to a Mini-14. And before we went to the motel, we went to Wal-Mart and got tape and I think wrapping paper, also.

Lori Fortier - Direct

And then we went to the motel and we saw Tim.

Q. Okay. Describe what happened in the motel, when you met with Tim.

A. When we got there, Tim took the two boxes, and he had like a -- like a large boxful of blasting caps; and he separated the blasting caps into the two smaller boxes, and then he asked me to wrap the boxes in wrapping paper.

Q. And did he tell you why he wanted these blasting caps wrapped in wrapping paper?

A. Yes, he did.

Q. What did he say?

A. That he wanted them in Christmas wrapping paper in case he was stopped, like anyone wouldn't think it was conspicuous,

because it was the Christmas season.

Q. Did you have any further conversation with McVeigh in that motel room?

A. Yes, we did.

Q. Do you recall what he said?

A. He said that Terry had robbed Bob and that he was upset that Terry didn't kill Bob.

Q. Anything further?

A. That he wanted Michael to go with him to Kansas, and he was

giving Michael some weapons.

Q. Did he explain why he was giving the weapons to Michael?

A. Yes, he did. He said he wanted to move them quickly

Lori Fortier - Direct

because they had been stolen.

Q. Did Michael agree to go?

A. Yes, he did.

Q. Was there any discussion about how they would get to Kansas?

A. Yes, there was.

Q. Can you relate that to us?

A. Yeah. They finally decided on going in like Tim's car and

then they would return by Michael would rent a car.

Q. Who would return by rental car?

A. Michael.

Q. By himself?

A. Yes.

THE COURT: Is this a recess point?

MR. HARTZLER: Certainly could be. Certainly.

THE COURT: All right, let's take our recess now.

You may step down. We'll have you back in about 20 minutes.

Members of the jury, we'll take our usual mid afternoon recess with the usual cautions, of course, of avoiding discussion of the case or anything about it among yourselves and with all others and avoid anything outside the evidence that could influence you in your decision.

You're excused now, 20 minutes.

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

Lori Fortier - Direct

THE COURT: We'll be in recess, 20 minutes.

(Recess at 3:16 p.m.)

(Reconvened at 3:37 p.m.)

THE COURT: Be seated, please.

(Jury in at 3:38 p.m.)

THE COURT: Mr. Hartzler?

MR. HARTZLER: Thank you, your Honor.

BY MR. HARTZLER:

Q. Do you remember where we were when we -- before we took

the

one

break?

A. Yes.

Q. I believe you were describing a meeting that you and your husband, Michael, had in a motel room -- I believe it was the Mojave Motel in Kingman, Arizona, the evening before your husband's birthday in 1994.

A. Yes.

Q. And so you would have been married at that point for a matter of three months or thereabouts, unless my mathematics is

off. Is that right?

A. Around that.

Q. You were married in July --

A. We were married in July, yes.

Q. -- '94.

And you said that you had already wrapped the

blasting

caps using the Christmas wrapping you brought with you and that

Lori Fortier - Direct

McVeigh had told Michael he wanted Michael to go with him to Kansas to pick up some firearms that had been stolen, some weapons that were stolen?

A. Yes.

Q. Did he say where the weapons had been stolen from?

A. Yes, he did. He said they were stolen from Bob in Arkansas.

Q. Did he describe the robbery in any further detail at that meeting, if you recall?

A. He said that Terry did it and he went in and he like blindfolded Bob, I guess; and then he took all the weapons.

Q. I think you already told us about McVeigh's wanting Michael

to go with him, rent a car in Kansas, and return to Arizona with some of the firearms. Is that right?

A. Yes.

Q. Do you know if that happened?

A. Yes, it did.

Q. Do you recall any further discussion in that motel room that evening?

A. Not really.

Q. Did you -- what did you and Michael do then?

A. We went home, and then we came back to the motel room the next day.

Q. Just tell us what happened, what you did.

A. We drove like to the motel room, and Tim and Michael left,

Lori Fortier - Direct

going towards Kansas.

Q. So they left in McVeigh's car?

A. Yes.

--- ----

Q. Did you have any further contact with either of them after that?

A. Yes, in about three days, Tim called before Michael had got home.

Q. Just tell us what the conversation was that you had with McVeigh.

A. He called to say that he had been in a wreck; that a car rear-ended him, and he was upset because the blasting caps were in the back of the car, so he fled the scene. And he was calling to ask if Michael was home yet.

Q. And did he tell you where he was calling from?

A. No, not that I recall.

Q. I may have gotten ahead of myself a little bit, or you did.

You said that when you arrived at that motel room, McVeigh had some items other than the blasting caps; and I also think you said you guys brought something to the motel room.

A. Yes, we did. We brought a stock from a Mini-14.

Q. What is that?

A. It's a rifle. It's a stock off of a rifle that we gave to Tim. And in turn, Tim gave us an AR-15 rifle; and he gave us some gold coins, also, or some copper coins.

Q. Anything further?

Lori Fortier - Direct

A. No.

Q. Was there any discussion about that exchange?

A. Yes. He said it was like good faith; that there was more like where the guns were; that Mike could have more money by selling the guns.

Q. After the call that you received from McVeigh in which he said he had been in a wreck with the blasting caps in the back of his car, did you have any further contact with McVeigh or with your husband?

A. Yes. Michael showed up a few hours after that.

Q. Just describe for us what happened.

A. He showed up in his rental car that he had rented. It was a Crown Victoria; and he came inside. And later that night, we went out and we took the guns out of the car.

Q. Describe what you did, what you saw.

A. There was approximately 25 guns, different types. There were rifles and shotguns, and there were a couple pistols; and we brought them inside, and we put them like away in our closet.

Q. Did Michael tell you anything about the trip?

A. Yes, he did.

Q. Tell us what he told you.

MR. JONES: If the Court please, I object to this as hearsay.

THE COURT: Sustained.

Lori Fortier - Direct

BY MR. HARTZLER:

Q. Do you know the route between Kingman, Arizona, and Kansas?

A. Yes, I do.

Q. Have you driven that route before?

A. I've driven to Kansas before, yes.

Q. Are there various ways to get there?

A. Yeah.

Q. Now, don't tell us what Michael told you, but do you on your personal knowledge for any reason know what route he took?

A. Yes. They went through Oklahoma City.

Q. I'm sorry. Pardon me. Based on information other than what he told you, do you know what route he and McVeigh took to

Kansas? Do you have any reason to know what route they took other than what Michael told you?

A. At some later time, Tim like mentioned that they had went through Oklahoma City.

Q. On their way to Kansas?

A. Yes.

Q. And did Tim tell you at that time what they had done in Oklahoma City?

A. Yes.

Q. Tell us what he said.

A. He had drove by Oklahoma City and he showed Michael the building.

Q. After that trip that your husband took to Kansas and

Lori Fortier - Direct

returned with the guns that you placed -- you and he placed in a closet in your house, did you have any further contact with McVeigh?

A. Yes.

Q. Tell us when it was, what the nature of the contact was, and what happened.

A. Tim showed up in late January.

Q. All right. What year?

A. '95.

Q. Tell us where this occurred and what happened.

A. It occurred in a motel, like right outside of Kingman; and we went to meet him at the motel. And he said that he was upset that Michael hadn't sold any of the weapons. He like expressed that he thought Michael was lazy because he hadn't sold any of them, and then he told us that Terry Nichols had found out that he had gaven (sic) the weapons to Michael, and Terry was upset and he wanted \$2,000 for the guns.

Q. Do you recall the name of the motel you went to on that occasion?

A. I believe it was the Uptown Motel.

Q. And that's just -- that's a different motel in Kingman?

A. Yes.

Q. Did you see McVeigh again in the Kingman area after that meeting in 19 -- early 1995, when he expressed disappointment that the guns had not been sold?

Lori Fortier - Direct

A. Yes. He stayed in the area for a few months after that.

Q. And approximately when did he leave?

A. The first week of April.

Q. So it was two -- two months, two and a half months, something like that?

A. Yes.

Q. During that period of time, did McVeigh have a job?

A. No, he did not.

Q. And was your husband working at that time?

A. No, he was not.

Q. Why was that?

A. Because he had a bad back and he was going to the hospital for back treatment.

Q. Where was he going to go?

A. He was going to Prescott.

Q. Explain Prescott.

A. It's a military hospital; and he was still covered like under the military, so he was going there to receive help for his back.

Q. And did he in fact go?

A. Yes, he did.

Q. When?

A. In the first part of March.

Q. Of 1995?

A. Yes.

Lori Fortier - Direct

Q. During this period of time when McVeigh remained in the Kingman area in early 1995, where did McVeigh live?

A. He lived at a couple various motels at first, and then he moved in with us.

Q. For how long did he live with you?

A. Approximately a month.

Q. How frequently did you see him before he moved into your house?

A. Pretty frequent, because me or Michael wasn't working; so we went out and did things with Tim.

Q. What kind of things?

A. We went four-wheeling in our Jeep and we rented movies and saw our friends.

Q. And do you know of anything that McVeigh did during this period of time?

A. Yes, I do. He set up gun shows to sell the weapons, and him and Michael like went to the first two; and I went with Michael on the third gun show

MICHAEL ON THE CHILD GUN SHOW.

Q. Where were these gun shows?

A. One was in Reno, one was in St. George, and one was in Tucson.

Q. What state is St. George in?

A. Utah.

Q. Which one was it that you went to?

A. The Tucson gun show.

Lori Fortier - Direct

Q. And who was it that went to the others?

A. Michael and Tim.

Q. What was the purpose of going to these gun shows?

A. To sell the guns.

Q. Why?

A. Because Terry wanted \$2,000 now.

Q. Again, during this two-and-a-half-month period that McVeigh

was staying in the Kingman area, did you ever loan him anything?

A. Yes, I did.

Q. Just tell us in your own words what you loaned him, what the circumstances were, what he said to you, where you were.

A. I was at the house, and he came and asked if he could use the typewriter; and I let him take it for a couple days.

Q. Go ahead.

A. He brought it back a few days after that; and when he brought it back, he asked if he could use the iron, because he had something to laminate.

And I told him no because I didn't want him to ruin our iron.

So I took what it was that he had and I laminated it for him.

Q. What was it?

A. It was a false driver's license.

Q. Describe it, please.

Lori Fortier - Direct

A. It was white. It had like a blue strip across the top, and

Tim had put his picture on there. And it was like the false name of Robert Kling. I believe it was a North Dakota license.

Q. When you say it was a false name of Robert Kling, how is it

you remember that name?

A. Because I looked at it.

Q. Did you discuss that with him at all?

A. Somewhat. Not really.

Q. Do you recall anything in particular about the name Kling that the two of you discussed?

A. Yes. We made a joke about, like Star Trek and Klingon.

It was something that was from Star Trek, so we made a joke about the name.

Q. What's the joke?

A. Just that you're a Klingon.

Q. And who are the Klingons?

A. They're somebody in Star Trek.

Q. Did McVeigh explain to you why he needed that driver's license?

A. No.

Q. You told us that you were afraid he would ruin your iron. Can you explain that, please.

A. Well, I thought he was going to just try to directly iron the plastic, and I thought it would ruin the iron; so I did it.

Q. And what do you mean by the plastic?

Lori Fortier - Direct

A. There was a plastic slip that went over the actual license to laminate it; and I thought that he was going to like put the

iron directly on the plastic, which would ruin the iron.

Q. So how did you put it together?

A. I like put a towel over it, and I ironed it until it fused together.

Q. Had you seen those -- the form that he used or the lamination plastic slip previously?

A. Yes, I had. They were on our desk in the house before.

Q. Do you know how they got there?

A. I think Michael got them.

Q. Do you know how Michael got them?

A. He ordered them from the back of a book somewhere that he found somewhere.

Q. Do you know how long they had been there?

A. No, I don't.

Q. I think when I first asked you about this experience you had with this driver's license that I said did you loan McVeigh

anything during the two-and-a-half-month period that he stayed in the Kingman area in early 1995?

A. Yes.

Q. Okay. Can you recall by any dates or any events in your life when approximately this occurred that you saw this driver's license?

A. It was before Kayla's birthday, because Tim moved in with

Lori Fortier - Direct

us right after Kayla's second birthday.

Q. And of course, her birthday is on Valentine's Day, 1995?

A. Yes.

Q. So it would have been --

A. He was living in one of the motels at that time.

Q. Now, by this time, I believe you said McVeigh had already told you what he was going to do in Oklahoma City. Is that right?

A. Yes.

Q. That occurred back in your meeting, your living room, in October of '94.

A. Yes.

Q. You told us that he said he was going to get a truck and build the bomb inside a truck; right?

A. Yes.

Q. And did he explain to you then, back in October -- well, let me just ask you: What did he say to you regarding how he was going to get a truck?

A. He said he was going to rent a truck.

Q. And did he explain how he was going to rent the truck, in what name, or anything of that sort?

A. No, he did not.

Q. Did you know that he would use a false name to rent a truck?

A. No, I did not.

Lori Fortier - Direct

Q. Now, moving you back into February of 1995, when he presented you with this Robert Kling driver's license for you to laminate for him, did you understand the purpose of his having that driver's license?

A. No.

Q. What did you think was his purpose?

A. I thought that he was either trying to obtain credit under a false name because he didn't have a job, or that he was using it like to set up tables at gun shows.

Q. And why did you think he might use it to set up tables at gun shows?

A. Because the weapons were stolen and they were trying to sell them. I didn't think he'd try to use his real name.

Q. Did you know of any aliases McVeigh had used previously?

A. Yes, I did.

Q. Explain what you knew.

A. He had used the name Tim Tuttle frequently. We used to get his mail from his mail drop for him, and there used to be a lot of mail for that name.

Q. Could you explain the mail drop for us?

A. There is like a mail room in Kingman where you can buy a post office box, and he used to have his mail sent there; and when he was gone, he'd ask like Michael to pick it up for him.

Q. Where was that?

A. The mail drop?

Lori Fortier - Direct

Q. Yes.

A. It was on Stockton Hill by a place I used to work called the Beach Club.

Q. How close?

A. In the same little strip-mall complex.

Q. And you also said that you thought maybe he was going to use it -- use this false Kling driver's license to obtain credit, I think you said.

A. Yes.

Q. Can you explain why you thought that?

A. Because he had previously discussed obtaining credit and paying credit companies off like in like credit so he could scam money.

Q. Like, L-I-K-E, credit? Like? Is that what you said?

A. Yes.

Q. Explain what he said.

A. He said you could like take out a credit card and then issue the credit card a form letter saying you're paying them in like credit and that they couldn't come after you, and so like you'd get away with the money.

Q. Did he ever describe actually doing this?

A. Yes, he did.

Q. Tell us about that conversation, what he said.

A. He said he had did it before, and he also said that Terry Nichols had did it before.

Lori Fortier - Direct

Q. Did he tell you what names he used or anything else about it?

A. No, not that I remember.

Q. What about the amount of money he obtained by this scheme?

A. I remember the amount of money Terry like obtained being between 10- and \$20,000, but I don't remember what Tim said -- like how much Tim obtained.

Q. Again, during this period of time in early 1995, when McVeigh was staying in Kingman, did you have any further discussion with him about his plans to bomb the federal building in Oklahoma City?

A. Yes.

Q. Tell us.

A. He told us that he was upset because Terry wanted out and Terry did not want to mix the bomb; and he asked Michael to help him.

Q. Anything further?

A. No. That's about it.

Q. What did Michael say?

A. No.

Q. Did he ask for any additional assistance?

A. Not that I remember.

Q. Did he discuss with you at any time his escape plan?

A. Yes, he did.

Q. Tell us about that.

Lori Fortier - Direct

A. He was thinking about getting the car like away from the building. He was going to run to the car, and then he was planning on driving to Vegas; and what he wanted is he wanted Michael to pick him up in Vegas and take him to a location that

would be somewhere outside of Kingman where he could hide out.

Q. And did Michael agree to do that?

A. No.

Q. During this period of time, how long did McVeigh live in your house?

A. About a month.

Q. From when till when, approximately?

A. Mid February to mid March.

Q. And what did he do while he was living in your house?

A. He was really upset, and he just sat around the house most of the time.

Q. Did you discuss his plans to blow up the building in Oklahoma City?

A. No, not at all.

Q. Why was that?

A. Because I was under the impression it wasn't going to happen because --

Q. Why did you have that impression?

A. Because no one wanted to help him, and he was upset, and I didn't think anything was going to happen.

Q. Approximately when was it that he moved out of your house?

Lori Fortier - Direct

A. Late March, mid March to late March.

Q. You said that you had gone to a gun show with your husband sometime during this period.

A. Yes.

Q. That was the gun show in Tucson?

A. Yes.

Q. Was McVeigh living in your house at the time you went to the gun show?

A. Yes, he was; but he moved out like within a couple days after that.

Q. And do you know why it was that he moved out?

A. Because we were all on bad terms.

Q. And after McVeigh moved out, where did he live?

A. He lived at a couple motels.

Q. How do you know that?

A. Because Michael had told me and I had seen him at one of the motels.

Q. Tell us about the experience when you saw him at one of the

motels in 1995, after he moved out of your house.

A. It was the first week of April, and me and Michael went to the Imperial Motel. Michael had a book that Tim had loaned him. Tim said that he wanted Michael to read the book, and Mike was giving the book back to him.

We were scared of Tim, so Mike brought his gun with

him at that time.

Lori Fortier - Direct

Q. Why were you afraid of Tim at that point?

A. Because like we weren't really friends anymore, and we were really scared of him.

Q. What was it that scared you?

A. That he had told us everything about this, and we wanted out; and we thought he'd kill us because he had told us about it.

Q. Tell us about the meeting at the motel, then, that you and Michael went to.

A. It was just a few minutes. We walked in, gave him the book, and we left.

Q. And after that meeting, did you see McVeigh again in the Kingman area?

A. No, I did not.

Q. Do you recall approximately when that meeting was?

A. The first week in April.

Q. Did you ever see McVeigh again until today after that meeting at the Imperial Motel on the first week of April, 1995?

A. No.

Q. Do you see him today?

A. Yes, I do.

Q. Could you describe what he's wearing?

A. He's wearing a blue shirt and khaki pants.

MR. HARTZLER: Your Honor, could the record reflect the identification of the defendant?

Lori Fortier - Direct

THE COURT: Yes.

BY MR. HARTZLER:

Q. Do you recall where you were on April 19, 1995?

A. Yes, I do.

Q. Where were you?

A. In our house.

Q. Can you describe and tell us what happened that day?

A. We turned the news on early that morning, and we seen what had happened.

Q. I'm sorry. I didn't hear you.

A. We seen what had happened.

Q. Well, tell us what you saw happen.

A. We saw that the building had been blown up, and I knew right away that it was Tim.

Q. Had you ever discussed with McVeigh the significance of the date of April 19?

A. Somewhat, but not really. On the previous like anniversary of -- I guess it would be the first year, he had mentioned

tnat

it was the anniversary, but that's it.

Q. Were you expecting the bombing to happen that day?

A. Not really. It crossed my mind that it -- like that might be one of the days he was going to use, but that was before when I thought he was possibly going to do it.

Q. When you saw the news of the building in Oklahoma City having been bombed, did you feel any responsibility?

Lori Fortier - Direct

A. Yes.

Q. Why did you feel responsible?

A. Because I could have stopped it.

Q. Did you discuss the bombing with your husband?

A. Somewhat.

Q. You already indicated that you thought at that time that you knew who had done it.

A. Yes.

Q. On that day when you saw the results of the bombing, did you feel any responsibility to report what you knew?

A. Yes; but like that day, like I also saw like Janet Reno get

up and say that she was wanting the death penalty; and I was scared for my family, so I didn't say anything.

Q. Why were you scared?

A. Because he had told us about it.

Q. But why were you scared that he had told you about it?

A. Because I felt responsible that he had told us about it and

I hadn't did anything.

Q. Did you follow news of the bombing after that?

A. Yes, somewhat.

Q. What did you hear?

A. That he had been arrested, stuff like that.

Q. Do you recall when you heard that McVeigh had been arrested?

A. Yes. On April 21.

Lori Fortier - Direct

Q. That's two days after the bombing?

A. Yes.

Q. And before McVeigh was arrested, had you heard how the bombing had been accomplished?

A. Yes.

Q. What had you heard?

A. That it was in a rental truck; that the bomb was placed in a rental truck.

Q. Did you have any reaction to that news?

A. Yes, I did. I put it together in my head with the license that I had laminated, so I went to the typewriter and I grabbed

the ribbon and I destroyed the ribbon.

Q. How?

x.

A. By tearing the tape out, and then I burned the tape.

Q. Where?

A. In an ashtray in our kitchen.

Q. Why?

A. Because I was scared that we would be linked to Tim.

Q. Did you inspect that typewriter ribbon before you burnt it in your kitchen?

A. Yes.

Q. What did you see?

A. The name Robert Kling.

Q. Were you contacted by law enforcement officers after the bombing?

Lori Fortier - Direct

A. Yes.

Q. From what agency?

A. The FBI.

Q. Do you recall when you were first contacted?

A. The 21st of April.

Q. Before or after McVeigh was arrested?

A. Shortly after.

Q. So at the time you were contacted, you knew that McVeigh was in custody?

A. Yes.

Q. Did you talk to the agents?

A. Yes.

Q. Were you alone?

A. No. Me and Michael the first occasion talked to the agents together.

Q. Focusing just on that first contact, do you recall whether you told the agents the truth about everything they asked?

A. No, we did not.

Q. Do you recall what statements you or your husband made that were not truthful?

A. Yes; that we thought Tim wasn't capable of this.

Q. Anything further?

A. Yes; that we thought it was late February that he showed up in the area. And there was a question about if Tim had any explosives knowledge, and we told them that no, he didn't.

Lori Fortier - Direct

Q. So all three of those statements were false.

A. Yes.

Q. Why did you say that you didn't think McVeigh was involved?

A. Because I didn't want to implicate us. I was scared.

Q. Why did you say that McVeigh had not arrived in the Kingman area until February of 1995?

A. Because I wanted to cover up the like gun shows.
Q. Explain that cover-up, would you?
A. They were sold like in that part of time, and I didn't want like the agents to find out that we had sold stolen weapons with Tim because that would like link us together.
Q. But why would the sale of stolen weapons be a problem in comparison to the tragedy that occurred in Oklahoma City?
A. Just -- I didn't want to be linked to Tim in any way.
Q. You also said that you lied about having -- whether McVeigh had knowledge of explosives?
A. Yes.
Q. What was it you said?
A. That he didn't have knowledge of explosives.
Q. And why did you say that?
A. Because I was scared. I didn't want to like implicate us as knowing anything about it.
Q. After the 21st of April, when the FBI agents contacted you, did you have any further contact with law enforcement agents?
A. Yes.

Lori Fortier - Direct

Q. FBI agents again?
A. Yes.
Q. Do you recall the next time?
A. The 22nd.
Q. The following day?
A. And the 23rd.
Q. You talked to them both the next day and the day after?
A. I think the next day, Michael talked to them alone; and then on the 23rd, like I talked to them, too.
Q. What about the next day?
A. The 24th? I'm -- I don't think I talked to them on the 24th.
Q. Well --
A. Yes, I did. I'm sorry.
Q. So you had contact with FBI agents, or you and your husband had some contact four days in a row?
A. Yes.
Q. Starting with the first day that McVeigh was arrested?
A. Yes.
Q. Were you always truthful during those contacts?
A. No.
Q. Let's go to the second contact. Do you recall what you said or Michael said that you heard that was not truthful?
A. The second day, or the second contact?
Q. Second contact. When was the second contact?

Lori Fortier - Direct

A. On the 21st.
Q. So they talked to you twice that same day?
A. Yes.
Q. Was there -- were there new lies that you or Michael told?
A. No. About the same ones.
Q. Do you recall any specifically?
A. That I really didn't know Tim that much. That was a new one. And that I didn't think he was capable.
Q. Why did you say those things?
A. Because I wanted to distance myself from him.
Q. Why did you want to distance yourself from McVeigh?
A. Because I knew he did it.
Q. Did you know at the time you spoke with the FBI agents that
you had a right to refuse to say anything that might tend to
incriminate you?
A. Yes, I did.
Q. Why didn't you exercise that right?
A. Because if I thought -- I thought if I did that, they
would
think I was more involved.
Q. So you thought it was better to lie to them than to not
say
anything?
A. That's what we did, yes.
Q. Do you recall being asked by the agents if McVeigh -- you
thought McVeigh had the propensity to do the bombing?
A. Yes.

Lori Fortier - Direct

Q. What did you say?
A. That he didn't.
Q. Same reason you lied?
A. Yes.
Q. You also said you had -- you were contacted by the agents
on the 22nd and 23rd. You remember being interviewed on the
23rd of April.
A. Yes.
Q. Did you tell them more lies that day?
A. Yes, I did.
Q. Do you recall any of the new lies?
A. That I didn't know why Michael went to Kansas; that me and
Michael were fighting at the time and he just took up -- he
just left.
Q. And why was it you told those lies?
A. Because I didn't want to be involved with the stolen gun.
Q. Do you recall any more lies that you told the FBI?
A. Not really, other than the same usual lies.
Q. Did they ever ask you about anything that McVeigh left at
your house?
A. Yes, they like did ask if he had ever like had any
explosives or anything in the house before. And I lied about
that.
Q. What did you say?
A. That he hadn't

A. That he hadn't.

Lori Fortier - Direct

Q. What was the truth?

A. That he had. I had seen like an ammo can full of explosives in the house.

Q. When had you seen that?

A. A few months previously.

Q. What explosives were in that ammo can?

A. There were some blasting caps and some other stuff I'm not really sure the name of, but it was something you mix like one part into the other part. And that's about it that I remember.

Q. And what happened to those explosives?

A. He gave them to Michael.

Q. Where were they when you were talking to the agents?

A. Michael had put them in his brother's house to get them out of our house.

Q. To conceal them?

A. Huh?

Q. To conceal them?

A. Yes.

Q. Did the agents ever ask you if McVeigh had talked about explosives?

A. Yes.

Q. Did you answer that question truthfully?

A. No, I did not.

Q. What did you say?

A. That he hadn't.

Lori Fortier - Direct

Q. And again, you lied for the same reason?

A. Yes.

Q. Prior to your testimony today, did you review interview -- the reports of the interviews the FBI had with you?

A. Yes, I have.

Q. And have those assisted you in recalling the lies that you told the FBI?

A. Yes, they have.

Q. Did there come a time when you and Michael got upset with the agents?

A. Yes.

Q. Explain that to the jury, would you, please.

A. We thought that it was possible that the agents had released our home address, so we went in one afternoon and we were upset about it and we conveyed that; and we got into a pretty good argument with them.

Q. Explain why you thought this.

A. Because Michael had refused to take a polygraph test, and I

thought that was their way at getting back at us for it.

Q. And explain why it was you thought they'd released your

address.

A. Because it was in like the Arizona Republic article of the previous day.

Q. Describe the conversation or confrontation you had with the agents.

Lori Fortier - Direct

A. We asked them if they did it, and they denied it. And there was a bunch of arguments back and forth; and then we pretty much ended up walking out of the room.

Q. Was -- go ahead. I didn't mean to interrupt.

A. That's all.

Q. Was this a fairly heated discussion?

A. Yes, it was.

Q. When did that occur?

A. On the 24th of April.

Q. After you had that confrontation with the agents, did you have any further contact with them that you recall?

A. Yes, we had contact with them.

Q. Did they interview you in the following week after the 24th of April?

A. No.

Q. During this period of time when you had this almost daily and sometimes more than daily contact with FBI agents -- so I'm talking about the period of April 21 and let's say the week after -- were you and Michael contacted by any news reporters?

A. Yes, we were.

Q. Do you recall any of those contacts?

A. We were contacted by various people. Ones that stick out, the CNN.

Q. Describe the contact that you or Michael had with CNN.

A. At one time, Michael did a CNN interview.

Lori Fortier - Direct

Q. Do you recall the date?

A. I believe it was on the 26th. I'm not really positive of that, though.

Q. Tell us what happened.

A. Michael went on air and said a bunch of things about the bombing.

Q. Tell us what you remember.

A. And about Tim.

He said that Tim was a friend of his and that he didn't do anything, stuff to that lines.

Q. You knew that that was not true?

A. Yes, I did.

Q. Did you overhear that statement that he made to CNN?

A. Yes. I was there.

Q. Did you ever make a statement to any news reporters?

A. No, I did not.

Q. Did you ever prepare a statement to make to news reporters?

A. Yes, I did.

Q. In what form did you prepare a statement?

A. I wrote out a couple of rough drafts of something that I was thinking about giving to the newspapers.

Q. Explain that whole incident.

A. I thought that if I wrote some stuff and put it in the newspaper that maybe they'd leave us alone for a while; so I made a statement that said stuff that Tim wasn't involved and

Lori Fortier - Direct

stuff like that.

Q. What other stuff like that?

A. That I didn't think he fit the like composite sketch and things like that.

Q. Did you think he fit the composite sketch?

A. He fit the sketch; but from what I remember him saying, he didn't fit the heighth description. He had always told us he was 6' 2".

Q. You don't know how tall he actually is?

A. No.

Q. And did you ever actually issue this press statement?

A. No, I did not.

Q. What did you do with it?

A. I sat (sic) it on our desk in the house.

Q. What happened to it?

A. It was eventually taken by the FBI agents who raided our house on the 1st of May.

Q. Is that the statement that says, in part, "From knowing him, I believe in no way that he was responsible for this crime"?

A. Yes, it is.

Q. Why would you write that?

A. Because I wanted to distance myself from Tim.

Q. And what was -- why did you want to distance yourself from McVeigh?

Lori Fortier - Direct

A. Because he had told us about what he was planning to do.

Q. What was your concern?

A. That we would be implicated, also, for knowing about it.

Q. After you had this confrontation with the FBI agents, what was the next thing that you expected to happen?

A. Our house to be searched.

Q. Why did you think that?

A. Because we left on bad terms and there were other people's houses that were getting searched at the time.

Q. Other people being who?

A. Mary Nichols

A. Terry Nichols.
Q. Did you take any precautions?
A. Yes, we did.
Q. Explain that.
A. We had some Waco tapes that we gave to our neighbor, Jim, and there was also a rifle that we gave to Jim.
Q. Explain why that happened and where they came from.
A. They came from our house, and we just wanted to get them out of the house.
Q. But why?
A. Because the Waco tapes is why Tim did it.
Q. Where did the Waco tapes come from?
A. From our house.
Q. Where did you get them?
A. From Tim.

Lori Fortier - Direct

Q. And what about this gun?
A. It was one of the guns that was stolen.
Q. Why was there any concern about that gun?
A. I -- we just gave it to Tim -- Jim.
Q. But I mean, did you have other guns in the house?
A. Yes, we did.
Q. Were the other guns stolen?
A. Yes, some of them were.
Q. Do you have any recollection as to why that gun was selected to give to your neighbor?
A. No, I don't.
Q. Did you take any other precautions in anticipation of the search by FBI agents?
A. No.
Q. Did you ask the agents to notify you in advance of the search?
A. Yes. I believe Michael asked them that when I was there.
Q. And do you know why?
A. Because we didn't want like Kayla to be hurt in a search or have to see like them coming in our house.
Q. Were you ever notified that the agents had obtained authority to search your house?
A. Yes, we were.
Q. Do you recall when that occurred?
A. Yes. May 1, they called us and --

Lori Fortier - Direct

Q. Go ahead.
A. They called us and told us to come to like the Mojave County sheriff's substation, which is right by our house, and told us that they had a search warrant and they'd give it to us there.
Q. And what happened?
A. Later, just a few minutes later, they called back again;

... -----, just a few minutes -----, they ----- again,
and I answered the phone, and they asked me to unlock the
front
door so they didn't have to break it down. So we left shortly
after that and we went to the substation.
Q. Were you told why you had to leave the house?
A. No, but I thought it was just so Kayla could be safe,
wouldn't have to see anything.
Q. How long after you notified -- you were notified did you
actually leave your house?
A. About 10 minutes.
Q. And what did you do during those 10 minutes?
A. We got the dog and we got Kayla and we got everything and
left.
Q. Did you have any drugs in the house at the time you were
notified of the search?
A. Not actual drugs.
Q. What did you have that was not actual drugs?
A. We had a pipe that we had smoked marijuana in before. It
was like a little tinfoil pipe that we -- that was thrown away

Lori Fortier - Direct

probably like three days previously. We just had it in the
trash.
Q. And did you -- were you worried about the agents who would
search your house finding that pipe?
A. No.
Q. Why not?
A. Because I didn't think they wanted us on drug charges.
Q. Did you, in fact, leave your house?
A. Yes, we did.
Q. Tell us what you did.
A. We drove to the substation and I dropped Michael off, and
I
drove Kayla to where my mother works; and my mom took Kayla to
her house, and then I went back and waited for Michael.
Q. Did you later find out what the agents had taken from your
house?
A. Yes.
Q. Tell us.
A. They had taken our tools, things to that nature,
anti-government literature that we had in the house; and
that's
about all I remember. Some pictures, also.
Q. Well, what about the trash?
A. Oh, yes. They had took the trash, too.
Q. Was that a concern?
A. No.
Q. Explain that.

Lori Fortier - Direct

A. I wasn't really like concerned about like a drug charge; I
was more worried about what was happening now.

Q. Did -- at the time of the search, were there still some of the stolen guns in the closet or someplace in the house?

A. Yes, there were.

Q. Did the agents seize any of those guns?

A. No, they did not.

Q. Were you concerned about the agents finding the stolen guns?

A. Yes.

Q. Why didn't you do anything to get rid of them?

A. Because at the time we were under surveillance, and we couldn't really like walk outside with all the guns to get rid of them; so we just left them in the house and took the chance that they wouldn't come back stolen.

Q. After McVeigh was arrested during this time when you anticipated your house would be searched, did you have any concerns that your telephone was being tapped?

A. Yes.

Q. What were your concerns?

A. We thought it was tapped like from the very beginning when they showed up.

Q. Did you continue to use your phone?

A. Yes.

Q. Even though you suspect it was tapped?

Lori Fortier - Direct

A. Yes.

Q. Did you later find out that in fact your phone was tapped?

A. Yes.

Q. How much later?

A. Oh, a long time later.

Q. Were your conversations more guarded than usual as a result of your concern?

A. Not really.

Q. Why not?

A. Because we were lying to everybody.

Q. What do you mean by that?

A. We were telling everybody the same lies that we were telling the FBI: that we didn't think Tim had anything to do

with it.

Q. Did you say anything or do you know that anything was said during these telephone conversations to indicate that you suspected you were being tapped?

A. Yes.

Q. What?

A. We said -- I said stuff like the phone is being tapped, like listening two ways. Once when Norma was -- I was recorded

on her answering machine. I called Norma and her answering machine was going, and we like had a discussion about how the like phone was being tapped two ways.

Q. Norma is your friend?

Lori Fortier - Direct

A. Yes.

Yes. Sorry.

Q. Did you lie to people other than the FBI and the news -- you didn't lie to the news reporters, but you prepared the draft press release that contained lies. Is that right?

A. Yes.

Q. You said that you were not concerned about having your telephone tapped because you were lying to everyone anyway.

A. Yes.

Q. Who else did you lie to?

A. My parents, Michael's parents, our friends, Matt and Michelle; Norma. Pretty much everybody we had contact with.

Q. What lies did you tell these people?

A. That we didn't think Tim was involved.

Q. In addition to suspecting your phones were tapped, did you suspect that the FBI had other means of surveillance on you?

A. Yes. We thought our house was bugged, also.

Q. Any others?

A. We thought like at sometime that our car -- my mom's car was bugged, and we also thought our Jeep was bugged.

Q. Any other means of surveillance you suspected?

A. No. We were always like under constant surveillance when we went anywhere. There was always agents following us, but nothing other than that.

Q. Were they obvious?

Lori Fortier - Direct

A. Yes.

Q. So you could see that you were being followed wherever you would go?

A. Yes.

Q. Do you recall the period of time that that surveillance was conducted?

A. Pretty much right after the bombing until we came to Oklahoma.

Q. Okay. We'll get to that trip to Oklahoma in a moment, so -- but this was for a period of --

A. About a month.

Q. Did you ever try to find a bug or hidden microphone in your house?

A. Yes, we did.

Q. Were you successful?

A. No.

Q. Did you later learn that in fact there was a bug in your house?

A. Yes.

Q. And have you listened to tape recordings of conversations that you had both -- by telephone that were wiretapped and in your house that were recorded by means of a hidden microphone?

A. Yes. I have

A. Yes, I have.

Q. And in any of those conversations, is there any indication that someone is looking for the hidden microphone?

Lori Fortier - Direct

A. Yes, there is.

Q. Do you recall that conversation?

A. Yes.

Q. Who was it that looked for the microphone?

A. I had talked about how I had previously looked for the microphone.

Q. Do you now know when the microphone was placed in your house?

A. Yes, I do. In the first of May, when they went in for the search.

Q. After your house was searched, did you have any further contact with the FBI agents?

A. Yes.

Q. Do you recall that contact?

A. They came to give us our subpoenas.

Q. Can you explain that for us, please.

A. First, the agent came by to subpoena Michael, and they -- he talked with Michael for a little while; and then a couple days later, they subpoenaed me and they changed Michael's date.

Q. And not everyone in here is familiar what you mean by "they subpoenaed me," so explain.

A. They subpoenaed us to talk at the grand jury in Oklahoma City.

Q. All right. And so this was for your personal appearance in Oklahoma City.

Lori Fortier - Direct

A. Yes.

Q. You were compelled to travel to Oklahoma City to appear before a grand jury?

A. Yes.

Q. Do you recall the date that you were initially required to appear?

A. Yes. May 18.

Q. Of course, 1995. Right?

A. Yes.

Q. At that time, did you have an attorney?

A. No, I did not.

Q. What was your response to the subpoena?

A. We were scared.

Q. What did you do?

A. We came to Oklahoma City and we obtained lawyers.

Q. When did you leave?

A. I believe it was on the 16th of May.

Q. Why was it you were scared when you received the grand

jury
subpoena?

A. Because things were getting much more serious.

Q. Do you recall how you travelled to Oklahoma City?

A. Yes. We drove.

Q. Tell us about that trip to Oklahoma City when you were subpoenaed.

A. We drove to Oklahoma City on the 16th, and I think we

Lori Fortier - Direct

stayed somewhere outside Oklahoma City that night, just a few miles outside. The next morning, we like got up and we drove into Oklahoma City. We went out to breakfast and we discussed like if we should come forward and what we should do.

Q. This is you and your husband, Michael?

A. Yes.

Q. Did you come to any resolve?

A. Yes. We wanted to get lawyers and correct our statements.

Q. So what did you do?

A. We got a motel room in Oklahoma City and we called like two

FBI agents and had them come out to the motel.

Q. Tell us what happened.

A. They got there, and we told them that we wanted to correct our statements.

Q. What caused you to want to change your statement?

A. Because I had to testify the next day, and I didn't want to

have to lie on the stand. I wanted to like come forward and say what I knew.

Q. Again, did you know at that time that you could refuse to testify to anything that might tend to incriminate you?

A. Yes, I did.

Q. Did you consider that an option?

A. Not really. I thought that if I did that, I'd be placed in jail.

Q. So tell us what happened, then, after you called the

Lori Fortier - Direct

agents.

A. They came out and we talked to them for a few minutes; and then we asked the agents to leave. And then me and Michael discussed between ourselves again like if we should really talk

to them and what we should do.

Then the agents came back about an hour later, and we

began to correct our statements.

Q. How long did you talk to the agents?

A. It was for a while. An hour or so. I'm not really sure

on
the time.
Q. And then what happened?
A. One of the agents called and contacted a lawyer.
Q. Why?
A. Because I had requested a lawyer for the previous -- or the
next day.
Q. The next day was what?
A. My grand jury like subpoena day.
Q. Okay. So I take it you had asked the agent for a lawyer?
A. Yes.
Q. Is that right?
And who did the agent contact?
A. Mack Martin was appointed to represent me, and he called
me
that night.
Q. So you talked to an attorney that evening from the motel
room?

Lori Fortier - Direct

A. Yes. Me and Michael did.
Q. Now, don't tell us what your attorney told you, because
that's a privileged communication; but as a result of your
conversation with your attorney, what happened?
A. We stopped talking to the agents, and I went to see the
attorney the next morning.
Q. Again, don't tell us about your conversation with your
attorney, but what happened after that?
A. We -- I talked with the attorney, and we decided to meet
with the U.S. Government like prosecutors and tell them what I
knew.
Q. You were scheduled for the grand jury the following day;
is
that right?
A. Yes.
Q. That same morning you met with an attorney?
A. Yes.
Q. And was that attorney appointed to represent you?
A. Yes, he was.
Q. Did you appear before the grand jury that day?
A. No, I did not.
Q. Why not?
A. Because I -- I'm not sure, really. I just didn't.
Q. You turned the matter over to your attorney to handle?
A. Yes.
Q. And you said that after you were represented by an

Lori Fortier - Direct

attorney, then you had meetings with government officials. Is
that right?
A. Yes.
Q. And during those meetings, were you interviewed?

Q. And during those meetings, were you interviewed?
A. Yes, I was.
Q. Were there any terms or conditions to those interviews that you or your attorney required?
A. Yes. They were under proffer letters.
Q. Explain the arrangement to the jury, if you would.
A. That means that I couldn't be prosecuted for what I told them at that moment.
Q. And when you met with the government officials, was your attorney present?
A. Yes, he was.
Q. Did you provide truthful information during those meetings?
A. Yes, I did.
Q. Did you eventually provide information to the grand jury?
A. Yes, I did.
Q. Do you remember when that was?
A. I believe it was the 8th of August, 1995.
Q. So between May and August of '95, what happened during that period of time?
A. We were back and forth from Kingman to Oklahoma City, and we were meeting with government officials.
Q. And after you testified before the grand jury, what

Lori Fortier - Direct

happened?
A. I went home to Kingman, Arizona.
Q. Did your husband go home?
A. No, my husband did not go home.
Q. What happened to him?
A. He was taken into federal custody.
Q. Had he been indicted by the grand jury?
A. Yes -- no, he hadn't -- yeah -- well, I guess he had, but it was like on different charges, not the charges of the bombing.
Q. When you testified before the grand jury, was there any kind of condition under which you testified?
A. Yes. I testified under immunity.
Q. Can you describe what your understanding of immunity is?
A. Anything I say like can't be used against me, unless I don't tell the truth.
Q. And what happens if you don't tell the truth?
A. I'd be prosecuted for perjury.
Q. And are you testifying here today also under an order of immunity?
A. Yes, I am.
Q. How did that come about?
A. I went this morning and got a grant of immunity.
Q. When you say you went, sounds like you went to a store.
A. I went in front of a judge this morning and got a grant of

Lori Fortier - Direct

immunity.

Q. You went before Judge Matsch?

A. No.

Q. Tell us about the experience.

A. I went up there and my lawyer talked for me, and I got immunity.

Q. Okay. Your lawyer -- you just nodded to -- he's in the courtroom today?

A. Yes.

Q. You mentioned that prior to the search of your house, you and your husband had thrown away -- I think you described it's a tinfoil pipe you had used to smoke marijuana. Is that right?

A. Yes.

Q. And that that was in the trash when the FBI agents seized your trash.

A. Yes.

Q. I believe you said you weren't concerned because the least of your worries was a drug possession charge. Is that right?

A. Yes.

Q. Have you used any illegal drugs since you and your husband travelled to Oklahoma City to appear before the grand jury back

in May of 1995?

A. No, I have not.

Q. Had you used any illegal drugs before that?

A. Yes.

Lori Fortier - Direct

Q. How frequently had you used illegal substances?

A. At what time?

Q. Well, you tell us.

A. Probably in '95, I had used like drugs on a weekly basis; but before that, it was less frequent.

Q. What kind of drugs have you used?

A. Speed or methamphetamine and marijuana. I have did acid a few times, and I had taken mushrooms once.

Q. What are mushrooms?

A. They're hallucinogenic drugs.

Q. When did you take mushrooms?

A. While I was in high school once.

Q. Only once?

A. Yes.

Q. Acid, you said you used a few times?

A. Yes, probably about five times.

Q. When was the last time?

A. Oh, probably in 1993.

Q. And you said you used marijuana.

A. Yes.

Q. With what regularity?

A. Every few months.

Q. You also said that you used speed or methamphetamine.

That's the same -- that's the same drug?

A. Yes, it is.

Lori Fortier - Direct

Q. How often did you use speed?

A. In 1995, I used it probably weekly. Before that, every couple weeks.

Q. Okay.

A. Monthly.

Q. Pardon me?

A. Every couple weeks, or monthly before that.

Q. You referred to 1995; but you indicated you've not used it since your trip to Oklahoma City, which was May of '95?

A. Yes. The early part of 1995.

Q. Why did you stop using drugs?

A. Because things in my life got a lot seriouser (sic) once I travelled to Oklahoma City.

Q. Why was that?

A. Because of everything that was happening and because of the bombing.

Q. Did you find it fairly easy to lie to the FBI agents in your meetings with them in Kingman?

A. No, not really, because all the whole time I wanted to tell the truth.

Q. Why didn't you tell the truth?

A. Because I was scared for my family.

Q. And for yourself?

A. Yes.

Q. What were you afraid might happen to you?

Lori Fortier - Direct

A. That like we might be prosecuted because we knew something about it.

Q. When did you first meet me?

A. In probably June of '95.

Q. Was your attorney present?

A. Yes, he was.

Q. And approximately how many times have we met since then?

A. Approximately ten, give or take a few.

Q. Has your attorney been present at most of those meetings?

A. Yes, most of them.

Q. And what have we done when we've met?

A. You've questioned me various times, like direct questions, just like this. We've also went over like all the 302's.

Q. What are 302's?

A. The FBI reports of what I said to them. We went over the transcripts and the tapes of both the phone and the house bug, and we went over our financial records.

Q. Okay. We're going to talk about some of your financial records in a minute because -- Why are we going to do that?

A. Because they reflect some dates.
Q. Have you ever met with any of the attorneys representing Mr. McVeigh?
A. No, I have not.
Q. Why not?
A. Because my lawyers advised me not to.

Lori Fortier - Direct

Q. You indicated that you have reviewed some of your financial -- personal financial records --
A. Yes.
Q. -- before you arrived here today.
I'm going to show you some of those records; but first, I think the first exhibit -- I'm going to get some assistance here. Do you have a folder of exhibits in front of you?
A. Yes, I do.
Q. The first exhibit in your folder should be Government's Exhibit 241.
A. Yes.
Q. Would you look through that.
A. Okay.
Q. Do you recognize it?
A. Yes, I do.
Q. What is that?
A. It's my check register.
MR. HARTZLER: Your Honor, I move the admission of Government's Exhibit 241.
MR. NIGH: May we have just a moment, your Honor?
THE COURT: Yes.
MR. JONES: No objection.
THE COURT: 241 received.
MR. HARTZLER: Could we publish that to the jury?

Lori Fortier - Direct

THE COURT: Yes.
BY MR. HARTZLER:
Q. Now, did you review your check register and some other financial records to assist you in recalling certain dates?
A. Yes, I did.
Q. And you remember that you explained to us that McVeigh had come back in September of 1994, after you and Michael had received the letter in which he said that he was prepared to take action.
A. Yes.
Q. Do you recall that?
And do you recall that you testified that there was a meeting in your living room in which McVeigh said that he was going to bomb a federal building without identifying the building?
A. Yes.
Q. Right?

x.

Can you better tell us the time that that meeting or the date that that meeting took place by reference to this exhibit, Government's Exhibit 241?

A. Yes, I can.

Q. Please explain that.

A. Okay. Because on 9-16, there is an ATM withdrawal for \$120

from our account.

Q. Okay.

Lori Fortier - Direct

A. It's to reimburse Tim for an electric deposit from when he lived in the block house in Golden Valley.

Q. He lived there after your wedding in July and stayed with you and then moved in August of 1994.

A. Yes.

Q. So this was a month after he left the area?

A. Yes.

Q. Go ahead.

A. We like -- I went to the electric company, and I had them send the deposit to his mail drop, I think; and then when Tim got there, he signed over the checks to us and we gave him cash for it.

Q. Okay. And this record that's in front of you, in front of the jury, assists your memory of the dates because of what?

A. Because it says there was a withdrawal on 9-16 for Tim for an electric deposit.

Q. Okay. This may be a little tricky, and I'm not the one to assist; but there is a pen on your -- can you pick that up and just use it to circle what you are referring to on this exhibit?

A. Do it directly on the computer?

THE COURTROOM DEPUTY: Underneath --

THE WITNESS: Whoa. How do I erase that?

BY MR. HARTZLER:

Q. We've had that problem before. Click the pen and try it

Lori Fortier - Direct

again more slowly.

Well, you can do it faster than that.

Okay. Okay. And can you -- it's a little dark on my

screen. Can you read the entire entry that you just circled?

A. Yes. It says, "ATM, 9-16 withdrawal, Tim elec. deposit for \$120."

Q. Okay. Thank you. And the 9-16 is consistent with your memory of the time that McVeigh returned to Kingman for a few days after you and Michael had received the letter. Is that right?

A. Yes, it is.

Q. Okay. I'd like to show you now the next exhibit in your folder, which should be Government's Exhibit -- without showing it to the jury. Just put that aside and pick up the next one, 248. It may not be the next in order. It should be a photograph. Do you see that photograph?

A. Yes, I do.

Q. When is the first time you saw that photograph?

A. About two days ago.

Q. And it's not a photograph that you've taken?

A. No, it's not.

Q. Can you identify the person in that photograph?

A. Yes. It's Tim McVeigh.

MR. HARTZLER: Are we on the screen? I didn't mean to be.

Lori Fortier - Direct

I move the admission of Government's Exhibit 248.

MR. JONES: No objection.

THE COURT: 248 received.

MR. HARTZLER: Is it on the screen now?

Could we publish it to the jury?

THE COURT: Yes.

MR. HARTZLER: Thank you.

BY MR. HARTZLER:

Q. You told us that when you -- I believe -- why don't you remind me when it was that McVeigh had arrived with the scruffy appearance.

A. When he came the first time in October.

Q. This is the time he arrived with Nichols?

A. Yes.

Q. And that was following the telephone call to look for a storage unit?

A. Yes.

Q. I believe you said that he was wearing a bandana and you described the bandana.

A. Yes.

Q. Does this appear to be the bandana that he was wearing?

A. Yes, it does.

Q. And when you saw him, did he have on sunglasses?

A. The second time I saw him, when he came to pick up something out of the car, he did, I believe.

Lori Fortier - Direct

Q. You did not take this photograph, obviously, since you only saw it two days ago. Right?

A. No, I did not take this.

Q. And do you know where this photograph comes from?

A. No, I do not.

Q. I believe you said that he had a scruffy appearance on this

occasion in October of '94 when he arrived with Nichols.

A. Yes.

Q. Is his appearance in this photograph similar to the appearance that you saw?

A. His face was a lot -- his facial hair was a lot more grown out at the time when I seen him, but this is the same outfit.

Q. All right. This is a -- when he arrived with this appearance, this scruffy appearance, different than in the photograph but with the Harley Davidson bandana, that's the week that you and McVeigh and your husband met in your living room and he described in detail his bomb plans. Is that right?

A. Yes, it is.

Q. And are you able by reference to any of your own personal records to better date that time period?

A. Yes, I am.

Q. What would you need to refer to?

A. My GM card statement shows like when I cash-advanced my credit card for the gun that we bought at the gun show.

Q. Look at the next exhibit in your folder. You have

Lori Fortier - Direct

Government's Exhibit 240.

A. Yes.

Q. And 240A?

A. Yes.

Q. What are those?

A. My GM card statement. One is a statement that I actually paid the credit card from, and the other is like a statement with the top portion still attached.

MR. HARTZLER: I move the admission of Government's Exhibit 240 and 240A.

MR. JONES: No objection.

THE COURT: They are received, 240 and 240A.

MR. HARTZLER: And may we publish?

THE COURT: Yes.

BY MR. HARTZLER:

Q. Looking first at I think 240A -- I'm sorry -- it's 240 -- does that reflect your name and your address as of that date?

A. Yes, it does.

Q. In October of 1994? Is that right?

A. Yes.

Q. And again, trying to use that tricky light pen, could you draw a circle around the entry that reflects the information that assists you in dating this visit by McVeigh?

Good job.

I'm not sure we can zoom in on that, but can you read

Lori Fortier - Direct

across the line?

across the line:

A. Do you want me to read the credit card number?

Q. No, no, you can --

A. It says, "Posting date of 10-13, expiration" -- or "Transaction date of 10-9, cash, First Interstate Bank, Kingman, Arizona, \$600."

Q. And this reflects a cash withdrawal that you made?

A. Yes, it does.

Q. Do you recall making that?

A. Yes, I do.

Q. Do you recall the date of the -- the day of the week that you did that?

A. It was on a Sunday, I believe.

Q. And that's the money that you withdrew for what purpose?

A. To buy a Mini-14 at the gun show.

Q. For how much?

A. \$600.

Q. And tell us again: That gun show was the gun show in Kingman?

A. Yes, that Tim had a table at.

Q. Now, did you make that withdrawal on the same date that you

purchased that gun?

A. Yes, I did.

Q. Did that gun show on a weekend come before, or after the meeting that you had with McVeigh when he diagrammed his bomb

Lori Fortier - Direct

plan for you and your husband?

A. A few days after.

Q. The gun show was after the incident where he diagrammed --

A. Yes.

Q. -- the bomb. Very well.

I believe that you said that McVeigh returned after that --

A. Yes.

Q. -- early October, and you recall that date because you know

that you and your husband purchased a Jeep on Halloween of 1994 --

A. Yes.

Q. -- correct?

And the next time you saw McVeigh, not the next time you had a telephone conversation, but the next time you saw him, I believe you said, was in December of 1994, when you met him at a motel.

A. Yes.

Q. And that's the incident when you had the blasting caps and there was an exchange of a rifle stock for a Mini-14, or something like that.

A. Yes.

Q. Did you review your records and find any entry that assists

you in dating that meeting?

A. Yes, I did.

Lori Fortier - Direct

Q. In addition to your husband's birthday?

A. Yes.

Q. What was that record?

A. The record that we wrote a check to Wal-Mart on that day.

Q. So it's the same check register we looked at a moment ago?

A. Yes.

Q. Same page?

A. No.

Q. Well, can you refer us to the page? How many pages into the document?

A. On the 12th page, I believe.

Q. Okay.

MR. HARTZLER: We're going to publish that page, your Honor, with your permission.

THE COURT: Yes.

BY MR. HARTZLER:

Q. Again, using the light pencil, which you're now adept at, can you circle the entry that reflects the date that you went to Wal-Mart?

Well, you were adept at it.

Here you go.

A. I saved it.

Q. And could you read across the line?

A. Yes. 1612 was the check number, dated 12-14.

Q. And that's the date that you went to the Wal-Mart?

Lori Fortier - Direct

A. Yes, it is.

Q. Also the day before your husband's birthday?

A. Yes, it is. It says, "Wal-Mart, 15.95."

Q. Do you recall what it was you purchased at Wal-Mart?

A. Yes. Tape; and I believe there was wrapping paper, also.

Q. And did that purchase come to 15.95, as you recall?

A. Yes.

Q. Can you look in your folder and find Government's Exhibit 196.

A. Yes.

Q. Do you have that exhibit in front of you?

A. Yes.

Q. Can you identify that?

A. Yes. It's the Mojave Inn that we met Tim at.

MR. HARTZLER: I move the admission of Government's Exhibit 196.

MR. JONES: No objection.

THE COURT: 196 received, and you may publish it.

MR. HARTZLER: Thank you, your Honor.

BY MR. HARTZLER:

Q. I think you have to draw back from the -- there you go.

Please tell the ladies and gentlemen of the jury

what

we're looking at in this photograph.

A. We're looking at the entrance of the Mojave Inn; and in the background, there is the rooms.

Lori Fortier - Direct

Q. And do you recall which room it was that McVeigh rented?

A. Yes, I do.

Q. Point it out with the light stick.

A. It's the corner room right here on the end.

Q. And again, this Mojave Inn is the motel that you and Michael visited in December of 1994?

A. Yes.

Q. Had the meeting in which there was an exchange of coins and

a stock and you wrapped the blasting caps. Is that right?

A. Yes.

Q. Your next exhibit should be another photograph. Do you see that?

A. Yes, I do.

Q. It's Government's Exhibit No. 135. Do you see that?

A. Yes.

Q. Okay. And can you describe what's in that?

A. Yes. It's a picture of blasting caps.

Q. Is there anything in those -- the blasting caps depicted there that's different than the blasting caps that you saw?

A. No, there is not.

Q. But you have no way of knowing whether those are the ones that you wrapped, do you?

A. No.

MR. HARTZLER: Your Honor, I move it for demonstrative purposes only, Government's Exhibit 135.

Lori Fortier - Direct

MR. JONES: Your Honor, we object.

THE COURT: Let me see the exhibit.

Objection sustained.

BY MR. HARTZLER:

Q. I believe you said that it was in approximately February, the first half of February, before your daughter Kayla's birthday in 1995 that McVeigh had come to you while he was living in a motel and asked to borrow your typewriter.

A. Yes.

Q. He then returned and showed you a completed driver -- fake driver's license. Is that right?

A. Yes.

Q. With the name Robert Kling?

A. Yes.

Q. All right. I want to show you or ask you to look at Government's Exhibit 224

GOVERNMENT'S EXHIBIT 224.

A. Yes.

Q. See that?

A. Yes, I do.

Q. And do you see a driver's license form, a blank form -- not

a completed driver's license, but a blank form -- similar to what you saw when he gave you the one that had been typewritten?

A. Yes.

MR. HARTZLER: Your Honor, I'd move the admission

Lori Fortier - Direct

of -- pardon me. I need to ask some other questions.

BY MR. HARTZLER:

Q. You had also indicated that you saw other identification forms in your house that had been on the desk for a matter of -- for some time. Is that right?

A. Yes, it is.

Q. Are those similar to the forms that you observed?

A. Yes, they are.

Q. Is there anything different about the forms you are looking

at than the ones that you saw in your house?

A. Yes. They're not in color.

Q. Well, you have copies. That's why.

MR. HARTZLER: Your Honor, may we approach and show her the originals?

THE COURT: Yes.

THE WITNESS: Yes, these are the same.

BY MR. HARTZLER:

Q. Those appear to be the same forms?

A. Yes.

MR. HARTZLER: I move the admission of Government's Exhibit 224.

MR. JONES: We object, your Honor.

THE COURT: I don't understand. They appear to be the

same form. Is that what you're saying?

THE WITNESS: Yes, they are the same forms.

Lori Fortier - Direct

THE COURT: That's different.

MR. HARTZLER: They're --

THE COURT: Which is it? Are these the same forms?

THE WITNESS: They appear to be the same forms.

They

look just like the ones.

THE COURT: Objection sustained.

BY MR. HARTZLER:

Q. Finally, I want to show you what's been marked as Government's Exhibit 263. Can you look in your folder and find

that.

A. Yes.

Q. What is that?

A. It's a picture of the Imperial Motel.

MR. HARTZLER: I move the admission of Government's Exhibit 263.

MR. JONES: May I have just a moment, your Honor?

THE COURT: Yes.

MR. JONES: No objection.

THE COURT: 263 is received.

You may publish it.

MR. HARTZLER: Thank you.

BY MR. HARTZLER:

Q. Again, using your light pen, can you show -- first of all, this is the motel that McVeigh was staying in -- well, you tell us whether this motel McVeigh was staying in.

Lori Fortier - Direct

A. This is the last motel that I saw Tim at.

Q. This is the motel from which he departed to Kansas, from the Kingman area?

A. Yes, in April.

Q. In April of '95?

A. Yes.

Q. How long prior to the bombing did you see him?

A. A week, maybe.

Q. And this is the place that you and Michael went and handed back the book --

A. Yes.

Q. -- that you described.

Does this picture reflect the room that he was staying in?

A. Yes, it does.

Q. Can you use your light pen and circle that room?

A. It was the corner room, right there, on the -- it was the corner room on the top floor.

Q. All right. Thank you. You can put that aside.

You testified here today that McVeigh told you about a

robbery that he intended to commit or have Nichols commit in support of the bombing. Is that right?

A. Yes.

Q. And you testified that he gave you tremendous amount of detail about his plans to commit a bombing in Oklahoma City?

Lori Fortier - Direct

MR. JONES: If your Honor please, I'm going to object to the summary; leading.

THE COURT: Sustained.

MR. HARTZLER: Thank you.

BY MR. HARTZLER:

Q. Did you or Michael react to any of this information as it was communicated to you?

A. React in which way? What do you mean?

Q. Did you say anything?

A. No.

Q. Did he ever ask you for your help?

A. Yes. He asked Michael.

Q. Did Michael say he was willing to help?

A. No, he did not.

Q. Did you ever say anything to indicate that you were not willing to help?

A. That I was not willing to help? No, I never said anything.

Q. Did you ever say anything to him to indicate that you did not approve of this plan?

A. No, I didn't.

Q. Did you ever say anything to indicate you disapproved of his plan?

A. No.

Q. Did you ever say anything to indicate that you approved of his plan?

Lori Fortier - Direct

A. No, I did not.

Q. Did you approve of his plan?

A. No.

Q. Why didn't you say anything?

A. Because I guess on some level, I -- Tim was my friend and I

thought that he wasn't capable of it at that time. I don't know.

Q. He told you that he had the materials. Is that right?

A. Yes.

Q. He diagrammed the bomb. Is that right?

A. Yes.

Q. He told you what his target was. Is that correct?

A. Yes.

Q. He indicated he was capable, didn't he?

A. Yes, he did.

Q. Why did you think he wasn't?

A. Because I guess on some level I was in denial that he really was capable of this.

Q. You recognize today that you could have stopped this from happening, do you not?

A. Yes, I do.

Q. Do you feel responsible?

A. Yes, I do.

Q. Why do you think you didn't stop it?

A. I don't know. I mean, I wish I could have stopped it now.

Lori Fortier - Direct

If I could do it all over again, I would have.

MR. HARTZLER: May I have a moment, your Honor?

THE COURT: Yes.

MR. HARTZLER: Pardon me, your Honor.

Nothing further. Thank you.

THE COURT: All right. Well, it's at 5:00; so we'll resume with cross-examination tomorrow morning; and you may step out now.

And, members of the jury, we'll excuse you for the day as usual at 5:00; and as usual, I must, of course, caution you that you must decide this case solely on the basis of what's presented to you here in this trial. And accordingly, you must be very careful about that, whatever it is that you watch on television, listen to on the radio, read in newspapers, or any other form of communication or publication, or talk with anyone, to avoid anything about this case and to keep open minds yourselves so that you will wait until you've heard it all before even in your own minds making any judgments about this case.

You're excused now until 9:00 tomorrow morning.

(Jury out at 5:00 p.m.)

THE COURT: Do you have some agreement on these large exhibits?

MS. WILKINSON: Yes, we do, your Honor. I believe Mr. Jones has agreed that we can take back the exhibits into our custody, at least the model; and we'll make it available if he needs it during the trial.

MR. JONES: That's correct, your Honor.

THE COURT: Agreed? The model?

MR. JONES: Yes.

THE COURT: And also --

MS. WILKINSON: The rear-axle housing.

THE COURT: And the axle?

MR. JONES: That's agreeable.

THE COURT: So they're returned to your custody, the custody of the prosecution team.

MS. WILKINSON: Thank you.

MR. JONES: Before we leave, may we take just a moment? And because they are so large, I wonder -- maybe the Court doesn't want to take the time now to do this, but I wonder if we couldn't work out a way -- and we'll be glad to do it -- to take pictures of this to put it in the record. I know the model is the actual evidence, but it's so bulky and unwieldy.

THE COURT: Well, I think that's a good suggestion.

MR. JONES: They probably already have them. We can work that out later.

THE COURT: We'll recess till 9:00 tomorrow morning.

(Recess at 5:02 p.m.)

INDEX

Item
Page

WITNESSES

Clark Anderson

Cross-examination by Mr. Tritico
Redirect Examination by Mr. Mackey
Recross-examination by Mr. Tritico

Lori Fortier

Direct Examination by Mr. Hartzler

PLAINTIFF'S EXHIBITS

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
135	5780				
196	5779	5779			
224	5782				
240					
240A	5775	5775			
241	5769	5769			
248	5773	5773			
263	5783	5783			

DEFENDANT'S EXHIBITS

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
U1 - U6	5645	5645			

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 29th day of April, 1997.

Paul Zuckerman

Kara Spitler