

Wednesday, April 30, 1997 (morning)

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 70)

Proceedings before the HONORABLE RICHARD P. MATSCH,
Judge, United States District Court for the District of
Colorado, commencing at 9:00 a.m., on the 30th day of April,
1997, in Courtroom C-204, United States Courthouse, Denver,
Colorado.

Proceeding Recorded by Mechanical Stenography, Transcription
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APPEARANCES

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appearing for Defendant McVeigh.

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PROCEEDINGS

(In open court at 9:00 a.m.)

THE COURT: Be seated, please.

Good morning. Are we ready for the jury?

MR. JONES: Yes, sir.

(Jury in at 9:00 a.m.)

THE COURT: Members of the jury, good morning.

We'll resume our trial.

If you'll please resume the stand, Ms. Fortier.

(Lori Fortier was recalled to the stand.)

The jury will recall that we heard testimony --
direct
testimony from witness Lori Fortier, and now we're ready for
cross-examination.

Mr. Jones.

CROSS-EXAMINATION

BY MR. JONES:

Q. Mrs. Fortier, would you agree with me that you either made
false statements to agents of the Federal Bureau of
Investigation; your parents, your mother and father; and your
mother- and father-in-law and your best friends in late April
and May of 1995, or you're making false statements to this
jury
of strangers, yesterday?

MR. HARTZLER: I object, your Honor.

THE COURT: Sustained.

BY MR. JONES:

Q. In late April and the first part of May, 1995, did you
make
statements to your in-laws, your parents, the FBI, and your
close friends about information relating to the Oklahoma City
bombing that is different from what you have testified to in
this courtroom today and yesterday?

MR. HARTZLER: Objection, again.

Lori Fortier - Cross

THE COURT: Yes, you'll have to deal with specific
statements, not generalities like that.

MR. JONES: All right.

BY MR. JONES:

Q. Mrs. Fortier, do you remember the day that Mr. Nichols was
arrested and charged in this case?

A. I don't remember the exact date, but I remember the
approximate time.

Q. And what is your memory?

A. In the first week after the bombing.

Q. That was the time that he was held as a material witness,
wasn't it?

A. Yes.

Q. And wasn't he charged with the bombing later in May?

A. Yes.

Q. And was it approximately two or three days before you and
your husband contacted special agents of the FBI and said that
you wished to correct your statements?

A. Can you repeat that, please?

Q. Yes. Let me put it to you this way. Was it within a matter of two or three days after Mr. Nichols was charged in this case that you and your husband contacted the FBI and said you wished to, quote, "correct," close quote, your statements?
A. I'm not sure exactly. I don't know the exact date when Terry was charged.

Lori Fortier - Cross

Q. Do you remember the day that your husband contacted the FBI

by phone and said you wished to change your statements?

A. Yes, I do.

Q. All right. And what day was that?

A. May 17.

Q. Okay. You do not think it was before then?

A. No.

Q. So from April 21 until May 17, those are the statements that you wanted to correct with the FBI?

A. Yes.

Q. Now, you and your husband knew Tim McVeigh; is that correct?

A. Yes, we did.

Q. And he had been a guest in your home?

A. Yes.

Q. He had stayed there at various intervals up to as long as a month; is that correct?

A. Yes.

Q. And in addition to that, the two of you and Mr. McVeigh had

discussed politics; is that correct?

A. Yes; that's correct.

Q. Including the subjects of Waco.

A. Yes.

Q. And Ruby Ridge.

A. Yes.

Lori Fortier - Cross

Q. And Gordon Kahl.

A. Yes.

Q. And were your views on those subjects somewhat similar to Mr. McVeigh's?

A. Yes, somewhat.

Q. Okay. In what way were they different?

A. I did not directly think that the agents killed like all the people in Waco. I thought that the Waco needed to be further examined.

Q. And did your husband share the same view, or were his views

closer to Mr. McVeigh's?

A. As far as I know, he shared the same views I did.

Q. Now, in addition to that, did you and your husband have in your house ammonium nitrate?

your house ammunition magazine:

A. Yes, we did.

Q. Did you also have access to blasting caps?

A. Yes, that your client gave us.

Q. Your father, Les Hart, also had blasting caps, didn't he?

A. Yes, he did.

Q. And you're not claiming that Mr. McVeigh gave Mr. Hart the blasting caps, are you?

A. Excuse me, I don't understand the question.

Q. You're not claiming that Tim McVeigh gave your father blasting caps, are you?

A. No, I'm not. My father had blasting caps.

Lori Fortier - Cross

Q. And in addition to the blasting caps, you also had ammunition in your house?

A. Yes.

Q. And you had firearms?

A. Yes.

Q. And you had various, as you described it, anti-government literature?

A. Yes.

Q. And all of that was in your house prior to April 19?

A. Yes, it was.

Q. Now, from your view of the television and the radio and the newspapers, did you follow this case?

A. Yes.

Q. And you read the items relating to you and your husband there in Kingman?

MR. HARTZLER: Objection, your Honor. "Items" is too broad.

THE COURT: Sustained.

BY MR. JONES:

Q. You read the newspaper accounts of you and your husband's activities in Kingman?

MR. HARTZLER: Objection, your Honor.

THE COURT: Sustained.

BY MR. JONES:

Q. Did you read anything about Mr. Nichols' accounts and his

Lori Fortier - Cross

political views and what was happening to him?

A. No, not in the paper.

Q. Did you know that Mr. Nichols and Mr. McVeigh had been good friends?

A. Yes.

Q. Did you know that they had been in the Army together like your husband and Mr. McVeigh?

A. Yes, I did.

Q. And did you know that Mr. Nichols also shared many of the

same political views as Mr. McVeigh?

A. I -- not really. I'd never talked personally with Mr. Nichols about his views.

Q. I'm sorry. Had you heard that he shared some of the same views?

A. Yes.

Q. About these subjects of Waco and Ruby Ridge?

A. Yes.

Q. Now, Mr. McVeigh -- Mr. Nichols was initially held as a material witness; is that correct?

A. Yes.

Q. You and your husband were not?

A. No.

Q. Mr. Nichols was subsequently charged as a principal or an aider and abettor in this case, was he not?

A. Yes.

Lori Fortier - Cross

Q. And then he was -- shortly after that, your husband contacted the agents of the FBI and said he wished to correct statements?

MR. HARTZLER: I object, your Honor: It's been asked and answered.

THE COURT: Overruled.

BY MR. JONES:

Q. Is that correct?

A. Can you repeat the question.

Q. Certainly. Within a few days after Mr. Nichols had been charged, your husband contacted the FBI and said that they wished -- you and he wished to change or correct your statements?

A. I'm not sure exactly when Terry was charged, so I can't really answer that question.

Q. All right. But you have at least a clear mind in your mind

that it was May 17 that your husband contacted the FBI?

A. Yes.

Q. Now, you indicated yesterday that your husband had been charged and was awaiting sentencing?

A. Yes.

Q. Do you know whether his sentencing will take place after these trials are completed?

A. That's my understanding.

Q. And your husband has also signed a plea agreement with the

Lori Fortier - Cross

prosecution; is that correct?

A. That's correct.

Q. And under the terms of the charges that your husband pled guilty to, what is your understanding of his maximum sentence?

A. His maximum sentence could be up to 23 years.

Q. And what could be his minimum sentence?

A. I don't know.

Q. You have no idea?

A. Not really.

Q. Do you know that as a term of the plea agreement that your husband entered, that the Government may move for a reduction of his sentence or guidelines to be reduced?

MR. HARTZLER: I object, your Honor, to her telling of the terms of her husband's plea agreement.

THE COURT: Well, if it can affect her motivation. The objection is overruled.

THE WITNESS: Can you repeat that question?

BY MR. JONES:

Q. Yes. Under the terms of the plea agreement, is there a provision whereby the Government in the sole exercise of its discretion may move for downward reduction of your husband's guidelines?

A. Yes, there is.

Q. In other words, he could receive a lesser sentence?

A. Yes.

Lori Fortier - Cross

Q. And the decision on whether to move for the downward departure of the sentencing guidelines is entirely with the Government; is that correct?

A. Yes.

Q. That's your understanding?

A. I'm not really sure.

Q. Well, let me ask it this way --

A. It would be like the judge's decision.

Q. Yes, I understand it's ultimately the judge's decision.

But who must move for the downward departure of the sentencing guidelines?

A. The Government.

Q. All right. And then the judge makes the decision?

A. Yes.

Q. Is it clear to you that I cannot move for the downward departure of your husband's guidelines?

A. Yes.

Q. And is it clear to you that I don't have any authority to grant you immunity?

A. Yes.

Q. Or to grant your husband immunity?

A. Yes.

Q. Or to decide what charges will be filed against you?

A. Yes.

Q. Or what charges will not be filed against you?

Lori Fortier - Cross

A. Yes.

Q. Or whether to seek the death penalty against you?

A. Yes.

Q. And I am Mr. McVeigh's counsel; is that correct?

A. Yes.

Q. But you recognize that the Government could or has that power with respect to you and your husband; is that correct?

A. Yes.

Q. Now, yesterday, as I understand it from your testimony, Mr. McVeigh came to your house on numerous occasions and discussed with you and your husband his dislike for the government, his anger over Waco and other incidents, and plans that he was making to blow up a federal building in Oklahoma City that was U-shaped with glass in front of it and that he would use a truck bomb composed of fertilizer and racing fuel.

A. Yes.

Q. Is that correct?

And all of this he discussed in your house?

A. Yes, he did.

Q. Over a period of several weeks.

A. Months, yes.

Q. Several months. And with you present when this conversation went on.

A. Yes.

Q. Mrs. Fortier, did you ever consider simply telling to your

Lori Fortier - Cross

husband, Get this man out of my house, I don't want to ever see him again?

A. Yes, I did consider that, but I did not.

Q. But you did not, did you?

A. No, I did not.

Q. Now, you indicated also yesterday that you and Mr. Fortier were afraid of Tim towards the end; is that correct?

A. Yes, it's very correct.

Q. But you went to a motel at night; is that correct?

A. At what time frame are you talking?

Q. I'm talking about the last time you saw him, according to your testimony yesterday.

A. No, it was not at night.

Q. It was not; during the daytime?

A. Yes.

Q. But you went to his room.

A. Yes.

Q. You and your husband, to return a book.

A. Yes.

Q. I see. And Mr. Fortier took a gun with him.

A. Yes, he did.

Q. But he also took you with him.

A. Yes, he did.

Q. He didn't take his brother.

A. No.

Lori Fortier - Cross

- Q. He didn't leave you at home.
- A. No.
- Q. He didn't take a friend.
- A. No.
- Q. And you went into Mr. McVeigh's room to return this book.
- A. Yes, I did.
- Q. You didn't have him come outside or meet you at some other place; is that correct?
- A. Yes; that's correct.
- Q. And you still maintain that you and your husband were afraid of him?
- A. Yes, that's why we took the gun.
- Q. I see. Did he have the gun on him, hidden, or was it in plain sight?
- A. I'm not really sure if it was in plain sight or not.
- Q. Well, your husband frequently took a gun with him, didn't he?
- A. Where are you --
- Q. Anyplace, when he was going out, driving around.
- A. Sometimes.
- Q. Now, in early 1995, as I recall your testimony yesterday, you and your husband went out with Tim and did such things as four-wheeling in the Jeep, you rented movies, and saw your friends; is that correct?
- A. Yes, it is.

Lori Fortier - Cross

- Q. And this was after these various occasions that he had had this discussion with you about blowing up the federal building in Oklahoma City?
- A. Yes.
- Q. All right. And that even after those discussions, Tim and Michael went to two gun shows, one in Reno and one in St. George.
- A. Yes.
- Q. And the purpose for that was to get the \$2,000 that was to be given to Terry Nichols.
- A. It was to sell the guns, yes.
- Q. Right, and to pay Terry Nichols \$2,000.
- A. Yes.
- Q. Was your husband's friendship with Terry Nichols close enough that even though Mr. McVeigh was talking about all these weird things, that he still felt some obligation to go out and sell these guns in order to give Mr. Nichols \$2,000?
- A. I don't understand your question, I'm sorry.
- Q. How close was your husband's friendship with Terry Nichols?
- A. Not close at all.
- Q. Then how was it close enough that he had to go out and make \$2,000 for him?
- A. He just -- he just did it for him.
- Q. Did Terry Nichols ask him?

A. No, no. Terry asked Tim and Tim told Michael.

Lori Fortier - Cross

Q. Now, these were, according to your statement yesterday, stolen guns.

A. Yes.

Q. And not only were they stolen guns, but they had been stolen from a Bob in Arkansas.

A. Yes. To my knowledge, yes.

Q. Right. And that's because, according to you, Mr. McVeigh told you that.

A. Yes.

Q. All right. Other than Mr. McVeigh telling you they were stolen, prior to April the 19th, 1995, did you have any other reason to believe they were stolen?

A. No, not really.

Q. Okay. You never had a conversation with Bob from Arkansas --

A. No.

Q. -- is that correct?

You never had a conversation with Terry Nichols about it.

A. No.

Q. Now, what was your understanding that Bob from Arkansas's job or occupation was?

A. He was a gun dealer.

Q. And went to gun shows?

A. Yes.

Lori Fortier - Cross

Q. Okay. But, now, as I understand it, your husband and Tim took these stolen weapons from this gun dealer that went to gun

shows and then you all went to gun shows to sell them.

A. Yes. But it was in a different part of the country.

Q. Well, you went to Reno.

A. Yes.

Q. Is that correct?

A. I did not.

Q. Well, your husband and Tim did.

A. Yes.

Q. Well, isn't the Reno gun show one of the largest in the United States?

A. I don't know.

Q. I see. And the one at St. George's, how large was it?

A. I don't know.

Q. Okay. Well, did you think that Mr. Moore just sold these guns and went to gun shows in Arkansas?

A. I didn't know.

Q. Well, suffice it to say you and your husband didn't fence these hot guns to pawnbrokers anonymously, did you?

A. No.

Q. Or sell them to friends quietly at night, did you?
A. Yes, we did.
Q. Oh, how many did you sell to friends?
A. A few, probably three to five.

Lori Fortier - Cross

Q. All right. And how many did you have?
A. About 25.
Q. So you sold maybe less than 20 percent to friends.
A. I guess.
Q. Did you sell them or give them away?
A. Sold them.
Q. Sold them. For money?
A. Yes. We gave one away.
Q. All right. Did you ever trade any guns for dope?
A. Yes.
Q. And who was that with?
A. I think his name was Terry.
Q. Terry who?
A. I don't know his last name.
Q. And when did that occur?
A. Probably in April.
Q. Of '95?
A. Yeah. It might have been a little bit earlier than that, though.
Q. In March?
A. Yeah, it could have been. Anytime like in those two months.
Q. And where does Terry live?
A. In Kingman.
Q. And what kind of dope did you get in return?

Lori Fortier - Cross

A. We got methamphetamine and some marijuana.
Q. And what was the value of this marijuana and methamphetamine, what was the value of the trade?
A. Maybe \$200 worth of stuff.
Q. All right. And what was the value of the gun? Do you have any idea?
A. It was an AR-15. I'm not really sure how much they go for.
Q. Okay. Other than that occasion, did you trade guns for dope anywhere else?
A. No.
Q. Now, had you planned to go to other gun shows besides these three?
A. No.
Q. Now, in December of 1994, your husband had some kind of dispute where he worked, didn't he, and he quit over a Christmas bonus?
A. It was sort of that and he also quit because of his back

A. It was sort of that, and he also quit because of his back.

Q. Okay. But in any event, after January the 1st, he wasn't employed?

A. No, he was not.

Q. Was he drawing any kind of workers' compensation?

A. No.

Q. Did he have any savings accumulated?

A. We got our income tax return right about that time.

Q. Right about what time?

Lori Fortier - Cross

A. Right around January of '95.

Q. All right. And how much was that?

A. 2,000 something.

Q. All right. And did you have anything else to live on?

A. My parents helped us out. Occasionally.

Q. Occasionally. And then you were working?

A. No, I was not.

Q. You were not working?

A. No.

Q. You were at home?

A. Yes.

Q. So from January to April, you and your husband were not employed?

A. Yes.

Q. Did you sell any dope during that period of time?

A. Just that one occasion you already discussed.

Q. All right. Now, so you and your husband are at home, unemployed, he's got the IRS refund, which you and he have, and

you get occasional support from your parents; is that correct?

A. That's correct.

Q. Any other form of support?

A. He got like a compensation check from the Army.

Q. Okay. Each month?

A. Yes.

Q. How much was that?

Lori Fortier - Cross

A. \$80.

Q. \$80 a month, all right.

Now, your husband didn't like his job at TruValue, did he?

A. Yes, he did.

Q. He worked in the bookkeeping department.

A. Yes.

Q. Had he helped get Tim the job there?

A. Yes, he had.

Q. Now, Tim had come back and with your husband -- or actually

your husband had come back with these guns that you claim were stolen from Kansas; is that correct?

A. The guns stolen from Kansas?
Q. No. The guns were in Kansas; they had been stolen from Bob in Arkansas.
A. Yes.
Q. Now, why was \$2,000 owed Terry Nichols?
A. I don't know. Because Terry got mad that Tim gave us the guns, and he wanted money back.
Q. Well, did Terry tell you that?
A. No, Tim did.
Q. Okay. Tim told you that?
A. Yes.
Q. Well, now, are you familiar with the term called "consignment"?

Lori Fortier - Cross

A. No, I'm not.
Q. Did you know whether Tim McVeigh went to gun shows?
A. Yes, he did.
Q. Did you know whether Tim McVeigh sold guns at gun shows?
A. Yes, he did.
Q. And did he sell other things at gun shows, like ammunition or other quasi-military paraphernalia?
A. Yes, he did.
Q. And did Terry Nichols do that?
A. I'm not really sure.
Q. Did Tim tell you Terry Nichols did that?
A. Not that I know of.
Q. Were you and your husband going into the gun-show business?
A. No.
Q. Wasn't that a way for you to make a considerable amount of income?
A. What do you mean? Selling the stolen weapons, is that what you're referring to?
Q. Well, let's just say selling weapons.
A. No, we weren't really going into the business at all.
Q. But in a space of just three weeks, you went to three of them.
A. Yes.
Q. Including St. George's and Reno and one down in Tucson.
A. No, I did not go to the Reno and St. George's.

Lori Fortier - Cross

Q. But your husband did?
A. Yes.
Q. How much money did he make there?
A. I'm not really sure.
Q. How much money did he make at the second one at St. George's?
A. I'm not really sure.

Q. How much did he make at Tucson?
A. Around \$700.
Q. Now, you yourself had paid \$600 for a rifle at one of the shows, hadn't you?
A. Yes, I had.
Q. So you knew that you could buy these weapons and sell these weapons for pretty good amounts, didn't you?
A. What do you mean?
Q. Well, \$600 is a pretty good sum of money, isn't it?
A. Yes, it is.
Q. And you were certainly willing to spend it for a rifle.
A. Yes, I did.
Q. Okay. And the purpose of going to these gun shows was to sell weapons and make money, wasn't it?
A. Yes.
Q. Now, when your husband went to the gun show in Tucson and you were with him, did he attempt to disguise his appearance in any way?

Lori Fortier - Cross

A. No.
Q. When he left to go to the gun show in Reno and St. George's, did he disguise his appearance in any way?
A. No, not that I know of.
Q. Did Tim McVeigh disguise his appearance that you saw going to these two gun shows?
A. No, not that I know of.
Q. What kind of car did they take up there?
A. I believe they took Tim's car.
Q. All right. And did they return in Tim's car?
A. Yes.
Q. They came -- which car did you take to go to Tucson?
A. We took our Jeep.
Q. All right. So at least insofar as the Tucson show is concerned, you and your husband went down there, just as you ordinarily would go to anything, driving your own car, and put up a table there to sell guns?
A. Yes.
Q. Okay. Now, did you use any kind of alias there?
A. I believe Michael did.
Q. All right. Did you?
A. No.
Q. Okay. And did other gun dealers there use aliases?
A. I don't know.
Q. All right. What was the alias that Michael used?

Lori Fortier - Cross

A. I'm not really sure what it was.
Q. Do you know for a fact he used one?
A. Yes.
Q. Now, as I understand it, in the early part of 1995, right

Q. Now, as I understand it, in the early part of 1995, right after Kayla's second birthday -- and Kayla's birthday is on Valentine's Day, February 14, wasn't it?

A. Yes, it was.

Q. So it was right after that that Tim moved into your house?

A. Yes.

Q. And he stayed there about a month.

A. Yes.

Q. So that would take it up at least, according to your calculations, to around the middle of March.

A. Yes.

Q. So 30 days before the bombing in Oklahoma City, or approximately 30 days, Mr. McVeigh was living there with you and your husband.

A. Yes.

Q. And you formed the impression, did you not, that the bombing wasn't going to happen.

A. Yes, I did.

Q. And you said, if I wrote it down correctly, that the reason

that you didn't think it was going to happen was because "no one wanted to help him and he was upset and I didn't think anything was going to happen."

Lori Fortier - Cross

A. Yes.

Q. All right. Then he moved out and went to the motel because the three of you were on bad terms.

A. Yes, we were.

Q. What were the bad terms?

A. Tim was upset that Michael wouldn't help him.

Q. Well, of course Michael hadn't ever said he would help him, did he?

A. No.

Q. And in fact, Tim had been talking with you and Michael about this, according to you, as far back as September.

A. Yes.

Q. Which would be approximately, six, seven months before this period of time that you had bad terms.

A. Yes.

Q. And these weren't just -- this wasn't just one conversation, this was a conversation that took place in September and then another one in October and there were phone calls and meetings back and forth; is that correct?

A. Yes.

Q. And never at any time, according to you, did Mr. Fortier say that he would help Mr. McVeigh.

A. No, he did not.

Q. All right. And while you thought that the bombing might occur on April the 19th, you didn't know that that's when it

Lori Fortier - Cross

would be, did you?

A. No.

Q. So what was it, then, if after months and months you all had never said to Mr. McVeigh you would help him, that would cause him to get angry?

A. Because, like right around that time is when he first elicited Michael's help.

Q. He hadn't elicited Michael's help back in September that you told us about that he said, "It's time to take action against the government; don't tell your wife"?

A. Somewhat, but not the direct as he had in '95, when he asked Michael to drive him from Vegas to the Kingman area.

Q. Well, it was a direct help, wasn't it?

A. Yes, it was; and that's when he got upset when Michael said

no.

Q. According to your testimony, the trip to Kansas in late December 1994 was direct help, wasn't it?

A. No, not really.

Q. No? And the rental of the storage shed that Mr. McVeigh wanted you all to do -- and you even drove out and tried to find one -- that wasn't direct help?

A. No, it wasn't.

Q. It wasn't? Storage shed had nothing to do with the bombing

in Oklahoma City?

A. Not at the time we first knew about it.

Lori Fortier - Cross

Q. Well, that was because Mr. McVeigh was moving to Kingman, wasn't it?

A. What do you mean?

Q. Well, when he called you for the storage shed and asked you

to rent it, wasn't it right after that that he showed up in town with his car loaded up?

A. Yes, but he wasn't moving to Kingman.

Q. Well, he was living there, wasn't he?

A. For a week.

Q. Well, he got a house, didn't he, the block house?

A. No.

Q. Where did he live?

A. He stayed with us for a week after he asked us to get the storage shed.

Q. When did he work at TruValue?

A. In '94.

Q. When in '94?

A. From approximately March to July.

Q. So he certainly was living there then.

A. Yes. And then he moved.

Q. And then did he have a habit of leaving and coming back and

leaving and coming back?

A. Yes, he did.

Q. How many times in 1994 was he in and out of Kingman for, say, more than two days?

Lori Fortier - Cross

A. Probably four times. I'm not really positive.

Q. Now, you didn't think the bombing was going to occur, and Mr. McVeigh moved out. And I believe that you said that what scared you was that "he had told us everything about this, and we wanted out, and we thought he would kill us because he had told us about it."

A. Yes.

Q. Well, to say you wanted out suggests you were in, doesn't it?

A. I didn't say that I wanted out, that I know of.

Q. You didn't say yesterday, "He had told us everything about this, and we wanted out, and we thought he would kill us because he had told us about it?"

A. I think that I said that Terry wanted out.

Q. So you deny saying yesterday, "We wanted out"?

A. I might have said everyone wanted out, like meaning Terry; but, no, we were never in any conspiracy with Tim.

Q. Do you deny saying yesterday, "We wanted out"?

A. I'm not sure if I said that or not yesterday. If I did, I meant that Terry wanted out.

Q. All right. And you thought that he would kill you because he had told you about it?

A. Yes.

Q. Okay. Mrs. Fortier, yesterday you indicated in response to

a question, or actually a series of questions, that after the

Lori Fortier - Cross

bombing occurred, you were scared.

A. Yes.

Q. And I take it that Michael was scared.

A. Yes.

Q. And the reason that you were scared was because you knew about it and didn't do anything about it.

A. Yes.

Q. It wasn't because you were involved and you were afraid you might be found out?

A. No, it was -- no.

Q. Is that correct?

A. Yes.

Q. And I believe that you even went so far as to say, "I didn't want to be linked to Tim in any way."

A. Yes.

Q. Well, you did link yourself to Tim after the bombing, didn't you?

A. Eventually, yes.
Q. No, I mean right after the bombing.
A. I'm not sure what you're referring to.
Q. Well, you wrote out a statement that was going to be released to the newspapers proclaiming Mr. McVeigh's innocence, didn't you?
A. Yes, I did.
Q. In fact, you wrote it out twice?

Lori Fortier - Cross

A. Yes.
Q. In fact, you went with your husband down to a place where he was interviewed by CNN?
A. Yes, I did.
Q. And you sat there and listened to your husband talk about how Mr. McVeigh was innocent and that he didn't see anything in the past that would make him think Mr. McVeigh was capable of bombing Oklahoma City?
A. Yes.
Q. So it wasn't a question of your simply keeping quiet to avoid any involvement, was it?
A. No.
Q. You and your husband were one of the very few people that were actually proclaiming Mr. McVeigh's innocence.
A. Yes.
Q. The innocence of a man that just a few weeks before you thought was going to kill you.
A. Yes.
Q. Well, he couldn't kill you from jail, could he?
A. No.
Q. So instead of remaining silent, you went public, didn't you, and proclaimed his innocence and said he was your friend?
A. Michael did, yes.
Q. Well, Michael is your husband?
A. Yes, he is.

Lori Fortier - Cross

Q. And you were right there with him?
A. Yes, I was.
Q. And you wrote the statement?
A. Not the statement that Michael gave.
Q. I understand. You wrote some other statements that weren't given.
A. Yes.
Q. Is that correct?
A. Yes.
Q. And by those statements, didn't you link yourself to Mr. McVeigh?
A. Yes, I did.

A. Yes, I did.

Q. You were not distancing yourself from Mr. McVeigh at that time, were you?

A. No.

Q. Do you have Defendant's Exhibit P82 in front of you?

THE COURTROOM DEPUTY: P82?

Mr. Jones, is that in the folder?

MR. NIGH: Your Honor, may I assist?

THE COURT: Yes, please.

THE WITNESS: Thank you.

BY MR. JONES:

Q. You have it there in front of you?

A. Yes, I do.

Q. Do you recognize it?

Lori Fortier - Cross

A. Yes, I do.

Q. What is it?

A. It's the statement that I prepared.

Q. Relating to Mr. McVeigh?

A. Yes.

Q. This is in your handwriting?

A. Yes, it is.

MR. JONES: I move the admission of McVeigh Exhibit P82.

MR. HARTZLER: It's an out-of-court statement, your Honor. I object.

THE COURT: It's her statement, Mr. Hartzler.

MR. HARTZLER: Certainly.

THE COURT: Objection is overruled. The exhibit is received. P82.

BY MR. JONES:

Q. Mrs. Fortier, would you read this statement, please.

A. "First and foremost, I would like to convey my sympathy and

condolences to all who are involved in Oklahoma City bombing. I would also like everyone to know that I do not in any agree with or condone this action. I'd also like to say" everyone, "to everyone that Timothy McVeigh is a close friend of my family and mine. He stands accused of the bombing of the Alfred P. Murrah Building; but from knowing him, I believe in no way that he was responsible for this crime.

Lori Fortier - Cross

"I would also like to, to believe that my fellow Americans are educated enough to know that here in our great country, the United States of America, one of the basic fundamental principles of our government is that one is presumed innocent until proven guilty. This means being proven guilty by a fair and impartial jury of one's peers in a court of law. This does not mean being proven guilty by the media or

any other person whom is not on the accused -- on the jury of the accused. This country has been a witness to how the alleged suspect, Timothy McVeigh, has already been crucified by all of the lies put forth by the media. Is there anyone who actually believes that he will receive a fair trial? Where will they find a fair and impartial jury that has not been spoiled by the media's handling of all this?

"Does he not have the right to the assistance of counsel for one's defense, as do all Americans? Obviously not, because he is, his appointed public defense lawyers want off the case, and are being forced to defend someone who they do not want to defend. Where is the justice in this? This is not how our republic system of government works. I believe that they all need to step back and expose the media for what they are, money-hungry vultures who prey on people in their time of need, just for the sole reason of getting a juicy story. They do not show the truth, or they're not even out to find the truth, as one would like to believe. So next time you turn on

Lori Fortier - Cross

your TV or open a newspaper, please think twice before you believe what you hear or what you read.

"If the people of America would question the media and wanted to hear the truth, maybe the vultures would stop preying on us and thus our country would in turn run in the way it was meant to. But until" they make -- "until then, many innocent people's lives will be ruined."

MR. JONES: Your Honor, may I publish this on the ELMO?

THE COURT: Yes.

BY MR. JONES:

Q. Now, Mrs. Fortier, this statement, P82, consists of two pages, does it not?

A. Yes.

Q. All of which is in your handwriting?

A. Yes.

Q. And I put it there on the monitor. Can you see it where you are?

A. Somewhat, yes.

Q. Now, you made numerous revisions, deletions, and additions to it, didn't you?

A. Yes.

Q. So I take it that you gave some thought before writing this?

A. Somewhat.

Lori Fortier - Cross

Q. Okay. Had you ever written a press statement before?

A. No, I had not.

Q. Now, do you have in front of you Mr. McVeigh's Exhibit P83?

A. Yes.

Q. And what is this? Can you identify it?

A. Yes. It's another rough draft of the same letter.

Q. All right, and when was this written?

A. The same day.

Q. Was this the second draft, or the first draft?

A. I'm not sure.

Q. All right. But you recognize it as being in your handwriting?

A. Yes, I do.

MR. JONES: Your Honor, I move the admission of P83.

MR. HARTZLER: Same objection.

THE COURT: P83 is received.

MR. JONES: Now -- may I publish this, your Honor?

THE COURT: Yes.

BY MR. JONES:

Q. Now, this one also had corrections and additions, did it not?

A. Yes, it did.

Q. And it's on your monitor now. Can you see it?

A. Yes.

Q. Would you read it to us.

Lori Fortier - Cross

A. "First and foremost, I would like to express my --"

Q. Just a moment. I think you overlooked something.

A. The title was "Judge not, for ye shall be judged.

"First and foremost, I would like to express my condolences and sympathy to all involved in the Oklahoma City tragedy. I would also like to believe that my fellow Americans

are educated enough to know that here in our great country, the

United States of America, one of the basic fundamental principles of our government is that one is presumed innocent until proven guilty. What this means is that no one has to be proven guilty --" I can't read the rest of that.

Q. All right, just go on down to the part that you can read.

A. Okay. ". . . or include being proven guilty in the media's

eyes or for that --" Okay. I can't read that part, either.

". . . the alleged suspect, Timothy McVeigh, has been portrayed

in the media; and it truly sickens me when I see my friend's -

-
yes, my friend's face portrayed on the front of Time magazine as the face of terror. Is there any naive person out there who

could actually believe that Timothy McVeigh will possibly receive a fair trial? He is to be tried in Oklahoma City, where it will be virtually impossible to find a fair and

where it will be virtually impossible to find a fair and impartial jury of his peers."

Do you want me to read the back side of this?

Q. Yes, please.

A. "Not to mention that his right to having the assistance of

Lori Fortier - Cross

counsel for one's defense has already been thrown out the window. All of this for what reason or on what --" I can't read that part. I'm sorry.

Q. That's fine. Go ahead to the part you can read.

A. "Was this only because he fit the description on the composite sketch? In this country, there are probably half a million people that could fit that sketch. Hell, for that matter, there are probably a lot of people who fit it better than Tim McVeigh. What I mean by that is that --" I can't read

all of that.

Q. That's fine. Just skip down to the part you can read easily.

A. ". . . needed someone to arrest for this crime, because in our country's time of need, our president came to us preaching hate and death, when he should have assured the people of this country that our great republic would righteously resolve this crime through our courts. So next time you turn on your TV, read a newspaper, or even talk with your friends, hopefully you

will think twice before you believe everything you see, read, and you hear, because next time, when you're least expecting it, one of your friends may be the one who's accused of a horrific crime of which you know and believe in your heart that

he and she is not guilty of."

Q. All right. Would you turn back to the first page, please.

A. Okay.

Lori Fortier - Cross

Q. And do you see the label on the side that says "FBI Laboratory"?

A. Yes, I do.

Q. Now, right at the bottom of that, if you would look over about half an inch, there is a statement that says: "yes, my friend's face." Do you see that?

A. Yes.

Q. And here you put "MY FRIEND" in capital letters, didn't you?

A. Yes, I did.

Q. You were referring to Tim McVeigh?

A. Yes.

Q. The man that you thought was going to kill you just a few weeks before?

A. Yes, I was.

Q. Mrs. Fortier, in April of 1995, how old were you?

-
A. 22.
Q. And you and Michael had met in high school?
A. Yes.
Q. And then following high school graduation for yourself, you had gone up to Manhattan and lived with him because he was in the Army up there at Fort Riley?
A. Yes.
Q. And then you and your husband, or you and Michael had a daughter, Kayla?

Lori Fortier - Cross

A. Yes.
Q. And she was born on February the 14th, 1993?
A. Yes.
Q. And then you and your husband were married at Treasure Island -- was that it? Did I get that correct?
A. Yes.
Q. In Las Vegas?
A. Yes.
Q. And when was that?
A. January 25 of '94.
Q. January 25 of '94?
A. Yes.
Q. And that's where Mr. McVeigh was the best friend at your wedding.
A. Best man, yes.
Q. I'm sorry. Best man at your wedding. Thank you.
And then when you and Michael went on a honeymoon -- where? There in Las Vegas?
A. No, we went on a honeymoon in California.
Q. Then Mr. McVeigh was a good enough friend that he stayed in your house and kind of looked after it while you were gone.
A. Yes.
Q. And then you have a second daughter?
A. No, we have a son.
Q. And the son's name, Michael?

Lori Fortier - Cross

A. Yes.
Q. And he was born when?
A. January 28 of '95 -- '96, I'm sorry.
Q. Now, in -- prior to April the 19th, 1995, your life there in Kingman was routine?
A. Pretty much.
Q. Kingman is a small town?
A. Yes.
Q. Right off Interstate 40?
A. Yes.
Q. Just before you get to California?
A. Yes.

Q. And you and Michael were living in a trailer house, or two trailer houses there put together.

A. One trailer house, yes.

Q. One trailer house. And you had the Jeep.

A. Yes.

Q. And both of you were unemployed.

A. Yes.

Q. And then on April the 21st, or thereabouts, would it be fair to say the world came knocking at your door?

A. Yes.

Q. And your phone lines were inundated with calls from the media?

A. Yes, they were.

Lori Fortier - Cross

Q. ABC, NBC, CBS; correct?

A. Yes.

Q. CNN?

A. Yes.

Q. Even French television?

A. Yes.

Q. And most of the nation's leading newspapers and magazines?

A. Yes.

Q. And television magazine shows such as "Dateline", "PrimeTime," and so forth?

A. Yes.

Q. And they all called?

A. Yes.

Q. And they all wanted to talk to Michael and Lori Fortier?

A. Yes.

Q. These "vultures," you described them?

A. Yes.

Q. And you talked with them?

A. On one occasion, like Michael talked to CNN.

Q. One time Michael talked to CNN on camera, didn't he?

A. Yes.

Q. But he also talked with various persons from ABC and NBC on

the telephone?

A. I'm not really sure.

Q. When you would leave your house, you and Michael, or just

Lori Fortier - Cross

you, were there media representatives outside your house?

A. Yes, there were.

Q. And you lived in a very small lot there, didn't you?

A. Yes.

Q. You were how far from your nearest neighbor?

A. A hundred feet.

Q. And how far were you from the street?

A. Same.

Q. Beg your pardon?

A. The same, a hundred feet.

A. The same, a hundred feet.

Q. So the media would, what, gather there on the street or across the street?

A. Both, across the street and like directly in front of our house.

Q. All right. With cameras?

A. Yes.

Q. And those booms that have that microphone on the end of them?

A. Yes.

Q. And there wouldn't just be one or two of them there, there would be a half a dozen or a dozen?

A. On some occasions, yes.

Q. And when you or you and Michael would leave the house and go for a walk, maybe carrying Kayla in the stroller, they would

follow you, wouldn't they?

Lori Fortier - Cross

A. We never really went for a walk with Kayla.

Q. Well, when you went for a walk by yourself.

A. No, I really didn't walk around while all this was happening.

Q. Did you and Michael walk around?

A. No.

Q. You didn't?

A. No.

Q. Well, have you seen the pictures of you and Michael on television walking around outside your house, getting in the car, getting out of the car?

A. That's not outside of our house, that's coming back from the lake and another occasion from Michael's parents.

Q. You remember one time you walked into the front of your house and you waved to them?

A. No.

Q. You don't remember that?

A. No.

Q. Well, did they come up in your yard?

A. Yes, sometimes.

Q. Did they knock on the door?

A. Yes.

Q. Did they look through the windows?

A. Not that I was aware of.

Q. All right. So they stayed outside your house, sometimes

Lori Fortier - Cross

came up and knocked on the door and always called you.

A. Yes.

Q. In fact, there came a time when you wouldn't answer the phone, you would first wait and see who was calling on the telephone recorder; and if it was a friend, then you'd pick it up, and if a media person, you wouldn't necessarily talk to them.

.....

- A. Yes.
- Q. Although sometimes you did; is that correct?
- A. Personally?
- Q. Yes.
- A. On a few occasions, yes.
- Q. Did Michael?
- A. Yes.
- Q. All right. Now, in addition to the media, when you would leave your house, did you also notice agents of the Federal Bureau of Investigation?
- A. Yes.
- Q. And were they keeping you under surveillance?
- A. Surveillance.
- Q. And were they stationed in automobiles or standing?
- A. There was -- they were in various locations. There was about four around the house.
- Q. Four locations?
- A. Yes, four agents in different cars.

Lori Fortier - Cross

- Q. All right. And were they all sitting in automobiles, or were any of them out standing?
- A. They were all in automobiles.
- Q. So there were four automobiles at different places around your house?
- A. Yes.
- Q. And there was at least one agent per automobile?
- A. Yes.
- Q. And were they there all the time?
- A. Yes, pretty much.
- Q. Were they there at night?
- A. Yes.
- Q. Were they there on Sunday morning?
- A. Yes.
- Q. Were they there on Saturday afternoon?
- A. Yes.
- Q. Were they there at 4:30 in the morning?
- A. Yes.
- Q. So they were always present?
- A. Pretty much.
- Q. And the media was always present?
- A. Yeah.
- Q. And this lasted day after day?
- A. Yes.
- Q. And it began to wear and tear on yours and Michael's and

Lori Fortier - Cross

- Kayla's nerves, didn't it?
- A. Somewhat, yes.
- Q. Did you ever feel like you were a prisoner in your own home?
- A. Yes.

Q. Did you ever make statements to your friend Norma like "I want my life back, I'm starting to get pissed"?

A. Yes.

Q. And that was really how you felt, wasn't it?

A. At the time, yes.

Q. And in fact, you told your friend, "I'm so sick of it."

A. Yes.

Q. And on another occasion, "I'm so sick of answering the same

damned questions over and over"?

A. Yes.

Q. And you heard your husband say, "I'm too stressed"?

A. Not that I recall. He may have said that.

Q. Well, that's how he was, wasn't he?

A. What, stressed?

Q. Yes.

A. Some days, yes; some days, no.

Q. Some days he wasn't stressed?

A. Not bad.

Q. Not bad?

And did you hear Mike saying, "We were trying to get

Lori Fortier - Cross

our wits back and our life back"?

A. No.

Q. You didn't hear him say that?

A. No.

Did you ever hear him say, "I don't want to talk shit to nobody"?

A. I'm not sure what you're referring to.

Q. I'm just asking you if you heard him make that statement.

A. Not that I recall.

Q. Was there a time when you had a serious headache for two days that wouldn't go away?

A. It wasn't a headache. I was sick during that period of time.

Q. And Mike's back was killing him.

A. Yes.

Q. And did you hear him say, "You don't know what we're going through"?

A. I'm -- he possibly could have said that.

Q. Did you tell your mother one time, "No, God, Mom, I'm not too great, but we're hanging in there"?

A. Yes.

Q. And did one of your friends tell you about Peggy, and you say, "I hate to be rude, but I don't give a shit about Peggy's problems right now"?

A. Yes, I did. That was my mother.

Lori Fortier - Cross

Q. Beg your pardon?

A. That was my mother I was talking to.

Q. Sure. And the baby was up late at night and wanted attention, didn't she?

A. No, not that I know of.

Q. She didn't stay up till past midnight just fighting to stay awake, but she was too scared to go to sleep?

A. Not that I know of.

Q. You didn't hear Michael say that to his mother?

A. No.

Q. Did you ever hear Michael just say, "I'm sick of this shit"?

A. I'm sure he did.

Q. Certainly that's how he felt, isn't it?

A. Yes.

Q. And did you ever hear Michael say that Kayla was driving him fucking nuts lately?

A. No.

Q. And that she went violent on him?

A. No, not at all.

Q. Well, I mean for a child. I'm not suggesting

A. I'm not sure -- I don't know what you're referring to.

Q. Pushing him, shoving him, beating on him?

A. Kayla?

Q. Yes.

Lori Fortier - Cross

A. No.

Q. Did you ever hear Michael say that he was really being harassed?

A. Not that I recall.

Q. Well, did you make the statement that you were sick of running around everybody's house to get away from the media?

A. Yes, I did.

Q. So between April the 21st and sometime in May, you and your husband were near a state of physical and emotional exhaustion?

A. I don't know if I'd classify it that way.

Q. How would you classify it, Mrs. Fortier?

A. It was a very hard time.

Q. Hardest you'd ever been in?

A. Yeah. No, this was kind of harder right now.

Q. I mean up to that time, it was the hardest?

A. Yes.

Q. You were broke.

A. Yes.

Q. Unemployed.

A. Yes.

Q. FBI after you.

A. Yes.

Q. You thought your phones were tapped.

A. Yes, we did.

Q. You thought the house was bugged.

Lori Fortier - Cross

A. Yes, we did.

Q. And they were going around knocking on everybody's doors; in fact, Michael said the people in town were blaming him for what had happened to Kingman, didn't he?

A. Yeah. I'm not really sure to what you're referring.

Q. Now, with respect to a question that I asked you a while ago, I'd ask you if yesterday while you were under oath this question wasn't asked of you and you didn't give this answer.

MR. JONES: Page 5736, Mr. Hartzler, line 4.

Just a moment, ma'am.

MR. HARTZLER: I don't want to delay this. Why don't we proceed.

THE COURT: Okay.

BY MR. JONES:

Q. "Question: What was it that scared you?

"Answer: 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."

Did you make that statement yesterday?

A. I may have.

Q. Do you have any reason to believe it's been taken down wrong by the court reporter?

A. What I meant by that was --

Q. I didn't ask you that.

A. Okay. I don't know.

Lori Fortier - Cross

Q. Okay. Now, did there come a time when you and Michael and some of your friends began to talk about the fact that you could make a lot of money from the media on this deal if the story or fable, as you called it, was right?

A. I don't know what you're referring to.

Q. Well, did you ever hear Michael say after talking about Geraldo, "I found my career"?

A. No, I did not.

Q. You didn't hear him say that?

A. No, not that I know of.

Q. Who is John Fortier?

A. Michael's brother.

Q. Where does he live?

A. He's in the military.

Q. Was he out there part of the time?

A. Yes, part of the time.

Q. There in your house?

A. I don't really remember John coming over to the house.

Q. Did he call the house?

A. He may have.

Q. Were you usually there when Michael talked?

A. Sometimes I was, sometimes I wasn't.

Q. You didn't hear Michael say to John, "I found my career 'cause I can tell a fable"?

A. No.

Lori Fortier - Cross

Q. Did you hear him say, "I could tell stories all day"?

A. No, I didn't.

Q. Did you hear John, say, "Yeah, you've got to get something strange and different"?

A. If it was on the phone, how could I hear John?

Q. I'm just asking you if you did.

A. No.

Q. Was John in your house at times?

A. No.

Q. Did you ever hear Michael say, "Well, this is pretty much strange and different, what I'm involved in"?

A. No.

Q. Were you ever present in a discussion where Michael -- and who is Irene Fortier? Is that his mother?

A. Yes, it is.

Q. Were you ever present when Michael and his mother talked about selling a video for 50 grand?

A. No.

Q. Did you ever hear Michael say, "I could pay off my house and my truck, and then I could like move away from here"?

A. No.

Q. Did you ever have any such discussions with Michael?

A. Not really.

Q. Did you ever remember Michael saying, "Where the money's at -- you worried about money, where the money's at is in

Lori Fortier - Cross

movies, the book rights"?

A. Yes, I do remember that conversation.

Q. That was a conversation with his mother, wasn't it?

A. Yes, it was with his mother; and his father, I think, was also there.

Q. And his father's name is Paul?

A. Yes.

Q. Did you hear Paul say, "No, but there are people who would help us do it"?

A. Yes.

Q. That was a conversation that took place on or around May 6,

wasn't it?

A. Yes. Also in that conversation --

Q. I'm sorry, you've answered the question. Thank you.

A. Okay.

Q. And your mother's name is Lori Hart, isn't it?

A. No. My mother's name is Ila.

Q. Ila, that's right. But who is Lonnie Hubbard?

A. Michael's best friend from the Army.

Q. And you knew Lonnie?

A. Yes.

Q. And did you ever hear Michael say to Lonnie, "Yes, it's all building. The less I say right now, the bigger the price is going to be later"?

A. No, I don't recall that.

Lori Fortier - Cross

Q. Did you ever hear any conversation about "TV movies are going to be centered around the actual building blowing up, though, you know what I'm saying"?

A. No.

Q. Did you ever Michael and Lonnie talk about "You might get some bank out of this deal"?

A. No.

Q. Do you have a friend or does Michael have a friend named Glen?

A. Yes. Michael does.

Q. What's Glen's last name?

A. Bringle.

Q. I'm sorry, ma'am?

A. Bringle.

Q. Can you spell that?

A. B-R-I-N-G-L-E.

Q. Did you ever hear Michael tell Glen when they were talking about selling his story, Michael saying, "I was thinking one cool one," referring to \$1 million?

A. No.

Q. You didn't hear that?

A. No.

Q. Did you ever hear Michael have a conversation with Glen in which he said, "Oh, I want to wait till after the trial to do the book and movie rights"?

Lori Fortier - Cross

A. No, not at all.

Q. Did you hear Glen say, "There you go"?

A. No. Glen never came over to our house.

Q. Did he talk on the phone?

A. I don't know if Michael talked to him or not.

Q. Well, you knew the FBI taped your conversations?

A. Yes.

Q. And I believe you told Mr. Hartzler yesterday that you had gone over those tapes?

A. Yes.

Q. Did you go over Michael's tapes?

A. No.

Q. So you just went over your tapes?

A. The tapes I was in, yes.

Q. Right. Did you find many inaccuracies?

A. No. Not with the ones that are out there now.

Q. Right. Well, I'm talking about the ones that -- where your telephone conversations were recorded and your conversations

telephone conversations were recorded and your conversations in your house were recorded.

A. No, I did not.

Q. The FBI did a pretty good job of typing up a transcript that accurately reflected what you said?

A. Yes.

Q. And what your friends said?

A. Yes.

Lori Fortier - Cross

Q. Do you have any reason to believe that they wouldn't be just as accurate, say, typing Michael's conversations?

A. No, I don't have any reason to believe that they wouldn't.

Q. Do you have any reason to believe that they would put words in your conversation or Michael's conversation that wasn't there?

A. No, I don't.

Q. Well, you do know, do you not -- well, strike that.

You were present when there were conversations with Michael and members of his family about making money off this story from the media?

A. On one occasion that I know of.

Q. One occasion. When was that?

A. The one you referred to with Paul, Irene, me, and Michael.

Q. Would it surprise you to know it was discussed by Michael on more than one occasion?

MR. HARTZLER: I object, your Honor.

THE COURT: Sustained.

BY MR. JONES:

Q. Did you talk with Michael privately about making a cool mill off this case?

A. No. No.

Q. When was the conversation with Michael's parents that you do remember in which this subject of money and the media was discussed?

Lori Fortier - Cross

A. I'm not sure of the exact date.

Q. Was it several weeks after the attention had first come to you?

A. It was in May.

Q. Wasn't it just before you called the FBI and said you wanted to correct your statements, or Michael called?

A. Not that I know of, no.

Q. Was it just a few days before?

A. I would say it was in the first part of May.

Q. Now, these people in the media that you were present in that one conversation that you were talking about, are these the same vultures that you were talking about earlier?

A. Yes.

O. Now, you and Mr. Fortier, as I understand it, came to

Oklahoma City, drove here because you had a grand jury subpoena?

A. Yes.

Q. And you met out at a motel with Mr. Zimms, Special Agent Zimms, and Special Agent Volz -- is that correct -- or was it another one?

A. No, that was it.

Q. And have they been the agents that have pretty much been the case agent with respect to you?

A. At sometime they were. While we were in Oklahoma.

Q. All right. But there's been another case agent since then?

Lori Fortier - Cross

A. Yes.

Q. Did you know Floyd Zimms and Mr. Volz when they came to see you that day?

A. No.

Q. You hadn't met them before?

A. No.

Q. All right. How is it that they happened to come there?

A. We called the number on the back of the subpoena and talked to the travel lady that arranges travel.

Q. Right.

A. And she gave us their number and got a hold of them, told them that we wanted to talk to agents.

Q. Okay. And then did they call and say they'd be out about 5:30?

A. Yeah.

Q. And they showed up right about 5:35?

A. Yeah.

Q. And you and Michael had a conversation with them?

A. Yes, we did.

Q. And Michael told them that he wanted immunity from prosecution, didn't he?

A. Yes.

Q. And they didn't make any promises to him, did they?

A. No, they did not.

Q. They said that was not something that they had direct

Lori Fortier - Cross

control over, they have to talk to the U.S. Attorney and so forth?

A. Yes.

Q. Well, you and Michael wanted immunity, didn't you?

A. Yes.

Q. That's why you asked for it?

A. I guess.

Q. And if you could have gotten immunity from prosecution, wherein neither you nor your husband could be prosecuted, you

could then go out and sell your story to these vultures in the media, couldn't you?

A. No.

Q. No?

A. No, I never had any intention of selling my story.

Q. I see. Did Michael?

A. No, not that I know of.

Q. Are you still married to him?

A. Yes, I am.

Q. Now, yesterday, as you went over the events concerning the conversation with Mr. McVeigh at various times in September and

October of 1994, I understand you to say that the first time this came to your attention was that Mr. McVeigh wrote a letter

to your husband --

A. Yes.

Q. -- in which he asked him to take direct action against the

Lori Fortier - Cross

government.

A. The letter did not ask Michael to take direct action.

Q. Or said Tim was going to take direct action?

A. Yes.

Q. All right. And not to tell you?

A. Yes.

Q. Yes, meaning not to tell you?

A. Uh-huh.

Q. Is that right?

A. Yes.

Q. Where is that letter?

A. I don't know.

Q. You didn't keep it?

A. No.

Q. So as far as you know, it no longer exists, if it ever did?

A. It did exist, and I don't know where it's at now.

Q. But you don't have it?

A. No.

Q. And then Michael, as I understand it, wrote Tim back and said, "What do you mean by 'direct action,'" and told him that he had discussed it with you?

A. Yes.

Q. Did you keep a copy of that letter?

A. No, I did not.

Q. All right. During this entire case, has the FBI shown you

Lori Fortier - Cross

a copy of this letter that they might have gotten from Mr. McVeigh's car, apartment, or his sister, or friend, or anybody else?

A. No, they had not.

Q. So you haven't seen the letter that you claim your husband wrote since the day he mailed it?

A. No.

Q. Now, you also said that you, at one point later on, prepared, or rather ironed a fake driver's license in the name of Robert Kling; is that right?

A. That I laminated the license, yes.

Q. Yeah. Is that right?

A. Yes.

Q. It was a fake driver's license, according to you?

A. Yes, it was.

Q. But it was made from a kit that your husband ordered.

A. Yes.

Q. I see. Now -- and you were afraid Mr. McVeigh was going to ruin the iron.

A. Yes, I was.

Q. So you put the plastic down on the ironing board and then put a towel over it.

A. Yes.

Q. How many fake IDs have you laminated that way?

A. None.

Lori Fortier - Cross

Q. None. All right. Well, where is that driver's license?

A. I don't know.

Q. Have you ever seen it?

A. Since then?

Q. Yes.

A. No.

Q. So you haven't seen it in any FBI inventory of evidence?

A. No.

MR. HARTZLER: Object. There is no good-faith basis for this question.

MR. JONES: I think there is.

THE COURT: Overruled.

BY MR. JONES:

Q. So the two letters and the driver's license that you claim to have seen or participated in, you've seen again?

A. I never seen the second letter.

Q. Now, then Tim writes Mike and Mike writes back, according to your testimony; is that correct?

A. Yes.

Q. And then a couple of weeks later, Tim visited at your home there in Kingman for two days and said he was planning to bomb a federal building but didn't give a specific building.

A. Yes.

Q. And then you got the impression, though, that it would be a government building.

Lori Fortier - Cross

A. Yes, I did.

Q. And then as I understand your testimony yesterday, about two weeks later, Mr. McVeigh was back; and while he was sitting there in your home, your trailer home there in Kingman -- and incidentally, was Kayla there?

A. Can you repeat the question?

Q. Was Kayla in your home when Mr. McVeigh came back the second time in 1994 and discussed in greater detail the bombing?

A. She may have been sleeping.

Q. All right.

A. Or she may have been with my mother.

Q. Okay. In any event, you and Michael were there?

A. Yes.

Q. And I take it you were sitting in your living room?

A. Yes, we were.

Q. You weren't watching movies that night?

A. No.

Q. Or talking to your friends?

A. No.

Q. And then while you're sitting there in the living room, according to your testimony, Mr. McVeigh says that it's going to be a government building in Oklahoma City; the bomb will be fertilizer, racing fuel, and fuel oil, would be in a rental truck; there would be some 55-gallon barrels, he described the

Lori Fortier - Cross

fuel, drew some diagrams and circles on the shape charge; is that right?

A. Yes.

Q. And he said all that that night?

A. Yes.

Q. Including the business about drawing circles and explaining the shape charge?

A. Yes.

Q. And you were there and you heard that?

A. Yes.

Q. And then a little while later, Terry Nichols shows up; and this was the man that Mr. McVeigh, according to you, had said was going to mix the bomb?

A. Yes. No, Terry was there before that.

Q. So you knew they knew each other?

A. Yes.

Q. So when he said Terry was going to mix it, you knew who Terry Nichols was?

A. Yes.

Q. Because you had seen him?

A. Yes.

Q. You knew he and Mr. McVeigh were friends?

A. Yes.

Q. Traveled together; right?

A. Yes.

Lori Fortier - Cross

Q. Then Mr. McVeigh called you after that and asked you and your husband to find a storage shed for him?

A. Yes -- no, that was before that.

Q. Beg your pardon?

A. That was before that.

Q. All right. So he had called you. Was it before the first conversation about the bombing?

A. No, it was after the first conversation.

Q. After the first one, before the second one?

A. Yes.

Q. And so you went out and tried to find a storage shed, but you couldn't or didn't?

A. We didn't.

Q. All right. And then I understand somewhere along this period of time, Mr. McVeigh also told you that he had some stolen explosives?

A. Yes, after he got to the house.

Q. And he told you that he had found some racing fuel at a racetrack; already had it. Is that correct?

A. Yes.

Q. When did he tell you that?

A. It was after that.

Q. After when?

A. After he and Terry showed up.

Q. All right. Was it before, or after the first meeting where

Lori Fortier - Cross

it comes out?

A. After.

Q. Was it before, or after the second meeting?

A. After.

Q. Was it during the second meeting?

A. It probably was during the second -- second meeting.

Q. All right. Was that the one in late September?

A. No.

Q. When was it?

A. It was in like early October.

Q. Did you say yesterday it was late September or early October?

A. I said possibly late September, early October.

Q. So it could have been late September?

A. Well, meaning like the first week of October.

Q. Is the first week of October late September?

A. No, but I'm saying a couple days could have overlapped into

September and then into October.

Q. All right. Now, then, sometime around this in the summer of '94, the three of you go out in the mountains and explode some pipe bomb that Mr. McVeigh had allegedly made; is that

correct?

A. Can you repeat the question?

Q. Yes. In the summer of '94, did the three of you go out in the mountains and a pipe bomb that Mr. McVeigh had built was

Lori Fortier - Cross

exploded?

A. Yes.

Q. So you had seen some small practical demonstration of his knowledge of explosives?

A. Yes.

Q. And then, as I understand it, Mr. McVeigh told you -- incidentally -- Mr. McVeigh told you that he had shown your husband the Murrah Building when they went through town in December of '94.

A. Yes.

Q. And that was the building that was going to be bombed?

A. Yes.

Q. Incidentally, had you told the grand jury when you testified under oath there that Mr. McVeigh had told you this?

A. I'm not sure if I did or not.

Q. In any event, according to your testimony yesterday, Mr. McVeigh had told you --

A. Both Tim and Michael.

Q. Okay, both of them did.

A. Right.

Q. All right. And then there came a time in December, the 14th, when you were wrapping blasting caps in a box with Christmas wrapping, because Mr. McVeigh didn't want anybody to know what was in them?

A. Yes.

Lori Fortier - Cross

Q. In fact, you went out and got some stuff in Wal-Mart and you and your husband met him at his hotel?

A. Yes.

Q. But you still didn't think he was serious?

A. I didn't want to think he was serious because he was a friend of ours.

Q. Well, did you think he was serious or not, Mrs. Fortier?

A. Yes, because I had seen all this stuff. No, because he was

a friend of ours and I didn't want to believe he was capable of doing something like this.

Q. Well, what more would he have had to tell you for you to believe that it was serious, if everything you've said is true?

A. I believe he was serious.

Q. You believe he was serious?

A. Yes.

Q. Then you would agree with me, that if your testimony is accurate, all you had to do to prevent the death of those 168

accurate, all you had to do to prevent the death of these 100 people was to pick up the telephone?

A. Yes.

Q. And you did not do that, did you?

A. No, I did not.

Q. And as a result of your failure to pick it up, 168 people died?

A. Yes.

Q. Is that correct?

Lori Fortier - Cross

A. Yes.

Q. Do your children still live with you?

A. Yes they do.

Q. Do you know Elijah Coverdale is?

A. No.

Q. Do you know who Elijah Coverdale is?

MR. HARTZLER: Object, your Honor.

THE COURT: Sustained.

MR. JONES: Your Honor, it will take me a moment to get the exhibits ready, but we can take a break now.

THE COURT: All right. You make step down now for the recess.

Members of the jury, we'll take our usual 20-minute recess at this time, and of course as usual, please do not discuss the case or any of the testimony or evidence or anything else in connection with it among yourselves or with any other person. Continue to avoid any publicity connected with the case. You're excused now for 20 minutes.

(Jury out at 10:12 a.m.)

THE COURT: Recess, 20 minutes.

(Recess at 10:13 a.m.)

(Reconvened at 10:33 a.m.)

THE COURT: Be seated, please.

(Jury in at 10:33 a.m.)

THE COURT: Please resume the stand.

Lori Fortier - Cross

Mr. Jones, you may continue.

MR. JONES: Thank you, your Honor.

BY MR. JONES:

Q. Mrs. Fortier, there came a time in August of 1995, didn't there, when your husband pled guilty to an indictment that had been returned by the grand jury?

A. Yes.

Q. And among the charges that he pled guilty to were false statement to the FBI, misprison of a felony, conspiracy to transport in interstate commerce stolen property, meaning the guns, and then the substantive count of transportation. Is that your understanding?

A. Yes, it is.

Q. And you previously already indicated that you thought your

husband's maximum sentence could be 23 years.

A. Yes.

Q. But you did not know what the minimum could be.

A. No.

Q. He signed a plea agreement, I believe you indicated, of cooperation with the Government.

A. Yes.

Q. And the degree of his cooperation is to be determined by the Government. Is that your understanding?

A. Yes.

Q. And are you also obligated to cooperate with the

Lori Fortier - Cross

Government?

A. Yes, I am.

Q. And the downward departure of his sentencing guidelines application that you mentioned earlier is dependent upon his cooperation, isn't it?

A. I think so.

Q. And that would also include your cooperation, wouldn't it?

A. No.

Q. No?

A. Not contingent with Michael's, no.

Q. Now, at the same time that Mr. Fortier was charged by the grand jury and pled guilty, you were not charged.

A. Yes.

Q. And you testified in front of the grand jury?

A. Yes, I did.

Q. And before you testified in front of the grand jury, you invoked your Fifth Amendment right to remain silent. Is that correct?

A. I received immunity.

Q. Well, didn't you first invoke your right to remain silent and then granted immunity by the court?

A. Yes.

Q. All right. And that was in a formal judicial proceeding.

A. Yes.

Q. So you were not willing to testify until -- and tell the

Lori Fortier - Cross

ladies and gentlemen of the grand jury what you claimed to know

about the Oklahoma City bombing conspiracy until you received an order of immunity from the United States District Court.

Is

that right?

A. Yes.

Q. And once you received the immunity which would preclude your prosecution based upon anything you said, you would testify; is that correct?

A. Yes.

Q. And you did that in front of the grand jury?

A. Yes.

Q. Now, subsequently, you were subpoenaed to testify in this trial; is that correct?

A. I never received a subpoena, no.

Q. So you just appeared?

A. I was given immunity and then I appeared, yes.

Q. Well, I mean you got on a plane and came to Denver.

A. Yes.

Q. So you weren't even subpoenaed?

A. No.

Q. Is that right?

A. No, I wasn't.

Q. Do you know maybe whether -- if your lawyer formally accepted a subpoena on your behalf?

A. I'm not sure.

Lori Fortier - Cross

Q. All right. Well, in any event, you weren't served with a subpoena personally?

A. No.

Q. And you came to Denver?

A. Yes.

Q. And before you agreed to take the stand and testify as you did yesterday, you again said that you needed immunity. Is that correct?

A. Yes.

Q. So that nothing that you said yesterday or today could be used against you unless, of course, the Government decided you were lying?

A. Yes.

Q. But the decision on whether you gave false testimony is one that rests with the Government, at least as far as charging you; is that correct?

A. Yes.

Q. Doesn't rest upon anything I may think?

A. No.

Q. Now, excuse me. You also indicated that you had met on some ten times, give or take a few, with Mr. Hartzler.

A. Yes.

Q. Did you discuss with Mr. Hartzler your knowledge of the facts as you claim them?

A. Yes.

Lori Fortier - Cross

Q. Now, did you receive any kind of immunity order from that?

A. What do you mean?

Q. Well, in other words, did you receive any type of immunity before you would talk with Mr. Hartzler?

A. We talked under what was called a proffer.

Q. All right. So you wouldn't even talk to the Government prosecutors unless you were also safe from prosecution?

A. Yes.

Q. Now, did your agreement also cover in some way an understanding with the district attorney of Oklahoma County?

A. Not that I know of, no.

Q. All right. So are you telling us that as far as you know, you could still be prosecuted in Oklahoma County?

A. No, because the immunity protects me from that.

Q. So it's your understanding that the immunity protects you not only from the federal prosecution but from the state prosecution?

A. Yes.

Q. So your testimony that you gave today and today (sic), there is no fear of prosecution by you unless the Government thinks you've given false testimony.

A. Yes.

Q. So that includes your testimony about drug use and possession?

A. Yes.

Lori Fortier - Cross

Q. You can't be prosecuted for that; is that correct?

A. Yes.

Q. You can't be prosecuted for your claims of making this laminated license plate or assisting in it; is that correct?

A. Yes.

Q. You can't be prosecuted for going out and looking for storage sheds that may or may not have been involved in this conspiracy; is that correct?

A. Yes.

Q. And whatever efforts you may have made with respect to selling guns which you say are stolen: You can't be prosecuted for that?

A. No, I cannot.

Q. So everything that you may have said yesterday and today which indicates criminal liability on your part, you are safe from prosecution, both federal and state.

A. Yes, I am.

Q. And I take it you don't expect to be prosecuted in Arizona, either.

A. No.

Q. For the drug offenses there?

A. No.

Q. And the only exception to that is if the Government thinks you've given false testimony?

A. Yes.

Lori Fortier - Cross

Q. You knew or have known Tim McVeigh for, what, seven, eight, nine years?

A. Yeah.

... team.

Q. Would you say he was a kind of a secretive type of fellow?

A. Somewhat.

Q. I mean, he used a lot of Army jargon and military terms, didn't he?

A. Sometimes.

Q. And used code words: code red, code purple, code orange?

A. Yes.

Q. He'd show up unannounced late at night?

A. No.

Q. Well, didn't he park his car outside one of your -- your house one time and he showed up late at night to get in it; he had been off somewhere?

A. I don't know what you're referring to.

Q. He'd show up at your house, kind of be on the outskirts of town, and call and say he'd be there?

A. Yes.

Q. He'd package things, according to you, in Christmas wrapping and put them into cars so people wouldn't know what they were?

A. Yes.

Q. Talked about government conspiracies in the UN?

A. Yes, he did.

Lori Fortier - Cross

Q. Kind of like they were in the next county, weren't they?

A. Yes.

Q. And thought the government had killed these people down at Waco?

A. Yes, he did.

Q. And sent you books about it?

A. Yes, or just dropped them by our house.

Q. Used phony names and aliases?

A. Yes.

Q. And kind of lived out of his car?

A. Yes.

Q. Traveling here and there?

A. Yes.

Q. Are you familiar with a character known as Walter Mitty?

A. No.

Q. Now, in all of the times that you saw Tim McVeigh, did you ever see him do anything -- and we're not talking about what he

talked about but about what he did. Did you ever see him do anything that you knew to be a crime?

A. The pipe bomb incident.

Q. What was that incident?

A. It's probably not legal to have a pipe bomb and blow it off.

Q. Do you know that, or are you just assuming that?

A. I'm assuming that.

Lori Fortier - Cross

Q. Anything else?
A. I seen him with the stolen weapons.
Q. Well, he said they were stolen?
A. Yes, he did.
Q. You're talking about this fellow Bob from Arkansas?
A. Yes.
Q. You never talked to Bob?
A. No, I did not.
Q. You never saw a stolen weapon report?
A. No.
Q. Anything else?
A. Yes. Like the explosives that he gave Michael.
Q. The explosives that he gave Michael. What was illegal about that?
A. It's not legal to have explosives.
Q. It isn't?
A. No.
Q. Who told you that?
A. I don't think it's legal to have explosives.
Q. Okay. Well, that's what you think. Right?
A. Yes.
Q. Okay. Well, notwithstanding these things, you were perfectly willing to make bed and board available to this man, there, living in the same house where your small child lived; is that correct?

Lori Fortier - Cross

A. Yes.
Q. Now, do you remember a conversation that took place on or around May 12 with your husband and yourself and Jim Rosencrans?
A. Yes, I do.
Q. And where did that conversation take place?
A. In our living room.
Q. In your living room, in your house?
A. Yes.
Q. And you've seen that transcript, haven't you?
A. Yes, I have.
Q. Because that was one of those conversations that was recorded by the Federal Bureau of Investigation pursuant to a court order.
A. Yes.
Q. And did you hear your husband say, "I never heard, I never -- Tim never said to me about taking a direct positive action against the government"?
A. Yes.
Q. But according to you, Tim had talked about that in a letter to your husband.
A. At the time, we were lying about everything to everyone. Yes.
Q. You were lying about everything to everyone.
A. Yes.

Lori Fortier - Cross

Q. And that's your explanation for it?

A. Yes.

Q. Okay. And did your husband go on to say, "He talked about writing letters"; is that right?

A. Yes, he did.

Q. And you said, "He talked about informing people"?

A. Yes.

Q. And didn't Mr. Rosencrans say, "He wrote a letter to his hometown newspaper"?

A. Yes.

Q. Well, now, those weren't lies, were they?

A. No, they weren't; but they weren't like the complete truth, either.

Q. Well, but they weren't lies. I mean, Mr. Rosencrans, when he said that Tim had written a letter to the hometown newspaper, he had written a letter to his hometown newspaper, hadn't he?

A. I didn't know that he had. It had been reported that he had.

Q. Okay. And you volunteered that he talked about informing people; and he did, in fact, talk about that, didn't he?

A. Yes.

Q. Used to carry a lot of literature in his car and hand it out?

A. Not really.

Lori Fortier - Cross

Q. Not really?

A. No.

Q. You didn't see when you went to these gun shows where he was that time -- you didn't see literature stacked on his table?

A. Sometimes, yes, I did see literature stacked on the tables.

Q. Okay. Now, you had a conversation with Mr. Zimms and Mr. Volz out at the motel in May, and they got -- made the necessary arrangements for you to get a court-appointed lawyer?

A. Yes.

Q. That was Mr. Mack Martin of Oklahoma City?

A. Yes.

Q. And he's here with you; is that right?

A. Yes, it is.

Q. He was in court yesterday?

A. Yes.

Q. And he's in court today?

A. Yes, he is.

Q. Then you testified in front of the grand jury in August?

A. Yes.

Q. What did you do between May and August?

A. We lived between Arizona -- and we travelled to Oklahoma

A. WE LIVED BETWEEN ARIZONA AND WE TRAVELLED TO OKLAHOMA.

Q. Did Mr. Martin ever come to Arizona?

A. No, he did not.

Q. Did Mr. Hartzler ever come to Arizona where you were?

Lori Fortier - Cross

A. No, he did not.

Q. Did any of the other Government prosecutors come to Arizona?

A. Yes. To interview my parents.

Q. All right. But not you?

A. No.

Q. Or Michael?

A. No. Michael wasn't there.

Q. Now, after your trip to Oklahoma City in May of 1995, did any FBI agents ever interview you again at your home in Kingman?

A. No.

Q. So all of the interviews that you had then with the prosecutors, Mr. Hartzler and his colleagues and the FBI special agents, occurred where? Oklahoma City?

A. Oklahoma City and here in Denver.

Q. All right. But first Oklahoma City and then in Denver?

A. Yes.

Q. And when you went to Oklahoma City, between May and August of 1995, did you talk with them and have interviews with them on every trip?

A. Yes.

Q. And about how many times did you go from Kingman to Oklahoma City in August -- between May and August of 1995?

A. Twice.

Lori Fortier - Cross

Q. Twice. And how long were you there?

A. The first time, I was there in May for three weeks.

Q. Three weeks?

A. Yeah.

Q. All right. That's the time in May?

A. Yes.

Q. So you came back to Kingman, when, around the first part of June?

A. Yeah.

Q. And then when was the second time?

A. The middle of June until Michael was sentenced -- or pleaded guilty.

Q. Which was around August 10?

A. Yes.

Q. So actually, from the middle of May, when you came to testify to the grand jury, until Mr. Fortier pled guilty, you essentially lived in Oklahoma City?

A. Yes.

Q. With the exception of that short period of time you went

back to Kingman?

A. Yes.

Q. And did you live there in a hotel?

A. Yes.

Q. And did you see your attorney?

A. Yes.

Lori Fortier - Cross

Q. And did you see him every day?

A. No.

Q. Did you see him several times a week?

A. A couple times a week.

Q. At his office?

A. Yes.

Q. And that was during the entire time you were there?

A. Yes.

Q. Now, when Mr. Martin spoke with you -- I think you testified about this yesterday -- at the motel, after he spoke to you, you no longer, at least for a period of time, had any conversations with special agents of the FBI or the prosecutor -- well, you never talked to the prosecutors, had you?

A. No, I had not at that time.

Q. You didn't have any more conversations with the special agents of the FBI alone, did you?

A. No.

Q. So how long was it from that night in May, when you and your husband met with Mr. Zimms and Mr. Volz, till you met with

the FBI or the prosecutors with Mr. Martin?

A. About two days.

Q. All right. And how long was that meeting?

A. A couple hours, two hours.

Q. And what was discussed at that meeting?

Lori Fortier - Cross

A. My knowledge.

Q. Your knowledge. Well, was there a proffer letter before that?

A. Yes, there was.

Q. Who was present for that meeting?

A. Arlene Joplin and other prosecutors.

Q. Ms. Joplin is a federal prosecutor in Oklahoma City?

A. Yes.

Q. Were there any FBI agents present?

A. Yes.

Q. And you met in the U.S. Attorney's office?

A. Yes.

Q. And you discussed with them what you have described as your knowledge?

A. Yes.

Q. For a couple of hours?
A. Yes.
Q. And that was after the proffer letter had already been agreed to?
A. Yes.
Q. So what did you tell them?
A. I told them the truth, what I know.
Q. You told them the truth, what you know.
A. Yes.
Q. Okay. Well, did you tell them everything you said

Lori Fortier - Cross

yesterday?
A. I think so, yes.
Q. Were there some things you testified to yesterday that you didn't tell them the first time you met when you were telling them the truth?
A. I'm not sure.
Q. When was the next time that you met with the prosecutors or the FBI for that first time?
A. I'm not sure exactly.
Q. Well, how many times were there during that three weeks that you met with the prosecutors or the FBI agents?
A. Two, maybe more.
Q. I'm sorry?
A. Two or so.
Q. Two or so. So average about once every week?
A. Yeah.
Q. And how long were those second and third meetings?
A. I'm not sure if there was like a third meeting. I don't really know how many meetings there was at that time.
Q. You have forgotten how many times you met with them during that period of time?
A. Well, I met with them a lot. I'm not sure exactly the number of times in like early -- in the May time.
Q. So you know there was at least one other meeting?
A. Yes.

Lori Fortier - Cross

Q. And how long did that one last?
A. A few hours.
Q. More than two hours?
A. Possibly.
Q. All day?
A. No, not all day.
Q. Most of the day?
A. Probably a good part of the afternoon.
Q. And again what were you discussing with them?
A. My knowledge.
Q. Your knowledge.
A. Yes.
Q. What you testified to yesterday?

Q. What you testified to yesterday:

A. Yes.

Q. All right. And then there may have been a third meeting. You're not sure.

A. Yes.

Q. Now, when you were talking with them in any one of these meetings, were your conversations being tape-recorded?

A. Not that I know of.

Q. Was there somebody in there taking stenographic notes?

A. There were people taking notes, but I don't know if it was like stenographic notes.

Q. There wasn't somebody there with a machine like

Mr. Zuckerman?

Lori Fortier - Cross

A. No, there was not.

Q. Did you take notes?

A. No.

Q. Did they read any part of these notes back to you?

A. No.

Q. So they just took notes and you talked?

A. Yes.

Q. Did you do most of the talking?

A. Yes. They asked me questions and I answered them.

Q. Okay. And did you tell them everything that you told us yesterday?

A. I believe so.

Q. Well, is there anything that comes to your mind that you left out?

MR. HARTZLER: I object, your Honor.

THE COURT: Overruled.

THE WITNESS: There may be certain things I remember more about later on.

BY MR. JONES:

Q. Can you recall what those are?

A. Yes. The -- like the time in October when he first came.

Q. You didn't remember that in your first two meetings?

A. No. I thought like at first -- I thought that he came alone that second time; but then after later thinking about it,

it's the time that he came with Terry and then Terry left and

Lori Fortier - Cross

Tim was there alone.

Q. What else that you might have left out?

A. That's all that I really remember.

Q. Okay. Then you came back after going back to Kingman for a little while?

A. Yes.

Q. And did you continue to meet with the prosecutors and the FBI agents?

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A. Yes, we did.

Q. Up until the time that Mr. Fortier was indicted and pled guilty?

A. Yes.

Q. And how many times did you meet with them the second sessions that you were in Oklahoma City?

A. Approximately four.

Q. Four times?

A. Yes.

Q. So that would be about one a week?

A. Yes.

Q. And the first time, about how long was that meeting?

A. Most of the day, most of the afternoon.

Q. Most of the day?

A. Yeah.

Q. And again, you were discussing with them what you testified to yesterday?

Lori Fortier - Cross

A. Yes.

Q. And again, it was prosecutors and FBI special agents?

A. Yes.

Q. And of course, your attorney?

A. Yes.

Q. Was Mr. Hartzler present in that meeting?

A. I think he showed up sometime in June.

Q. Okay. And then there was a second meeting that second period of time you were in Oklahoma City?

A. Yes.

Q. And how long did that last?

A. Most of the day.

Q. So that was again an all-day meeting pretty much?

A. Yes.

Q. And again, was that with the prosecutors?

A. Yes, it was.

Q. And the FBI agents?

A. Yes.

Q. And your attorney?

A. Yes.

Q. And the U.S. Attorney's office?

A. Yes.

Q. And then there was yet another meeting?

A. Yes.

Q. And you again told them about what you had testified to

Lori Fortier - Cross

yesterday?

A. Yes.

Q. Anything else?

A. Not that I recall, no.

Q. And how long was that third meeting?

A. Most of the day.

Q. And then there was a fourth meeting?

A. Yes.

Q. And was that again with the prosecutors and agents of the FBI?

A. I remember on one occasion giving handwriting samples when there was no prosecutors there; there was just FBI.

Q. Was that the fourth meeting, or was that some other meeting?

A. I think it was the fourth meeting.

Q. So was there anything that happened there besides giving the handwriting samples?

A. No.

Q. And was there another meeting after the handwriting samples?

A. There could have been. I'm not sure exactly how many there

were, but there was approximately four.

Q. Now, at this point are the meetings pretty much all day?

A. Yes.

Q. Are you all breaking for lunch, or are you eating lunch

Lori Fortier - Cross

there?

A. Usually eat lunch there.

Q. Okay. So somebody would order in some sandwiches or something to eat or drink?

A. Yes.

Q. And then the indictment was returned?

A. No. We went to the grand jury first.

Q. All right. You went to the grand jury, where you were questioned?

A. Yes.

Q. And then the indictment was returned against Mr. McVeigh and Mr. Nichols and another indictment against Michael; is that

correct?

A. Yes.

Q. And then what did you do?

A. I returned to Kingman.

Q. And you did not go back to Oklahoma City again, or you did?

A. I did not.

Q. Then your meetings after that were in Denver?

A. Yes, they were.

Q. When was your first meeting in Denver?

A. I believe it was in October.

Q. Of 1996?

A. Yes.

Q. So from August of 1995 to October of 1996, your testimony

Lori Fortier - Cross

is that you had no meetings with the FBI or the prosecutors about this case.

A. No.

Q. No, it's not; or no, you did not?

A. No, I did not.

Q. All right. Did you see Michael during that period of time?

A. Yes, I did.

Q. Frequently?

A. Yes.

Q. And at whatever custodial institution he was in?

A. Yes.

Q. Talked with him on the phone?

A. Yes.

Q. Frequently?

A. Yes.

Q. And was Michael meeting with agents of the FBI and the prosecutors during that period of time?

A. I'm sure he was, but I don't know what exact times he met with them.

Q. All right. Did he tell you he was?

A. Yes.

Q. Did he tell you how many times?

A. Not that I remember.

Q. Did he tell you what was going on?

A. No.

Lori Fortier - Cross

Q. Not even generally?

A. No.

Are you referring to in the meetings?

Q. No -- in the meetings, yes.

A. No, he didn't tell me what was going on in the meetings.

Q. Then in October of 1996, you had a meeting here in Denver?

A. Yes.

Q. And who was that with?

A. Joe Hartzler.

Q. Joe?

A. Joe Hartzler.

Q. Mr. Hartzler, the prosecutor.

A. Yes.

Q. Were you on a first-name basis with him?

A. No.

Q. And how long was that meeting?

A. Most of the day.

Q. And that was at his office?

A. Yes.

Q. And there were FBI agents present?

A. Yes.

Q. And again, you went over what you testified to yesterday.

A. Yes.

Q. And when was the next meeting?

A. Probably the next month.

Lori Fortier - Cross

- Q. Well, you say "probably." Do you know for sure?
- A. I believe it was right before Thanksgiving.
- Q. All right. And that was also here?
- A. Yes.
- Q. And again, was Mr. Hartzler present?
- A. Yes, he was.
- Q. And FBI agents?
- A. Yes.
- Q. And again, you went over what you testified to yesterday?
- A. I think -- yes, we did; and we also went over the 302's and all that stuff.
- Q. All right. Now, had you gone over the 302's prior to that time?
- A. Never.
- Q. No?
- A. No.
- Q. By 302's, we're talking about witness statements?
- A. Yes.
- Q. That the FBI types up?
- A. Yes.
- Q. Your witness statements?
- A. Yes.
- Q. Did you see anybody else's witness statement?
- A. No, I did not.
- Q. Did you ever see anybody else's witness statement?

Lori Fortier - Cross

- A. No.
- Q. Did you have a meeting in December?
- A. No, I did not.
- Q. Did you have a meeting in January?
- A. No.
- Q. Did you have a meeting in February?
- A. Yes.
- Q. And was that in Denver?
- A. Yes.
- Q. That's February of '97?
- A. Yes.
- Q. And how many meetings did you have in February of '97?
- A. One, I think.
- Q. And how long did that last?
- A. The day.
- Q. The day?
- A. Maybe possibly another day after that, too.
- Q. So it could have been as long as two full days?
- A. Yes.
- Q. And again, that was about your testimony yesterday?
- A. Yes.
- Q. Anything else?
- A. No.
- Q. So did you listen to any tapes or review any 302's --

A. Well, we went over the tapes and everything at the same

Lori Fortier - Cross

time that we went over the 302's.

Q. All right. So how much time was spent listening to tape recordings that the FBI had of you and Mr. Fortier and how much -- as opposed to talking about your testimony?

A. We spent a lot of time going over the tapes. It was probably a whole day.

Q. How did that work? Did you listen to the tapes?

A. Yes, I did.

Q. You put on earplugs (sic)?

A. Yes.

Q. And then the tape was put in?

A. Yes.

Q. And did you have a transcript in front of you?

A. Yes, I did.

Q. And did you make corrections on the transcript?

A. Yes, I did.

Q. So you would sit there and listen to what was said and you'd have the transcript in front of you, and if you had a different impression, you'd correct it?

A. Yes.

Q. But I think you told us there weren't very many of those?

A. No, there was not.

Q. Okay. Now, from time to time, did they ask you about things that were said on the tape?

A. I'm not sure what you mean.

Lori Fortier - Cross

Q. Well, I mean, did they say, well, what did you mean by this, or what do you think Michael meant by this, or what do you think this was in reference to?

A. Yes.

Q. Okay. And how often did that happen?

A. Pretty often.

Q. So they would ask you questions about things on the tapes that they said they didn't understand or wanted information on?

A. Yes.

Q. And did you understand or believe that there would come a time when those tapes and transcripts would be made available to me?

A. Yes.

Q. Okay. Now, did you have another meeting with them in February, or just that one meeting?

A. I think it was just that one meeting.

Q. Did you have a meeting with them in March?

A. Yes.

Q. And when was that?

A. Late March.

Q. Late March. And was that again a meeting with

Mr. Hartzler?

A. Yes, it was.

Q. And was that another all-day meeting?

A. Yes.

Lori Fortier - Cross

Q. And did it last more than one day?

A. It may have.

Q. You don't remember?

A. No.

Q. Did you just have one meeting in March?

A. Yes.

Q. What did you do at that meeting?

A. Same thing: went over my direct questions and went over the tapes and the transcripts of everything.

Q. What do you mean went over your direct questions?

A. He asked me questions, like always.

Q. Questions he would ask you?

A. Just questions he always had asked me.

Q. Well, what did you mean when you said he went over the direct questions?

A. Well, I meant it like as the same questions he like went over yesterday, is the questions he always asked me.

Q. You mean to tell me that in all these meetings, he went over the same questions he asked you yesterday?

A. Pretty generally.

Q. Pretty general? And would you give your answer?

A. Yes.

Q. And then would the two of you talk about your answer?

A. No.

Q. Never?

Lori Fortier - Cross

A. No.

Q. Is that no?

A. That's no.

Q. So your answers never changed?

A. No, they did not.

Q. Did anybody else ask you about your answers?

A. No.

Q. Did anyone say to you, well, you might be asked this on cross-examination?

A. Somewhat, yes.

Q. Somewhat?

A. Yes.

Q. Who asked that?

A. I think Mr. Hartzler did.

Q. And was that at the March meeting also?

A. Possibly.

Q. Was it also at the February meeting?

A. I don't think so.

Q. Was it at any of the earlier meetings?

Q. Was it at any of the earlier meetings?

A. No.

Q. Did you read any of the pleadings that were filed in this case?

A. What do you mean?

Q. The documents, court papers.

A. No.

Lori Fortier - Cross

Q. Now, did you have a meeting in April?

A. Yes.

Q. And how many meetings did you have in April?

A. One.

Q. And where was that?

A. Here in Denver.

Q. And again, was that with Mr. Hartzler?

A. Yes.

Q. And the agents of the FBI?

A. Yes.

Q. And of course, your attorney.

A. My attorney wasn't present.

Q. Oh, so by this time, your attorney wasn't there.

A. He wasn't here on the last meeting, no.

Q. So you were there without counsel?

A. Yes.

Q. You felt comfortable with that?

A. Yes, I did.

Q. You understood or thought you had a good working relationship with him?

A. I felt I could call my attorney at any time if I had problems.

Q. Did you feel you had a good working relationship with Mr. Hartzler and his staff?

A. I felt comfortable.

Lori Fortier - Cross

Q. With them?

A. Yes.

Q. Now, what happened at the April meeting?

A. Same stuff as usual. We went over questions.

Q. Again, you went over the direct questions?

A. The questions he always asked me, yes.

Q. And again, you answered?

A. Yes.

Q. Did anybody ever critique you?

A. What do you mean by that?

Q. Suggest to you or talk to you about your answers or how you

should sit or appear on the witness stand?

A. No, not at all.

Q. Not at all. No one did that?

A. No.

Q. Did -- in any of these sessions, were your questions and

the questions put to you and your answers videotaped?

A. No.

Q. And did you ever see this courtroom before yesterday?

A. No.

Q. Now, during this period of time that you have been at liberty since the return of the indictment, did you ever take any speech lessons?

A. No, I did not.

Q. Ever practice your testimony at home?

Lori Fortier - Cross

A. No.

Q. Ever given a list of the questions that you were going to be asked?

A. No.

Q. I see. Now, did you have any kind of moot court there with

the prosecutors, in which somebody played the role of prosecutor and somebody played the role of the defense lawyer?

A. Somewhat, yes.

Q. Somewhat. Tell me about that.

A. They did like do like mock cross-examinations of me.

Q. In which somebody played me?

A. Yes.

Q. I'm curious. Who was that?

A. Joe.

Q. Joe? Mr. Hartzler?

A. Yes.

Q. And he also played himself?

A. Yes.

Q. Okay. And he would take you through your direct examination?

A. Yes.

Q. And then he would turn around and take you through a cross-examination?

A. Yes.

Q. Any questions I've left out so far?

Lori Fortier - Cross

A. No.

Q. And how many times did this happen?

A. Twice.

Q. Twice. How long were those sessions?

A. Just maybe a half hour, 45 minutes.

Q. Now, were there other people present when these mock cross-examinations were held?

A. Yes.

Q. And who was that?

A. Aitan Goelman and the FBI agents.

Q. Mr. Goelman is one of the prosecutors?

A. Yes.

Q. And did they make any comments to you?

A. No.
Q. They give you any advice or suggestions on how to dress?
A. No, not at all.
Q. All right. So all of these sessions that you had or meetings with them -- what do you think that added up to? 50, 60 hours?
A. I don't know in hours.
Q. Well, several of them were all-day sessions?
A. Yes.
Q. And several of them were all afternoon?
A. Yes.
Q. And they were spaced out over a period of a year and a

Lori Fortier - Cross

half?
A. Yes.
Q. Now, you indicated that one of them took place in April.
A. Yes.
Q. Now, you testified yesterday; is that correct?
A. Yes.
Q. All right. When did you arrive in Denver for the first time in April?
A. About four days ago.
Q. All right. And four days counting today?
A. Yes.
Q. All right. So you would have arrived, say, Sunday, or Saturday?
A. I got here Friday.
Q. Friday. All right. So about five days ago?
A. Yeah, about five days.
Q. In the morning, or the afternoon?
A. Afternoon.
Q. And did you meet with the prosecutors and the FBI agents on Friday night?
A. Yes.
Q. And that was a meeting held here, or somewhere in downtown Denver?
A. Yes.
Q. How long was that meeting?

Lori Fortier - Cross

A. A couple hours.
Q. And what was discussed at that meeting?
A. This is the April meeting that I was referring to before.
Q. All right. And then did you meet with them again Saturday?
A. Yes.
Q. What time did you start Saturday morning?
A. I believe it was around 10.
Q. What time did you finish Friday night?
A. Around 8.

Q. And so when you met with them Saturday at 10, how long did that last?

A. About nine hours.

Q. I'm sorry? How long?

A. About nine hours.

Q. Nine hours?

A. Yes.

Q. So until early evening?

A. Yes.

Q. And did you have lunch there?

A. Yes.

Q. Did you have supper there?

A. No.

Q. And this was where you went through your direct and mock cross-examination and so forth? Is that correct?

A. I don't know if we did it Saturday.

Lori Fortier - Cross

Q. All right. Well, what did you do Saturday?

A. Just the regular questioning.

Q. Well, how many times did you go through it?

A. What do you mean?

Q. Well, yesterday you testified on the stand from about 2:20 to 5, didn't you?

A. What?

Q. You testified yesterday from about 2:20 in the afternoon to 5:00?

A. Yes.

Q. Okay. That's a little over -- a little short of three hours?

A. Uh-huh.

Q. You met with them nine hours Saturday?

A. Yes.

Q. So how many times did you go through your testimony with them on Saturday?

A. Just once.

Q. And it took nine hours?

A. We also went through like all the transcripts of everything.

Q. Oh, you went through those again?

A. Yes.

Q. You had already been through them.

A. Yes.

Lori Fortier - Cross

Q. All of them?

A. Yes.

Q. And you went through them again Saturday?

A. Yes.

Q. Did you listen to them?

A. No.

... ..
Q. You just read the transcripts?
A. Yes.
Q. And how long did that take?
A. I'm not sure, really.
Q. Did you do anything else Saturday?
A. That's about it.
Q. Then did you meet with them on Sunday?
A. Yes.
Q. What time did you start on Sunday?
A. 9.
Q. 9:00 Sunday morning?
A. Yes.
Q. And how long did that meeting last?
A. Till about 8:30.
Q. 8:30 at night?
A. Yes.
Q. Did you break for lunch?
A. Yes.
Q. Or did you have lunch sent in?

Lori Fortier - Cross

I may have confused you there. I mean did you leave the building for lunch?

A. Yes, we did.
Q. We? You all left together?
A. No, I left with the FBI agent.
Q. How many?
A. One.
Q. All right. You had lunch?
A. Yes.
Q. You came back?
A. Yes.
Q. Did you have a quick lunch?
A. About an hour and a half.
Q. All right. And then you came back and worked with them the rest of the afternoon till 8:30?
A. Yes.
Q. Now, did you have supper there, or did you wait till after 8:30?
A. We waited.
Q. All right. And who -- did you have supper with any Government employees?
A. No.
Q. All right. And then on Monday, did you meet with them?
A. Yes.
Q. Was that before your testimony?

Lori Fortier - Cross

A. Yes.
Q. And what time did you meet with them Monday?
A. It was about 5:30, 6.

Q. In the afternoon?
A. Yes. At night, yeah.
Q. And how long did you meet with them then?
A. Till about 8:30.
Q. In other words, about three hours, a little less than three hours?
A. Yes.
Q. All right. And again, you were doing what?
A. Being questioned.
Q. Being questioned?
A. Yes.
Q. You mean the questions that were asked of you yesterday?
A. Some of them, yes.
Q. Any others?
A. No, not that I recall.
Q. Did you do anything else?
A. No, not on Monday.
Q. Then yesterday before you commenced your testimony, did you meet with them?
A. No.
Q. Not at all?
A. No.

Lori Fortier - Cross

Q. You waited to be called as a witness?
A. Yes.
Q. All right. Now, did you have any other meetings or contacts -- well, strike "contacts."
Did you have any other meetings with agents of the Government or the prosecution or the FBI other than the ones you've testified to here now?
A. Not that I recall.
Q. Okay. Yesterday in response to questions that Mr. Hartzler asked you, you indicated that you had at various times used dangerous and illegal substances or drugs, dope. Is that correct?
A. Yes, it is.
Q. All right. How old were you when you did the first?
A. I was about 16.
Q. About 16?
A. Yes.
Q. That's when you were in high school?
A. Yes. I may have been 17.
Q. All right. 16 or 17. And then you used drugs or dope at various times after that until sometime in 1995, after you began to cooperate with the Government. Is that correct?
A. Yes.
Q. And how old were you in 1995?
A. 22.

Lori Fortier - Cross

Q. All right. So you had been using drugs, then, either five or six years, depending on whether you started when you were 16 or 17?

A. There were years that I didn't use drugs.

Q. I thought just a moment ago I understood you to say that you used them --

A. I thought you meant continuously up until this time. I didn't think you meant every year.

Q. I want to be sure I understand you, so let's go back. Did you use -- you started using drugs when you were 16 or 17?

A. Yes.

Q. And you stopped using them permanently, according to you, when you were 22?

A. Yes.

Q. Now, did you use drugs in Manhattan, when you lived with Mike?

A. No.

Q. Not at all?

A. No.

Q. Did you use them after you came back to Kingman?

A. Yes.

Q. Did you use them before your daughter was conceived?

A. Yes.

Q. Did you use them while your daughter was being carried in the womb?

Lori Fortier - Cross

A. No.

Q. Did you use them after your daughter was born?

A. Yes.

Q. Use them in your house?

A. Yes.

Q. Did you use them in your car?

A. Not that I remember, no.

Q. Did you use them at your place of work?

A. Yes.

Q. And where was that?

A. I worked at a tanning salon in Kingman.

Q. And its name?

A. The Beach Club.

Q. Beach Club?

A. Yes.

Q. And when did you work there, ma'am?

A. In late '93.

Q. Till when?

A. About August of '94.

Q. Did you work there with a lady named Deborah Brown?

A. Yes, I did.

Q. I beg your pardon?

A. Yes, I did.

Q. And did Mike sometimes come to the studio?

A. Where I worked?

A. WHERE I WORKED:

Lori Fortier - Cross

Q. Yes.

A. Yes.

Q. Okay. Did you and Ms. Brown use drugs there at the studio?

A. Yes.

Q. Every day?

A. No.

Q. If she said it was every day, she would be mistaken?

A. Yes. It wasn't every day.

Q. How many times a week was it?

A. It varied like weekly.

Q. What do you mean it varied like weekly?

A. Sometimes we'd do it more, sometimes we'd do it less.

Q. So there were times when you would do it more than once a week?

A. Yes.

Q. At the studio?

A. Yes.

Q. Where you worked?

A. Yes.

Q. And then in addition to that, you would also do it at home?

A. Sometimes.

Q. Did you do it at your friends' house?

A. Yes.

Q. So then you were doing it more than once every two weeks in 1994 and '93?

Lori Fortier - Cross

A. Not at all the times, no. There were weeks that we did it weekly, and there were weeks that we did it like every month.

Q. When did you first start using methamphetamine, speed?

A. When did I first try it?

Q. Yes.

A. When I was in high school.

Q. All right. When did you start using it weekly, to use your term?

A. Probably in 1995.

Q. And when in '95?

A. Early '95.

Q. January?

A. Yes.

Q. Now, were you using drugs during the summer of '94?

A. Yes.

Q. And on into September and October?

A. Yes.

Q. So during some of the time, at least, of these events that you're talking about here that you described yesterday, you

were using speed?

A. I wasn't using speed on the occasions that he came and told us this.

Q. Well, I understand that's your testimony. Did you use it the day before?

A. I don't think so.

Lori Fortier - Cross

Q. The day before that?

A. Possibly.

Q. How long does speed stay in the bloodstream?

A. I don't know.

Q. What effect did speed have on you?

A. It kept you awake, made you kind of jittery.

Q. Kept you awake and made you jittery?

A. Yes.

Q. That's all?

A. That's about it, yes.

Q. Why did you take it, then?

A. I don't know.

Q. Did it obscure your memory?

A. No, not at all.

Q. Your judgment?

A. No.

Q. Did it give you pleasure?

A. Somewhat at the time.

Q. And then beginning in early '95, you took it more often?

A. Yes.

Q. And were you taking it during the period of time that

Mr. McVeigh was there at the house for a month?

A. On some of the times, yes.

Q. Did you take it while your daughter was in the house?

A. I may have taken it on occasion while she was sleeping.

Lori Fortier - Cross

Q. Did you go over to friends' houses to take it?

A. Yes.

Q. Did you use it when you were out of town with Michael?

A. No.

Q. Was Michael also using speed?

A. Yes, he was.

Q. About the same way you were, or more, or less?

A. About the same.

Q. During the same period of time?

A. Yes.

Q. Now, you described yesterday that you first heard about the

bombing in Oklahoma City when you watched the news on April 19.

A. Yes.

Q. Okay. And about what time was that? What were you

watching? That's two questions.

Let me -- let me take one of them away.

What were you watching?

A. We were watching the morning news.

Q. What was the morning news?

A. I don't understand your question.

Q. Well, I mean was it the "Today" show, "Good Morning America"?

A. I'm not sure.

Q. All right. And do you remember whether it was local or network?

Lori Fortier - Cross

A. I believe it was network.

Q. Okay. And did the news just come on about the Oklahoma City bombing, or had it already been on?

A. It had already been on when we turned the TV on.

Q. All right. And how early in the morning was this?

A. Probably around 9.

Q. 9:00?

A. Yes.

Q. Your time?

A. Yes.

Q. All right. And how long did you watch it?

A. For a few hours.

Q. And was Michael there?

A. Yes.

Q. Did he watch it with you?

A. Yes, he did.

Q. And did you watch it on into the evening?

A. All day long, you mean?

Q. Yes.

A. We watched it at various times during the day.

Q. All right. So you would go do something and come back and watch it?

A. Yes.

Q. Did you leave the TV on, or did you turn it off and then turn it back on?

Lori Fortier - Cross

A. I'm not sure.

Q. And then did you watch it the next day?

A. Yes.

Q. And how much did you watch it the next day?

A. Off and on.

Q. Do you remember the President's press conference?

A. Yes, I do.

Q. Do you remember Janet Reno's press conference, I think you said?

A. Yes, I do.

Q. Do you remember the sketches being released?

A. Yes.

Q. Do you remember the press conference of Mr. Walden

Q. Do you remember the press conference of Mr. Weldon Kennedy?

A. No.

Q. When he would come on and talk?

A. No, not really.

Q. All right. And then did you watch it on Friday?

A. Yes.

Q. And that was the day that Mr. McVeigh walked out of the Noble County Courthouse, wasn't it?

A. Yes, it was.

Q. And how long did you watch it on Thursday?

A. Thursday?

Q. Yes, the day after the bombing but the day before Mr. McVeigh appeared.

Lori Fortier - Cross

A. Off and on.

Q. Off and on. Well, how much time do you think you watched it?

A. A couple hours.

Q. And then on Friday, when did you start watching it?

A. Probably around 9 or 10 in the morning.

Q. And did you watch it through the day?

A. No.

Q. How is it that you happened to see Mr. McVeigh?

A. We just did. We seen him -- I'd say it was around 11:00 in the morning.

Q. You think you saw him on television 11:00 that morning?

A. Yes.

Q. And what did you see?

A. Him -- at first, like there was reports of him being arrested and his name was on the news; and then later on, we seen him led out of the courthouse.

Q. All right. And once his name got on the news, did you pretty much watch it?

A. No, because the agents showed up at our house right after that, probably around 12 or 1.

Q. All right. And you had the conversation with them?

A. Yes.

Q. And how long did that take?

A. I'm not sure.

Lori Fortier - Cross

Q. After the agents left, did you go back to watching television?

A. No.

Q. No?

A. No.

Q. Not at all?

A. Not at that time, right after we left, no.

Q. Well, I mean, did you watch it later that day?

A. We may have later in the day, but the agents showed up

again like maybe an hour later.

Q. Did you watch it when Mr. McVeigh was led out?

A. Yes.

Q. Wouldn't that be about 3:30 your time?

A. I'm not sure what time it was.

Q. But you were there and watched it, as they say, in real time?

A. Yes. I saw it.

Q. And did you continue to watch it after that?

A. The agents came back and --

Q. They came three times?

A. They came twice, and then we left to go to the Mojave County sheriff's office.

Q. And then when you got back from the Mojave County sheriff's

office, did you watch it again?

A. I don't think so, because it was pretty late in the

Lori Fortier - Cross

evening.

Q. How long were you at the Mojave County sheriff's office?

A. A few hours.

Q. And then the next day would be Saturday. Did you watch it?

A. We may have. I'm sure we did watch it some, but I don't know exactly when.

Q. And then from time to time thereafter, did you watch it?

A. Yes.

Q. Did you watch it pretty much every day?

A. Pretty much.

Q. Okay. And what, two or three hours a day on the average?

A. Actually, during that time, it was less because we were being questioned by the agents and everything. We were out of the house a lot of the time.

Q. I beg your pardon?

A. We were out of the house a lot of the time.

Q. Did you watch the network news at night?

A. I don't recall.

Q. Okay. Did you watch the "Today" show or "Good Morning America" or CBS morning program?

A. No.

Q. Did you watch CNN?

A. No.

Q. Not at all?

A. No, we didn't have cable, so we didn't watch CNN.

Lori Fortier - Cross

Q. All right. Now, did you watch television over at your friends' house?

A. Not that I recall.

Q. Did you talk about what you were seeing and hearing with your friends from time to time?

A. Yes.

Q. They would tell you what they had heard and you would tell them what you had heard?

A. Yes.

Q. Okay. Now, there is a newspaper in Kingman, isn't there?

A. Yes.

Q. And what's the name of it?

A. Kingman Daily Miner.

Q. And did you subscribe to it?

A. No.

Q. Did you read it?

A. Occasionally.

Q. Well, after April 19, did you read it?

A. Occasionally, on some days, we did; some days, we didn't. My parents got the newspaper; and when I'd go over there, I'd read it.

Q. All right. So some days you read it and some days you didn't?

A. Yes.

Q. Do you remember now which days you read, which days you

Lori Fortier - Cross

didn't?

A. No, I don't.

Q. Okay. Did you try to read it every day?

A. Not really.

Q. Even though you were the focus of all of this attention?

A. Sometimes we'd read it. I don't know if I was really going

out just to see my parents so I could read the paper.

Q. No, I understand that. I'm sure you went over to your parents to see your parents.

A. Yes.

Q. But my question is did you try to read the paper?

A. Somewhat, yes.

Q. You were interested in what was going on?

A. Yes, very.

Q. Your names were being mentioned?

A. Yes.

Q. Your friend Mr. McVeigh had been arrested?

A. Yes, Tim had been arrested.

Q. Yes. Now, is there a newspaper called the Arizona=20 Republic?

A. Yes, there is.

Q. And what is that?

A. It's a state-wide newspaper.

Q. And where is it published?

A. Phoenix.

Lori Fortier - Cross

Q. And is it a daily paper?

A. Yes, it is.
Q. And is it available in Kingman?
A. Yes.
Q. And did you from time to time read it?
A. Yes.
Q. And specifically did you read it from time to time after April 19?
A. Yes.
Q. Did you read the stories about the bombing?
A. Yes.
Q. And the investigation?
A. Yes.
Q. Now, is there also a newspaper called the Arizona Gazette?
A. Not that I've ever heard of.
Q. All right. You don't recall reading that one or seeing it?
A. No, I don't.
Q. What other newspapers might you recall reading besides the Kingman Daily Miner and the Arizona Republic?
A. Those are the only two I remember.
Q. You and your husband read an article in the Arizona=20 Republic about yourselves that upset you, did you not?
A. Yes, we did.
Q. How did you happen to get a copy of that newspaper?
A. I'm not sure.

Lori Fortier - Cross

Q. You don't recall whether you bought it?
A. I don't recall if we bought it or someone brought it by the house.
Q. All right. When you would get the Arizona Republic, how would you ordinarily get it? Somebody bring it by, or you would buy it, or what?
A. Either one at that time.
Q. So it could be both?
A. Yes.
Q. And did you have a subscription to it by mail, or home delivery?
A. No.
Q. Now, did you listen to the radio during this period of time?
A. No.
Q. So most of what you heard about the investigation, then, and the events in Oklahoma City and what had happened came either from television or the Kingman Daily Miner or the Arizona Republic?
A. Yes.
Q. Or what friends or reporters might tell you?
A. Yes.
Q. And you watched or heard about these events several hours a day?
A. Yes.

Lori Fortier - Cross

Q. Up until you went to Oklahoma City?

A. Yes.

Q. Now, from your reading on television and radio and conversations, you knew that the building that had been bombed was the Alfred P. Murrah Building; is that correct?

A. Yes, it is.

Q. You saw pictures of it?

A. Yes.

Q. And you knew that this was a building in Oklahoma City?

A. Yes.

Q. And that it was full of government offices and a child day-care center?

A. Yes.

Q. And a credit union?

A. Yes.

Q. That, you all knew at the time or right around the time it happened?

A. I knew from like the news reports, yes.

Q. I'm sorry?

A. I knew from the news report.

Q. Yes. And you also knew from the news reports that you had read and heard that this building had been blown up?

A. Yes.

Q. And that the FBI thought that it was a bomb that blew it up; it wasn't a gas-pipe leak?

Lori Fortier - Cross

A. Yes.

Q. You knew that?

A. Yes.

Q. And you also knew that the FBI thought that this bomb had been carried in a truck?

A. Yes.

Q. And you knew that the FBI had arrested Tim McVeigh and charged him with blowing the building up?

A. Yes.

Q. Renting the truck?

A. Yes.

Q. And driving it to Oklahoma City?

A. Yes.

Q. And that they made no secret about it and they thought he was the man responsible?

A. Yes.

Q. And you knew from what you had read or heard that the FBI thought that the bomb consisted of fertilizer, fuel oil, and racing fuel.

A. I don't know if they actually specified racing fuel at that time.

Q. Well, ammonium nitrate and fuel oil?

A. Yes.

Q. All right. And you knew that the FBI -- well, strike "the FBI."

Lori Fortier - Cross

You knew that April 19, 1995, was the second anniversary of the assault at Mt. Carmel outside Waco?

A. Yes.

Q. That had been brought to your attention?

A. Yes.

Q. And you knew that the FBI thought that this bomb had been carried in the Ryder truck which had been rented in Kansas, in Junction City, and driven down to Oklahoma City and detonated in front of the building?

A. Yes.

Q. And you knew that from what you read and heard that the person that had rented this truck that had carried this bomb had the name Robert Kling?

A. No, that's not true.

Q. You didn't know that?

A. At that time, no, I did not.

Q. When did you first hear that?

A. Way later.

Q. What's way later, Ms. Fortier?

A. Probably in late May.

Q. In late May?

A. Yes.

Q. So you didn't know that the first time you heard Robert Kling was after --

MR. JONES: One moment, your Honor. Excuse me.

Lori Fortier - Cross

BY MR. JONES:

Q. You didn't read the Arizona Republic for Saturday, April 22 --

A. I don't know.

Q. -- which gave reference that the break in the case stemmed from information that a Robert Kling had rented the truck in Junction City, Kansas?

A. I don't recall reading it the 22nd.

Q. Might you have read it?

A. Not that I know of. I don't remember ever hearing the name

Robert Kling until way later.

Q. Till way later?

A. Yes.

Q. All right. You knew from the investigation that the FBI thought that storage sheds were used in connection with storing

bomb components?

A. Yes.

Q. And you knew from the investigation that the FBI was investigating whether or not blasting caps or detonating

devices had been used to set off the bomb?

A. I don't recall hearing that.

Q. You don't?

A. No.

Q. Well, then why were you concerned about blasting caps that your dad, Les, had?

Lori Fortier - Cross

A. Just because they're an explosive device.

Q. Not because you had read or heard that the FBI was interested in checking out blasting caps and detonating devices?

A. I'm not sure.

Q. So you might have heard that?

A. I might have heard that.

Q. And did you read or hear that the FBI thought the bomb was assembled at Geary State Fishing Lake in Kansas?

A. Yes, I did read that.

Q. So you remember from the reading and hearing of all of these details that the FBI thought or suspicioned, except Robert Kling?

A. Yes.

Q. Ms. Fortier, this information that you've just told me that

you heard or read about: That's something that you saw or heard or read?

A. Yes.

Q. By watching television and the newspapers?

A. Yes.

Q. You were aware of the search for John Doe 2?

A. Yes.

Q. You were aware of the search for this John Doe 1 and these sketches?

A. Yes.

Lori Fortier - Cross

Q. And you remember reading or hearing the investigative leads

about Elliott's Body Shop in Junction City, where the Ryder truck was rented?

A. Yes.

Q. And in all of this discussion that you saw or read about Elliott's Body Shop, the rental of the Ryder truck, John Doe 1 and John Doe 2, you never heard the name Robert Kling?

A. Not until later. Not right at first, when it first came out. No, I did not hear that.

Q. Not at first. Well, when is the time that you can tell me that you did hear it?

A. Sometime in like May.

Q. Sometime like in May.

A. Yes.

Q. When in May, Mrs. Fortier?

A. I'm not sure.

A. I'm not sure.

Q. Was it before you went to Oklahoma City?

A. I don't know.

Q. It might have been?

A. It was sometime in May.

Q. Have you gone back and watched the television, read the newspapers?

A. What do you mean? Right now?

Q. Well, at any time since, since June 1.

A. Yes, I've watched TV and the newspapers.

Lori Fortier - Cross

Q. I mean gone back and kind of relived what happened in the bombing?

A. The old newspaper reports and the old TV reports? No.

Q. Talked to people about it?

A. No.

Q. Have you formed an opinion how you could have gone as long as ten days and know all of these details but not remembered Robert Kling?

A. I don't understand your question.

Q. Now, Ms. Fortier, on April 19, you had in your house what you described as anti-government literature.

A. Yes.

Q. When did you start using the expression "anti-government literature"?

A. I don't know.

Q. Is that an expression you would usually use?

A. Yes.

Q. So you always referred to it as "anti-government literature"?

A. Yes, or the exact name of what it was. Yes.

Q. Yesterday, you talked about the box on the truck?

A. Yes.

Q. Where did you learn the expression "box on the truck"?

A. From Tim.

Q. From Tim?

Lori Fortier - Cross

A. Yes.

Q. Mr. McVeigh called it a box?

A. Yes. The box -- well, I just used the word "box" as he did.

Q. So you learned that from him?

A. Yes.

Q. Not from the Government?

A. No.

Q. You didn't know that's what they called the back part of the Ryder truck?

A. No.

Q. Or what it was generally referred to in the industry?

A. No.

Q. That was a term that Mr. McVeigh used that you remember?

-
A. Yes.
Q. How many times did he use it?
A. On the time he diagrammed it.
Q. That one time?
A. Yes.
Q. You can remember that, but you can't remember Robert Kling?

MR. HARTZLER: Objection, your Honor.

THE COURT: Sustained.

BY MR. JONES:

Q. Now, the sausage-like explosive devices: Do you remember using that expression yesterday?

Lori Fortier - Cross

A. Yes, I do.
Q. Where did you learn the term "sausage" in describing explosives?
A. From Tim. That's how he described the stuff that he had robbed from the quarry.
Q. I see. So Tim told you they were sausage-like?
A. Yes. He said sausage, yes.
Q. And what did you understand?
A. That it was an explosive device.
Q. Okay. What type of explosive device?
A. I don't know.
Q. Now, as I understand it, when Mr. McVeigh was out there -- and I believe you told Mr. Hartzler this yesterday, and I understood you to tell me that Mr. McVeigh when he is sitting there in that house that night with you and your husband went into some detail about the bomb?
A. Yes.
Q. And drew circles?
A. Yes.
Q. Said it was going to be a shape charge?
A. Yes.
Q. Now, tell me again what he said that night.
A. What do you mean? Like everything?
Q. Yeah, everything -- well, about the bomb and the circles and shaping it and what it would do and be composed of?

Lori Fortier - Cross

A. He drew the box and then he drew circles inside the box representing where he'd put the barrels.
Q. And what else did he do about those barrels inside the box?
A. He drew two separate fusing like things and wrapped them around the box -- or the barrels.
Q. Okay. And he showed you how the boxes would be?
A. Yes. The barrels, yes.
Q. Sorry. Barrels. And the barrels were to be composed of the ingredients of the bomb?
A. Yes.

Q. And what shape were they to be in?
A. The barrels?
Q. Yes?
A. They were circular 55-gallon drums.
Q. No, I mean inside the back of the truck, what shape were they to be in? Were they put in in a certain way?
A. Yes. In a triangle.
Q. In a triangle?
A. Yes.
Q. And the point of the triangle was towards the building, or away from the building that was the target?
A. Away from the building.
Q. And what else did he draw or say to you that night about these barrels and the bomb material inside?
A. He said that it would be racing fuel and ammonium nitrate.

Lori Fortier - Cross

Q. And he told you how it would work?
A. What do you mean?
Q. Well, how it was supposed to work?
A. Yes. He said how he'd fuse it through the back of the truck.
Q. Okay. Fuse it through the back of the truck?
A. Yes.
Q. And what do you mean by that?
A. He was going to run like fuse -- he was either going to drill it through the back of the truck, or if the truck had windows, he was just going to put the fuse through the windows and then he was going to light the fuse.
Q. So this explanation that he gave you that night with you and your husband there was pretty complete?
A. Yes.
Q. And detailed?
A. Yes.
Q. And in fact, so detailed that you remember it today?
A. Yes.
Q. Well over two years afterwards?
A. Yes.
Q. But then I understand that notwithstanding all those details and explanations and drawing that there came a time after that when he showed you something with Campbell's soup cans?

Lori Fortier - Cross

A. Yes.
Q. Now, he had already explained all this bomb to you once?
A. Yes.
Q. In some detail?
A. Yes.
Q. In fact, in great detail?
A. Yes.
Q. And now he was using tomato cans and chicken noodle and

chicken gumbo from Campbell's?

A. Yes.

Q. And did you have 12 cans of Campbell's soup in your house?

A. Yes, we did.

Q. Did you have more than 12, or did you just have 12?

A. There was probably a few more than 12.

Q. How many?

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

Q. 20?

A. No.

Q. That's a lot of soup.

A. There was probably about 15 cans. Every time Tim moved out

from the Kingman area, he would give us his food that he had left over; and he had a lot of soup left over, so it kind of sat in our pantry for a long time.

Q. Oh, I see. So Tim gave you the soup cans?

A. Some of them, yes.

Lori Fortier - Cross

Q. Some of them. When did you remember that?

A. What do you mean? I've always remembered that.

Q. Well, did you tell the grand jury that Tim gave you these soup cans?

A. No, I did not.

Q. I didn't hear you say it yesterday. Did you say it yesterday?

A. No.

Q. Is there a 302 you've read where Tim gave you these soup cans?

A. Not a 302, no.

Q. Well, in any event, he gets the soup cans, according to you, and what, puts them down on the floor?

A. Yes.

Q. Not on the table?

A. No, on the floor, in the kitchen.

Q. Do you have a table in the kitchen?

A. Yes.

Q. But he didn't put them on the table?

A. No.

Q. Didn't put them on the counter?

A. No.

Q. And he got down on the floor?

A. Yes.

Q. Did you get down on the floor?

Lori Fortier - Cross

A. No.

Q. Where were you?

A. I was standing there watching him.

Q. So you were kind of standing him (sic) and -- was he down on his knees, or flat on the floor?

A. He was down on his knees.

... he was down on his knees.

Q. Arranging those soup cans?

A. Yes.

Q. When was that?

A. That was in the second visit in October.

Q. Which is the same visit that he had just told you about all

the detail and explained it?

A. Yes.

Q. Did he tell you why he was doing it again --

A. No, he didn't.

Q. -- with soup cans?

A. No, he did not. He said this is what he meant by shape charge.

Q. Well, he already told you what he meant by shape charge.

A. Yes, but he did it again. I don't know why he did it.

Q. Did you ask him to do it?

A. No.

Q. So what led up to it? Was he in the kitchen?

A. Yes.

Q. Fixing lunch?

Lori Fortier - Cross

A. I don't know.

Q. What was he doing in the kitchen?

A. I don't know. He just went to the cupboard and grabbed the

soup cans and did it on the floor.

Q. Where were you?

A. I was standing there watching him.

Q. What were you doing before you were watching him?

A. I don't know.

Q. You don't remember?

A. No.

Q. So the two of you happened to be in the kitchen?

A. Yes.

Q. And you don't remember what you were doing before?

A. No. The soup cans kind of stand out, but what I was doing before, don't (sic).

Q. Is that the only thing you and he were doing in the kitchen?

A. Yes. As far as I know.

Q. Was it during the day?

A. Yes.

Q. Where was Michael?

A. I believe he was at work.

Q. Where was Kayla?

A. She was either sleeping or with my mother.

Q. Now, on April 19, you had, as you said earlier, some

Lori Fortier - Cross

anti-government literature in your house?

A. Yes.

Q. What did you have?

A. There was some -- I'm not sure, really. There was a bunch of stuff, like Patriot Reports and stuff like that.

Q. That was the publication that Michael subscribed to?

A. Yes.

Q. And did you have a copy of The Turner Diaries?

A. Not that I knew of until after the search.

Q. Okay. So what you're telling me is you didn't know it was there, but it was there?

A. Yes.

Q. And what else did you have?

A. There was the Spotlight newspapers.

Q. That's published by The Liberty Lobby?

A. Yes.

Q. All right. How many of those did you have?

A. I don't know.

Q. And what else did you have?

A. I'm not really sure.

Q. And did you -- and you had a copy of The Turner Diaries, copies of Spotlight, copies of Patriot Report.

A. Yes.

Q. Well, have you seen an inventory of what was taken out of the house?

Lori Fortier - Cross

A. Right after it happened, but not in a long time.

Q. Have you seen the material that was taken out of your house?

A. Some of it, yes.

Q. Can you recall anything else?

A. Not that I recall right now.

Q. All right. Well, you had some videotapes, didn't you?

A. Yes, I did.

Q. And you recall those now?

A. Yes, but they weren't taken out of the house on the search.

Q. Well, I understand they weren't taken out of the house. But they were in your house on April 19?

A. Yes.

Q. Would you characterize those as anti-government?

A. Yes.

Q. And how many did you have?

A. I think there was two or three.

Q. Two or three. Could there have been more?

A. I believe there was two or three.

Q. Were they of the same video, or different ones?

A. Different ones.

Q. And is it fair to say that these videotapes were critical of the Government's actions at Mount Carmel?

A. Yes.

Q. You had watched them?

Lori Fortier - Cross

A. Yes.

Q. How many times?

A. A few.

Q. You read the Patriot Reports?

A. Some of them, yes.

Q. Read The Liberty Lobby Report?

A. Some of them, yes.

Q. Now, did you have any videotapes on anything else that might be considered anti-government?

A. Not that I recall.

Q. Now, in addition to that, you had these guns that you say were stolen.

A. Yes.

Q. And about how many did you have in the house at that time?

A. Probably about five.

Q. And did you have some ammunition?

A. Yes.

Q. Did you have some ammonium nitrate?

A. Yes.

Q. Did you have some blasting caps?

A. No.

Q. Did you have any other kind of ammunition or explosives?

A. No.

Q. So all of this was in your house on the day of the Oklahoma City bombing?

Lori Fortier - Cross

A. Yes.

Q. Do you know how much, if any of, of this was also in Terry Nichols' house?

A. I don't know.

Q. How much ammonium nitrate did you have at your house?

A. There was one bag in our shed.

Q. And how much was in the bag?

A. I don't know.

Q. Now, after the FBI talked with you that first time, did there come a time when they searched your house?

A. Yes.

Q. And did they call you before they searched it?

A. Yes, they did.

Q. Did that seem to you to be unusual that -- to you?

A. No, because we had asked them to.

Q. Oh, you had asked them to call before they searched the house?

A. We had -- yes.

Q. And they said they would?

A. No, they didn't say at the time; but they did.

Q. All right. So how did you find out they were going to search your house?

A. They called.

Q. On the telephone?

A. Yes.

Lori Fortier - Cross

Q. Okay. And what did they say?

A. They told Michael that they were going to search the house and to come to the sheriff's substation.

Q. So you understood they had a search warrant?

A. Yes.

Q. And they were investigating the deaths of 100-some-odd people, 167, that had been killed in Oklahoma City?

A. Yes.

Q. In blowing up the federal building?

A. Yes.

Q. And they considered that you all might be suspects or had some knowledge?

A. Yes.

Q. And they called you before they came out to search your house to tell you they were coming?

A. Yes.

Q. And so they didn't want you there?

A. I guess not.

Q. How much advance notice did they give you?

A. Probably about ten minutes.

Q. All right. Do you know where they were calling from?

A. No, I don't.

Q. What did you do -- what did you and Michael do in that 10 minutes?

A. We unlocked the front door, we got Kayla ready, we got the

Lori Fortier - Cross

dog, and left.

Q. And did you do anything else?

A. No.

Q. Mr. Fortier didn't go out and give some dope over the back fence to Mr. Rosencrans?

A. No, not that I'm aware of.

Q. Are you aware of that?

A. No.

Q. Did you have some drugs or dope in the house?

A. No.

Q. No?

A. No.

Q. Well, you hadn't given up using dope at that time, had you?

A. No.

Q. And you weren't working?

A. No.

Q. And you previously had testified that you used dope at your house?

A. Yes.

Q. But you just happened to be out that day?

A. I don't think we had any in the house.

Q. Was that because you had consumed it all?
A. I don't know why it was. We didn't have any.
Q. Did you have any pipes or drug paraphernalia laying around?
A. No. We had previously thrown away a pipe about two days

Lori Fortier - Cross

before that.

Q. Now, did Mr. Fortier give anything to Mr. Rosencrans or for that matter to anyone else that came out of the house in anticipation of a search?
A. Yes. The Waco tapes.
Q. And when had he done that?
A. I'm not really sure.
Q. Was it the same day as the search?
A. No. It was a while before the search.
Q. And what else had he given?
A. A gun.
Q. A gun?
A. Yes.
Q. And he gave those to who?
A. Jim Rosencrans.
Q. Now, as I understand it -- what kind of gun was this?
A. It was a rifle.
Q. Rifle. How did he give it to him? I mean, did he break it down, or put it in a gun case, or what?
A. He just handed it to him.
Q. And where did he do that?
A. In our living room.
Q. So Mr. Rosencrans came in without the rifle and he left with the rifle.
A. Yes.

Lori Fortier - Cross

Q. How did he carry it out?
A. He just carried it out in his hands.
Q. And was this during the period of time that the FBI was maintaining surveillance on your house?
A. I think so.
Q. Were the media outside?
A. I don't know.
Q. What time of day was this?
A. It was in the evening.
Q. How late in the evening?
A. Pretty late.
Q. How late is that?
A. 9, 10.
Q. All right. Well, they have street lights, don't they?
A. No, not on our street.
Q. I beg your pardon?

A. Not on our street, no.

Q. Well, do you think they could have seen Mr. Rosencrans, or not, from where they were?

MR. HARTZLER: Objection.

THE COURT: Overruled.

THE WITNESS: I don't know.

BY MR. JONES:

Q. Now, what did Michael say to Mr. Rosencrans in your presence about getting rid of this or taking this rifle out?

Lori Fortier - Cross

A. Rifle? I don't really remember him saying anything about the rifle. I think he just gave it to him, the gun.

Q. You mean he was giving it to him to keep?

A. Yes.

Q. Okay. So he didn't expect it back?

A. No.

Q. Well, was there anything suspicious about that, or was Jim just a friend and he was doing it to pay him back, or what?

A. I don't know.

Q. You don't know. All right. Did it just kind of happen on the spur of the moment?

A. As far as I know, yeah.

Q. Well, you all were friends with Mr. Rosencrans, weren't you?

A. Yes, somewhat.

Q. Somewhat?

A. Yes.

Q. He was your next-door neighbor?

A. Yes.

Q. Somewhat an eccentric fellow, wasn't he?

A. Yes.

Q. Now, you gave him the tape.

A. Yes.

Q. Of Waco?

A. Yes.

Lori Fortier - Cross

Q. Why did you do that?

A. Because that was the tape that Tim had gave us; and it was very anti-government, so we just wanted to get it out of the house.

Q. Did you think it was illegal to have the tape?

A. No. It was a spur-of-the-moment thing.

Q. Well, spur of the moment -- I mean, they weren't knocking on your door there, were they?

A. No, because we thought the house was going to be searched soon.

Q. So you wanted to get rid of anything incriminating?

A. We wanted to get rid of the tapes, yes.

Q. Well, was there other stuff in the house that was incriminating?

A. Like what?

A. Like what?

Q. I don't know. I'm asking you. Was there anything else?

A. No, not that I know of.

Q. Ms. Fortier, as I understand it, while you're getting rid of this tape which you claim Mr. McVeigh gave you -- but you had some other tapes there, didn't you, anti-government tapes?

A. No.

Q. I thought you had two or three.

A. Those are the ones we gave to Jim.

Q. Oh, you gave him more than one?

A. Yes.

Lori Fortier - Cross

Q. You gave him all of them?

A. Yes.

Q. Now, were those the ones that you claim Mr. McVeigh gave you?

A. Yes.

Q. Well, in your opinion, was it illegal to have those tapes?

A. No.

Q. Okay. So you gave Mr. Rosencrans two or three tapes that were legal to have, but you didn't give him the stolen guns --

A. No.

Q. -- that were stolen?

A. No, I did not.

Q. But they were stolen?

A. As far as I knew.

Q. Yeah. And you kept them in your house?

A. Yes.

Q. But the perfectly legal tape, you gave him to hold because you thought the Government was going to search your house?

A. Well, I think it would have been pretty noticeable if Jim was walking out with about five guns, so that's probably why we

didn't give it to him.

Q. I agree; but he walked out with one, didn't he?

A. Yes.

Q. And he could have come back and gotten one the next night, couldn't he?

Lori Fortier - Cross

A. I guess.

Q. Or the night before that, he could have gotten a gun?

A. Yes.

Q. You didn't think those guns were stolen, did you?

A. Yes, we did.

Q. That's why you weren't worried about it --

A. We knew they were stolen.

Q. -- because you didn't believe they were stolen.

A. We knew they were stolen. We didn't think the numbers would come back as stolen guns, though.

Q. Why was that?

A. Because Tim had told us that Bob in Arkansas hadn't

registered his weapons.

Q. Oh.

A. So we felt there was a chance that they wouldn't come back as stolen guns.

Q. Tim told you that they wouldn't come back as stolen?

A. He didn't think they would.

Q. Right. Now, did you tell the grand jury that?

A. I'm not sure.

Q. Did you say that yesterday? Do you remember?

A. Not that I remember.

Q. Oh, so you thought it was all right to have the guns because you remember that Mr. McVeigh had said that Bob probably didn't even have the gun numbers.

Lori Fortier - Cross

A. Yeah.

Q. Well, Bob is a gun dealer?

A. Yes.

Q. He goes to gun shows?

A. Yes.

Q. He deals in guns?

A. Yes.

Q. How credible was that to you that a gun dealer didn't keep serial numbers of the guns?

A. A lot of activity at gun shows are illegal, so it was kind of credible at the time.

Q. A lot of activity at gun shows are illegal?

A. Yes.

Q. Who told you that?

A. Tim.

Q. Tim told you that?

A. From everything I had seen Tim do, yes.

Q. Well, he told you that, or from everything you had seen Tim do?

A. From everything I had seen him do.

Q. What did you see him do illegal at a gun show?

A. He'd use aliases.

Q. That's illegal?

A. I believe so.

Q. You know Cary Grant's real name?

Lori Fortier - Cross

A. No, I don't.

MR. HARTZLER: Objection, your Honor.

THE COURT: Sustained.

BY MR. JONES:

Q. Did you ever register the rifles?

A. No.

Q. Now, Ms. Fortier --

MR. JONES: If I might have just a moment, your Honor,

to put my reading glasses back on.

THE COURT: All right.

BY MR. JONES:

Q. Sometime in the early part of 1995, while Mr. McVeigh was still living there, Mr. Fortier had some back problems and had to go down to Prescott?

A. Yes.

Q. And was that during the time that Mr. McVeigh was living there at the house with you?

A. Yes, it was.

Q. So you were there, Mr. McVeigh was there, and Kayla was there?

A. Yes.

Q. When you went down to Prescott, you used your maiden name, didn't you?

A. No, I didn't.

Q. You didn't?

Lori Fortier - Cross

A. No.

Q. You're sure?

A. Yes.

Q. Did you use somebody else's name?

A. No. I never stayed in Prescott.

Q. I understand you may not have stayed there; I just asked you.

Did you use a different name?

A. No.

Q. Now, you had a picture yesterday, and it may be up there in

front of you. Do you have that, of Mr. McVeigh in the biker's outfit?

A. Yes, I do.

Q. Are you familiar with a place called --

MR. JONES: Just a moment. Do we have that?

THE COURTROOM DEPUTY: Exhibit 248.

BY MR. JONES:

Q. Are you familiar with a place called Sturgis, South Dakota?

A. Yes.

Q. What goes on there?

A. It's a Harley bike rally.

Q. All right. And it's held annually?

A. Yes.

Q. Now, Mr. McVeigh, to your knowledge, ever go there?

A. Yes.

Lori Fortier - Cross

Q. Okay. How many times did he go there?

A. Once that I know of.

Q. All right. And did you ever go there?

A. No.

Q. Now, do you know why Mr. McVeigh went there?

A. No.

Q. Did he ride in the rally?

A. No.

Q. Is there any other reason people go to Sturgis, South Dakota, other the motorcycle rally, that you know of?

A. Not that I know of.

Q. This time that he went up there, did he tell you he went up there for the rally?

A. Yes, he did.

Q. Was his picture taken in Sturgis?

A. I don't know.

Q. Did Mr. McVeigh ever ride a Harley Davidson?

A. Not that I know of.

Q. Ever ride a motorcycle?

A. Not that I know of.

Q. All right. Well, might he have and you not know about it?

MR. HARTZLER: Objection.

THE COURT: Overruled.

THE WITNESS: I don't know.

BY MR. JONES:

Lori Fortier - Cross

Q. Now, this photograph: You have it in front of you there -

-

A. Yes, I do.

Q. -- as Government's Exhibit 248. Could you pull that out just a moment.

You have that in front of you?

A. Yes, I do.

Q. Now, did I understand you to say that Mr. McVeigh had a scruffy appearance in this photograph?

A. No. When he came to the house, he had a scruffy appearance.

Q. He doesn't have a scruffy appearance in this, does he?

A. No.

Q. He just looks like anybody else that might have been at Sturgis that's clean-shaven, as opposed to those that had the big beard?

A. Yes. He's clean-shaven in this picture.

Q. Yeah. Okay. Thank you.

Now, after you were at the motel on December 14 -- that's where Mr. McVeigh had the blasting caps, according to your recollection?

A. Yes.

Q. And before you went to the motel, you stopped off at Wal-Mart?

A. Yes.

Q. And you wrote a check?

Lori Fortier - Cross

A Yes

44. 103.

Q. Incidentally, do you have your check register there in front of you?

A. Yes.

Q. Could you pull that out, please.

A. Okay.

Q. And could you turn to the reference about the electric deposit?

A. Yes.

Q. Wait just a second. Let me get that, too.

Now, as I recall, this was the transaction where there was \$120 taken out of your account?

A. Yes.

Q. And what was the reason it was taken out?

A. To give Tim back money.

Q. Because of what?

A. Because he had signed over checks to us from his electric deposit.

Q. He had endorsed his checks for the electric deposit to you?

A. Yes.

Q. He had gotten the deposit back?

A. Yes.

Q. From where?

A. From the electric company.

Q. For what house?

Lori Fortier - Cross

A. For the house in Golden Valley.

Q. I'm sorry. The house where?

A. In Golden Valley, the block house.

Q. And who was living there?

A. Tim was.

Q. All right. So why was he sending you and your husband his refund checks?

A. He didn't send it to us.

Q. All right. Well, perhaps I'm misunderstanding you. What was the reason for taking out the \$120?

A. Because Tim signed over the checks while he was there on this occasion, and we gave him the cash.

Q. Oh, I see. So you cashed the check for him?

A. Yes.

Q. All right. Now, I looked at -- well, strike what I did.

There is an erasure there, isn't there?

A. Yes.

Q. When was it erased?

A. That same day.

Q. And then you wrote in what you testified to.

A. Yes.

Q. And what was there originally?

A. The same thing, but Michael had written it in and it had overlapped into the money column; so when I did the checkbook over, I put the -- I put in -- put it in the right way.

Lori Fortier - Cross

Q. Do you know, did the FBI have possession of that for a while?

A. No, they did not.

Q. So they've never taken it to check and see if they could lift by some way what was there originally?

A. Not that I know of.

Q. All right.

MR. JONES: Your Honor, this would be a good place to stop.

THE COURT: All right. We're going to recess till 1:30.

You may step down.

Members of the jury, you'll be excused as usual for the noon recess until 1:30; and again, please follow the cautions often repeated of not discussing anything about the case among yourselves or with anyone else or coming into contact with anything in any form of communication relating to the issues on trial.

You're excused till 1:30.

(Jury out at 11:58 a.m.)

THE COURT: 1:30.

(Recess at 12 p.m.)

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Lori Fortier

Cross-examination by Mr. Jones

DEFENDANT'S EXHIBITS

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
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P82	5823	5823			
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P83	5826	5826			
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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 30th day of April, 1997.

Paul Zuckerman

Kara Spitler

