

**Tuesday, May 6, 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 80)

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 6th day of May, 1997,  
in Courtroom C-204, United States Courthouse, Denver, Colorado.

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

APPEARANCES

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

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

STEPHEN JONES, ROBERT NIGH, JR., and RANDALL COYNE,  
Attorneys at Law, Jones, Wyatt & Roberts, 999 18th Street,  
Suite 2460, Denver, Colorado, 80202; JERALYN MERRITT, 303 East  
17th Avenue, Suite 400, Denver, Colorado, 80203; MANDY WELCH,  
Attorney at Law, 412 Main, Suite 1150, Houston, Texas, 77002;  
and CHERYL A. RAMSEY, Attorney at Law, Szlichta and Ramsey, 8  
Main Place, Post Office Box 1206, Stillwater, Oklahoma, 74076,  
appearing for Defendant McVeigh.

\* \* \* \* \*

PROCEEDINGS

THE COURT: Please be seated.

Good morning. Are we ready for the jury?

MR. HARTZLER: Yes.

THE COURT: Okay.

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

THE COURT: Members of the jury, good morning. You'll  
recall that when we recessed yesterday afternoon, we were  
hearing testimony from the witness Jennifer McVeigh. We'll

continue with her testimony this morning.

Ms. McVeigh, if you will resume the witness stand under the oath earlier taken.

THE WITNESS: Okay.

THE COURT: Miss Wilkinson, you may resume your direct examination.

MS. WILKINSON: Thank you, your Honor.

(Jennifer McVeigh was recalled to the stand.)

MS. WILKINSON: Your Honor, may I approach with the remaining exhibits?

THE COURT: Yes.

DIRECT EXAMINATION CONTINUED

BY MS. WILKINSON:

Q. Do you have all your exhibits up there, Ms. McVeigh?

A. Yes.

Q. Okay. Yesterday, we were talking about the photographs of your brother's car. Do you remember that?

A. Yes.

Q. Before we go back to that, I'd like to go over one other letter that you received in connection with handwriting. And if you could look at Government's Exhibit No. 9.

A. Okay.

Q. Do you see that?

Jennifer McVeigh - Direct

A. Yes.

Q. Do you recognize that letter?

A. Yes.

Q. Who was that letter to?

A. It's to me.

Q. And do you recognize the handwriting in that letter?

A. It's Tim's.

MS. WILKINSON: Your Honor, we move in Government's Exhibit No. 9.

MR. NIGH: Your Honor, may I have just a moment to find 9?

THE COURT: Yes.

MR. NIGH: Your Honor, I'd make the same objections to that exhibit as I made yesterday; namely, relevance, prejudice, and 404(b).

THE COURT: Overruled. Received.

MS. WILKINSON: May I publish, your Honor?

THE COURT: Yes.

BY MS. WILKINSON:

Q. Ms. McVeigh, let's start at the top of this letter. You said you recognize this as your brother's handwriting; is that right?

A. Yes.

Q. Now, up there in the right corner, do you see that date?

A. Yes.

Jennifer McVeigh - Direct

Q. Can you read that for the jury.

A. It's the 20th of June.

Q. Do you know in what year you received this letter from your brother?

A. It was early '95.

Q. June 1995, or June 1994?

MR. NIGH: I object as leading.

THE COURT: Overruled.

BY MS. WILKINSON:

Q. Why don't you take a minute to read the letter and see -- you can pull it out of the plastic and see if that refreshes your recollection.

A. I think it was '94.

Q. Now, if you could start reading the beginning of the letter for the jury. Hold on one second while I pull it back up on the full screen. Could you start reading the letter, please.

A. Yes.

"Jennifer, I was cleaning out my files, and came across some extra paperwork enclosed. Some you may have seen, some maybe not. But the most important part of this package is the enclosed reference paper. I would send it right to Todd, but he may procrastinate and the quicker Cotter & Co. receives it, the quicker I go from 4.25 to \$7 an hour. Please fill it out as detailed below and return it in the pre-addressed/pre-stamped envelope. Please do this the same

Jennifer McVeigh - Direct

day/night you receive this and drop it in a postal mailbox that day. (A blue curb-side mailbox or post office.)"

Q. Can you stop right there, please. Okay. Can you read it just a little slower and continue.

A. Okay. "Just sign Todd Krieger. Sign normally. They don't have anyone's handwriting. Don't concentrate. Just flow it. Todd Krieger. Such as that. If your hand screws up, flow with it. It will look like a natural signature."

Q. Okay. Stop right there, please. Okay. Turn over to page 2; and if you can continue reading.

A. "If you go slow, it will look forged. Anyway, I'm sending it to you because I need the New York postal mark on the envelope. I have no lack of people to do it here. Just need that postal mark."

Q. Okay. Let's start right there. Up there in the top right-hand corner of that second page, do you see some writing that you didn't read?

A. Yes.

Q. And what does that say?

A. It just has another example of Todd Krieger's signature.

Q. Now, that's written in cursive writing; correct?

A. Yes.

Q. As well as page 1, where he mentions Todd Krieger?

A. Yes.

Q. Is that the only time that you've seen your brother sign a

Jennifer McVeigh - Direct

name in cursive writing?

A. I believe so.

MR. NIGH: I object as leading.

THE COURT: Overruled.

BY MS. WILKINSON:

Q. I'm sorry. I didn't hear your answer.

A. I believe so, yes.

Q. Now, let's go back to the photographs, if I can find them, of the car. I think I was about to show you Government's Exhibit 221, which hasn't been moved into evidence yet. And if you could also look at 222. Two photographs. Do you see those?

A. Yes.

Q. Do you recognize these photographs?

A. Yes.

Q. Who did you receive these photographs from?

A. Tim.

Q. And when did you receive them?

A. It was early '95.

Q. When you received them, did he also send you other documents and other materials?

A. I think so, yes.

Q. What else did you receive from him in early 1995?

A. I got a couple letters in early 1995.

Q. Okay. Did you receive any personal belongings or

Jennifer McVeigh - Direct

memorabilia from your brother?

A. Yes.

Q. What did you receive?

A. He sent me a box of all his military records, high school yearbook, personal belongings.

Q. Did he tell you why he was sending you all his personal belongings at that time?

A. No.

Q. And these two photographs that I'm showing you, Government's Exhibit 221 and 222, were part of that package?

A. I think so, yes.

MS. WILKINSON: Your Honor, the Government offers Exhibit 221 and 222.

MR. NIGH: Same objection I made yesterday, your Honor.

THE COURT: Overruled. 221 and 222 received.

MS. WILKINSON: I'd like to publish these just briefly.

THE COURT: Yes.

BY MS. WILKINSON:

Q. Ms. McVeigh, 221 should be on your screen. Do you see that?

A. Yep.

Q. Tell the jury what this photo shows.

A. It shows Tim's car with the back end smashed. Same picture

Jennifer McVeigh - Direct

as yesterday.

Q. Okay. And 222?

A. Same thing. Closeup of the smashed back end.

Q. And that's that same gray car you said he was driving back in November of 1994; correct?

A. Yes.

Q. Now, I want to turn your attention to early 1995, when you were working on a paper for school. Do you recall that?

A. Yes.

Q. Did you use your word processor at that time?

A. Yes.

Q. And what did you find when you looked on one of your disks that was designed for your word processor?

A. A note to the ATF.

Q. And what did you think when you read that note?

MR. NIGH: I object, your Honor, about what she thought.

THE COURT: Sustained.

BY MS. WILKINSON:

Q. What did you do when you read that note?

Let me ask it to you a different way: Did you leave the note on your disk?

A. Yes.

Q. Did there come a time when you spoke to your brother about that note?

Jennifer McVeigh - Direct

A. Yes.

Q. When was that?

A. I think it was sometime early '95 again.

Q. Again, that would be between January and April of 1995?

A. Yes.

Q. And how did it come to be that you actually talked to him about this? Did he call you? Did you call him?

A. I don't know who called who. But do you want me to explain?

Q. Yes, please.

A. I asked him if he wanted me to leave it on there.

Q. Well, why don't you tell us -- was there a name of the document on the file?

A. Yes.

Q. What was the name of the document?

A. "ATF Read."

Q. And did you tell him the content of the document?

A. Not in exact words, but I explained it.

Q. And then you asked him whether he wanted you to get rid of it, or keep it on the computer?

A. Right.

Q. What did he say?

A. Something to the effect of just leave it there; he didn't care.

Q. Now, do you have Government's Exhibit No. 7 in front of

Jennifer McVeigh - Direct

you?

A. Yes.

Q. Do you recognize that?

A. Yes.

Q. What is it?

A. It's the note to the ATF.

Q. Is that the note that was entitled "ATF Read"?

A. Yes.

MS. WILKINSON: Your Honor, we offer Government's Exhibit No. 7.

MR. NIGH: Your Honor, I object on the basis of foundation at this point, also relevance, prejudice, and 404(b).

THE COURT: Well, I need another question or two for foundation.

MS. WILKINSON: Yes, your Honor.

BY MS. WILKINSON:

Q. Did you discuss with him whether he had written this document, or are you aware of whether he wrote this document at the time he was writing the letter to the American Legion on your computer back in November of 1994?

MR. NIGH: I object unless she has personal knowledge, your Honor.

MS. WILKINSON: I asked whether they discussed it, your Honor.

Jennifer McVeigh - Direct

THE COURT: Yes. Overruled on the objection. It means you can answer.

THE WITNESS: Okay. I only asked him whether I should take it off.

BY MS. WILKINSON:

Q. And was it your understanding from talking to him that he had written that document on your word processor?

A. Yes.

MR. NIGH: I object, your Honor.

THE COURT: What's the objection?

MR. NIGH: The objection to that one is leading.

THE COURT: Overruled.

THE WITNESS: Yes.

THE COURT: The answer stands.

MS. WILKINSON: We offer Government's Exhibit --

THE COURT: Well, I think we need to know whether it was -- who downloaded it, I think they call it.

MS. WILKINSON: Okay. I hate to admit that you're better with those terms than I am, your Honor.

BY MS. WILKINSON:

Q. Was this document, Government's Exhibit No. 7, on a computer disk that you had at your house?

A. Yes.

Q. And did there come a time when you spoke to the FBI after the bombing of the Oklahoma City building?

Jennifer McVeigh - Direct

A. Yes.

Q. And did you consent to turning over the disk to the FBI?

A. Yes.

Q. And did you review the document that was printed from that disk?

A. Yes.

Q. And is that the document in front of you?

A. Yes.

Q. Did you review that document before coming to court to determine whether it was a fair and accurate representation of that file that you knew was on your disk?

A. Yes.

MS. WILKINSON: At this time, your Honor, we'd offer Government's Exhibit No. 7.

MR. NIGH: I'd still object, your Honor.

THE COURT: Objection overruled. Received. You may publish.

MS. WILKINSON: Thank you.

BY MS. WILKINSON:

Q. Now, Ms. McVeigh, is this document Government's Exhibit No. 7?

A. Yes.

Q. Okay. Let me zoom in on it. Hold on one second.

MS. WILKINSON: Your Honor, if I could, because of the language -- I would prefer to read it into the record than have

Jennifer McVeigh - Direct

Ms. McVeigh read it.

THE COURT: All right.

BY MS. WILKINSON:

Q. Ms. McVeigh, I'm going to read it you, and tell me if it's an accurate representation.

"ATF, all you tyrannical motherfuckers will swing in the wind one day, for your treasonous actions against the Constitution and the United States. Remember the Nuremburg War Trials. But ... but ... but ... I was only following orders!..... Die, you spineless, cowardice bastards!"

Is that the document that you found on your disk in early 1995?

A. Yes.

Q. Now, when you talked to your brother about retaining this document on your disk, did he tell you why he wanted to leave it on there?

A. No.

Q. Did he tell you why he had written it?

A. No.

Q. Now, in front of you you should have Government's Exhibit No. 8. which is the disk. Do you see that? I'm sorry. 6.

Q. No. 8, which is the disk. Do you see that? I'm sorry. Q.

Do you have the disk up there?

A. Yes.

Q. And is that the disk that contained this exhibit, Government's Exhibit No. 7, the short document "ATF Read" and

Jennifer McVeigh - Direct

the document that you discussed yesterday, Government's Exhibit No. 8 that was entitled "Constitutional Defenders"?

A. Yes.

Q. Did that disk have both of these documents on it?

A. Yes.

MS. WILKINSON: Your Honor, we'd offer Government's Exhibit No. 6, the disk, into evidence.

MR. NIGH: Same objections, your Honor.

THE COURT: Well, what are we do to with it? I mean, it is -- is it a usable exhibit?

MS. WILKINSON: We don't need it, your Honor. It's to ensure these documents came from there. I'll withdraw it.

THE COURT: All right. Withdrawn.

BY MS. WILKINSON:

Q. Ms. McVeigh, in March of 1994, did there come a time when you received a letter from your brother that you later destroyed?

A. Yes.

Q. Tell us when you received that letter.

A. Again, it was early '95. I don't know the exact date.

Q. Okay. And did you receive a second letter after that that you kept?

A. Yes.

Q. And did you receive that second letter on March 25, 1995?

MR. NIGH: I object as leading, your Honor.

Jennifer McVeigh - Direct

THE COURT: Sustained.

BY MS. WILKINSON:

Q. Okay. Do you recall when you received that second letter?

A. It was -- it was after the first one.

Q. Okay. Tell the jury what that first letter, the March -- the early 1995 letter said.

A. It said something big is going to happen in the month of the bull.

Q. I'm sorry. They are telling me that you went too fast and they couldn't hear you. Could you tell us again what the letter said?

A. It said something is going to happen in the month of the bull.

Q. Something big is going to happen?

MR. NIGH: I object as leading.

THE COURT: Well, there's a difference in the two answers.

What is your answer with respect to your recollection of what the letter that no longer exists, as I understand it,



says?

THE WITNESS: It was either something or something big is going to happen in the month of the bull.

THE COURT: In what?

THE WITNESS: In the month of the bull.

THE COURT: Okay.

Jennifer McVeigh - Direct

BY MS. WILKINSON:

Q. Ms. McVeigh, in your statement of May 2, your sworn statement where you signed every page, did you tell the FBI that your brother said something big was going to happen?

A. Yes.

Q. Now, did he ever tell you or did he -- did he ever tell you what that something big was?

A. No.

Q. He never told you what it was?

A. No.

Q. And you never asked him about it, did you?

A. No.

Q. What was your understanding of what he meant by the month of the bull?

A. It was according to an astrology book I have. It was March or April.

Q. It was which months?

A. March or April. It's mixed between two months.

Q. Okay. Did you -- did you understand that he was writing to you in code by writing the month of the bull?

A. If -- I guess if you call it -- yeah. Yeah.

Q. And from your conversations with him back in November of 1994 and through this time period in 1995 and through the literature, did you have an understanding as to what specific date he was referring to?

Jennifer McVeigh - Direct

A. I have a date that I thought it was.

Q. What date did you think it was?

MR. NIGH: I object, your Honor.

THE COURT: Sustained.

BY MS. WILKINSON:

Q. Did he ever tell you what date it was?

A. No.

Q. When he told you that something big was going to happen, did you have an understanding as to whether he would be involved with that event?

MR. NIGH: I object, your Honor.

THE COURT: Sustained as to her understanding.

BY MS. WILKINSON:

Q. Did he tell you whether he was going to be involved with that event?

A. No.

Q. In that letter, did he also advise you that you should stay

on your vacation a little longer?

A. In a letter and conversation, yes.

Q. Okay. Now tell us about that. Were you planning on taking a vacation in 1995?

A. Yes. I go on spring break.

Q. And where were you planning to go?

A. Pensacola, Florida.

Q. And during what time period were you planning to be in

Jennifer McVeigh - Direct

Florida originally?

A. It was two weeks, I believe it was in April.

Q. And you had conveyed that -- those vacation plans to your brother?

A. Yes.

Q. So he knew that you were supposed to be in Florida during April?

A. Yes.

Q. And had you told him that before he wrote you this letter advising you to stay in Florida or stay on your vacation a little longer?

A. Yes.

Q. Now, did he tell you a few other things in that letter about what you should do with the letter after you read it?

A. Yes.

Q. What did he say?

A. He said I should burn the letter.

Q. What did you do?

A. Burned the letter.

Q. Where did you burn it?

A. In my garage.

Q. When did you do it?

A. Probably the same day I got it.

Q. Did he give you any other information in that letter?

A. I think that's all.

Jennifer McVeigh - Direct

Q. Now, you told us that you received another letter that you kept after that; correct?

A. Yes.

Q. Let me show you Government's Exhibit No. 17. Do you recognize that?

A. Yes.

Q. How do you recognize that?

A. That's the second letter.

Q. Do you recognize the handwriting?

A. Yes.

Q. Whose handwriting is that?

A. It's Tim's.

Q. And do you recognize the date?

A. Yes.

Q. When did you receive this letter?

A. Saturday, March 25

A. Saturday, March 25.

Q. Of what year?

A. 1995.

MS. WILKINSON: Your Honor, we offer Government's Exhibit 17.

MR. NIGH: Same objections, your Honor.

THE COURT: Overruled. And 17 is received and may be published to the jury.

MS. WILKINSON: Thank you, your Honor.

BY MS. WILKINSON:

Jennifer McVeigh - Direct

Q. Ms. McVeigh, did you receive this 25 March, 1995, letter shortly after the burn letter, as we have referred to it?

A. Yes.

Q. And does this letter reference the letter that you burned?

A. Yes.

Q. Could you read this letter into the record for the jury.

A. "Jenny, still waiting on your letter as to whether you received my last letter. (About being a rock.) That's what 'confirmation of receipt' means. That had a lot of sensitive material in it so it's important to know if you received it or it was intercepted either by G-men or Dad. Also, did Dad get VHS tapes and did you get Vampire Killer 2000??? Please respond ASAP, only one letter. If one is already en route, don't send another. Send no more after the first of April and then even if it's an emergency, watch what you say because I may not get it in time and the G-men might get it out of my box, incriminating you. Enjoy your vacation. T."

Q. Is it your understanding that T is Tim?

A. Yes.

Q. All right. Let's go back up to the top of the letter. The first sentence he says: "Still waiting on your letter as to whether you received my last letter." What was your understanding as to what he was referring to in that sentence?

A. He was referring to the letter he wanted me to burn.

Q. The one that you did burn?

Jennifer McVeigh - Direct

A. Yes.

Q. And then he says about being a rock. Did he say something in the letter that you burned about being a rock?

A. I -- he must have.

Q. And what was your understanding of what he meant by being a rock?

MR. NIGH: I object, your Honor.

THE COURT: Sustained.

BY MS. WILKINSON:

Q. Did he tell you what he meant when he said be a rock?

A. No.

Q. The next sentence, he says, "That's what confirmation of receipt means." Was there something in the last letter that mentioned confirmation of receipt?

A. Yeah.

Q. Did he instruct you to write him a letter that you had received the burn letter?

A. Yes.

Q. Did you do that?

A. Yes.

Q. Did you write that letter before you received this March 25 letter or after?

A. I'm not completely sure.

Q. The next sentence, he says, "that had a lot of sensitive material in it so it's important to know if you received it or

Jennifer McVeigh - Direct

if it was interrupted (sic) either by G-men or Dad." What sensitive material was in that letter that you burned,

Ms. McVeigh?

A. I think the something is going to happen.

Q. Something big is going to happen?

A. Something big is going to happen.

Q. The next line he asks you did your dad get VHS tapes and did you get Vampire Killer 2000. What VHS tapes had he sent you and your father?

A. I'm not sure.

Q. Okay. Do you know what Vampire Killer 2000 is?

A. It's a -- political literature.

Q. About what?

A. Kind of like new world order type.

Q. What is your understanding of new world order?

A. I haven't read it in a long time.

MR. NIGH: Your Honor, I'm going to object.

MS. WILKINSON: That's all right --

THE COURT: Well, I don't know what the phrase is.

You said what is your understanding of the new world order.

MS. WILKINSON: Right. Because she said that's what the Vampire Killer 2000 -- but I can move on, your Honor.

THE COURT: All right.

BY MS. WILKINSON:

Q. The next line he writes: "Please respond ASAP, only one

Jennifer McVeigh - Direct

letter." Did you only write one letter to your brother after you received the burn letter?

A. I think so.

Q. "If one is already en route, don't send another. Send no more after 1 April. And then even if it's an emergency, watch what you say because I may not get it in time and the G-men might get it out of my box, incriminating you." Did you ever have a conversation with him about avoiding detection or avoiding interception of mail?

A. I don't know about a conversation.

Q. What else did he write about it in that prior burn letter?

MR. NIGH: Your Honor, I'm going to object to it being

referred to as the burn letter.

THE COURT: All right. Rephrase it.

MS. WILKINSON: Okay.

BY MS. WILKINSON:

Q. Okay. The letter that you burned, did he mention avoiding mail being intercepted?

A. I don't think so.

Q. Now, this wasn't the last letter that you received from your brother before April 19, 1995, was it?

A. No, I don't think it was.

Q. Did you receive another short note from him?

A. Yes.

Q. And was there anything included with that note? Did he

Jennifer McVeigh - Direct

send you some clippings?

A. Yes.

Q. Do you remember what the clippings were that you received with the note that he sent?

A. There were clippings from The Turner Diaries.

Q. And how long were the clippings from The Turner Diaries?

A. Very short. Maybe a paragraph.

Q. How many were enclosed with the note?

A. Three.

Q. And you received those sometime after this March 25 letter, but before you left for your vacation in Florida?

A. Yes.

Q. And when did you leave for your vacation in Florida?

A. I don't know the date.

Q. Does -- does April 8 sound familiar?

A. It was -- yeah. It was in that time frame.

Q. So somewhere in that two-week time frame, you received this other note with the clippings; is that right?

A. Yes.

Q. Do you recall specifically what clippings from The Turner=20 Diaries were included?

A. No.

Q. Did he tell you why he was sending you those clippings from The Turner Diaries?

A. No.

Jennifer McVeigh - Direct

Q. Did you keep them?

A. No.

Q. Temporarily? Did you keep them temporarily?

A. Yes.

Q. Did you keep the note that he wrote you?

A. Yes. I don't think there was a note in there. I think it was just a couple pieces of political literature.

Q. Did you take those clippings with you to Florida?

A. Yes.

Q. Now, before you left for your vacation in Florida, did you get together some of the things that Tim had sent you?

get together some of the things that Tim had sent you?

A. Yes.

Q. When did you do that?

A. It was probably the day before I left.

Q. So that would have been April 7, approximately?

A. Yes.

Q. And tell us what you did.

A. I separated his military records and personal items from the political literature, Waco videotapes, things like that and letters.

Q. So you had two boxes for his items; is that right?

A. Yes.

Q. And one box, you put the memorabilia, the yearbooks; is that correct?

A. Yes.

Jennifer McVeigh - Direct

Q. And in the other, you put literature?

A. Yes.

Q. Did you put photographs in that box?

A. Yes.

Q. Did you put letters that he wrote you?

A. Yes.

Q. Now, had you discussed with him whether you should separate out or somehow remove those items from your home before you left for spring break?

A. I'm not sure I -- I may have asked him.

Q. Do you recall having a phone conversation with him about whether you should remove those items from your home?

A. I -- I think I did.

Q. And that would have been sometime in March or April of -- early April of 1995?

A. Yes.

Q. What did you say to him?

A. I think I asked him if he wanted me to get rid of that stuff or something and he said no, he didn't care.

Q. But you decided to do it anyway?

A. Yeah.

Q. That evening of April 7 when you divided up the materials in those two boxes, what did you do with the two boxes?

A. I gave one to Rose.

Q. "Rose" being Rose Woods, the friend you mentioned

Jennifer McVeigh - Direct

yesterday?

A. Yes.

Q. What did you do with the other box?

A. Put it in my closet.

Q. Which box did you keep in your closet?

A. The one with the military records and personal things.

Q. So you gave Rose Woods the box with the letters, the photos, and the political literature?

A. Yes.

--- ----

Q. What did you ask her to do with the box?

A. Keep it -- keep it for me while I was on vacation.

Q. Why did you want her to keep it at her house?

MR. NIGH: I object, your Honor.

THE COURT: Overruled.

THE WITNESS: Because I -- from what had been indicated, I thought something might happen while I was on vacation.

BY MS. WILKINSON:

Q. Did you leave the next morning to go to Florida?

A. Yes.

Q. Where did you go in Florida?

A. Pensacola, Florida.

Q. Let me go back to one thing. You said you put some literature into that box that you gave to Rose Woods; correct?

A. Yes.

Jennifer McVeigh - Direct

Q. Can you look at Government Exhibits 10, 11, and 12. Do you see those?

A. Yes.

Q. Start with Government's Exhibit No. 10. Do you recognize that?

A. Yes.

Q. Do you recognize the handwriting?

A. Yes.

Q. Whose handwriting is that?

A. It's Tim's.

Q. Is this one of the documents that you had in the box that you gave to Rose Woods on April 7?

A. Yes.

MS. WILKINSON: Your Honor, Government offers Exhibit 10.

MR. NIGH: No objection, your Honor.

THE COURT: 10 is received.

MS. WILKINSON: May we publish?

THE COURT: Yes.

BY MS. WILKINSON:

Q. Just briefly, Ms. McVeigh, tell the jury what this document is. Hold on one second. There you go.

A. It has a couple different articles. It has The American=20 Response to Tyranny, and then it has the John Locke quote pasted on.

Jennifer McVeigh - Direct

Q. You told us yesterday that you had seen this quote before. Is this one of the documents where you had seen it?

A. Yes.

Q. And this quote is in your brother's handwriting; correct?

A. Yes.

Q. Now, turn to Government's Exhibit No. 11. Do you recognize

that?

A. Yes.

Q. Is this the same quote by itself?

A. Yes.

MS. WILKINSON: Government --

BY MS. WILKINSON:

Q. Was this in Rose Woods' box -- or the box you gave to Rose Woods? Excuse me.

A. I think so.

MS. WILKINSON: Government offers Exhibit 11.

MR. NIGH: No objection, your Honor.

THE COURT: 11 received.

MS. WILKINSON: Publish it just briefly, please.

THE COURT: Yes.

BY MS. WILKINSON:

Q. Ms. McVeigh, is this just the handwritten quote that you just described for us by itself, Government's Exhibit No. 11?

A. Yes.

Q. Finally, if you could turn to Government's Exhibit No. 12.

Jennifer McVeigh - Direct

Do you recognize this?

A. Yes.

Q. And was this a document that you put in the box that you gave to Rose Woods on April 7?

A. Yes.

MS. WILKINSON: Your Honor, Government offers Exhibit 12.

MR. NIGH: No objection, your Honor.

THE COURT: 12 received and may be published.

BY MS. WILKINSON:

Q. What is this article, Ms. McVeigh?

A. It's titled "Whatever Happened to Liberty Day."

Q. And does this discuss April 19, 1775?

A. Yes.

Q. And you had all these documents as well as many others in the box that you gave to Rose Woods on April 7, 1995; correct?

A. Yes.

Q. All right. Let's turn to when you moved -- or when you went on vacation to Florida. Did you tell Rose Woods when you would be coming back?

A. I'm not sure.

Q. Okay. Did you know at that time how long you were going to stay in Florida?

A. Yes.

Q. What were your plans at that time?

Jennifer McVeigh - Direct

A. Stay two weeks.

Q. So you would have returned on what day if you left on the 8th?

A. The 16th.



Q. Did you stay in Florida longer than that?  
A. That's wrong.  
Q. Take your time. You can do the math.  
A. 24th. Somewhere around there.  
Q. And were you in Florida on April 19, 1995?  
A. Yes.  
Q. Where were you that morning?  
A. I was at my friend Dennis's.  
Q. Who is Dennis?  
A. Dennis Sadler. He's a friend of mine.  
Q. And were you down there visiting him and family?  
A. Yes.  
Q. And where were you when you heard about the bombing?  
A. We were picking up Dennis's paycheck. We were driving.  
Q. Did you do anything after you heard about the bombing?  
A. No.  
Q. Did you contact your family?  
A. Yes.  
Q. And --  
A. No. Not after the bombing. After I heard Tim's name.  
MR. NIGH: I couldn't hear her last answer.

Jennifer McVeigh - Direct

THE WITNESS: Not after the bombing. That was after I heard Tim's name, I contacted my family.

BY MS. WILKINSON:

Q. Okay. Let's turn to that. On April 21, 1995, do you recall hearing that your brother had been arrested?  
A. Yes.  
Q. Where were you when you heard that he had been arrested?  
A. We were driving, and that's what I meant last time. For the last question.  
Q. Meaning you and Dennis were driving?  
A. Dennis and I were driving when I heard his name announced.  
Q. Were you driving the car, or was Dennis driving the car?  
A. I was driving.  
Q. What did you do after you heard about your brother's arrest?  
A. Smoked a lot of cigarettes and Dennis drove.  
Q. And did you go back to his house?  
A. Yes.  
Q. What did you do when you got back to his house?  
A. Well, I got ahold of family. I burned those clippings.  
Q. All right. Let's talk about burning those clippings. You had those three Turner Diary clippings with you?  
A. Yes.  
Q. And the short note that accompanied them?  
A. Yes.

Jennifer McVeigh - Direct

Q. Where did you burn those materials?  
A. A little laundry room in the back of Dennis's garage and that's where

CHIEF OF POLICE.

Q. Were you by yourself?

A. Yes.

Q. Did you tell Dennis that you had burned them?

A. Afterwards.

Q. Why did you burn them?

A. I was scared.

Q. What were you scared of?

A. Well, I just heard Tim's name announced, so I figured they would come around sooner or later and talk to me.

Q. You were afraid that they would take those documents?

A. Yes.

Q. Now, shortly after the -- did the FBI, in fact, come and find you?

A. Yes.

Q. They found you in Florida?

A. Yes.

Q. Did you talk to them?

A. Not much.

Q. Did you want to talk to them?

A. No.

Q. In fact, you don't really want to be here today talking to us, do you?

Jennifer McVeigh - Direct

A. No.

Q. Are you here pursuant to an immunity order?

A. Yes.

Q. And is it your understanding today that that immunity order protects you as long as you tell the truth?

A. Yes.

Q. And do you know what, if anything, you could be prosecuted for if you testified falsely today?

A. Just lying.

Q. Let's go back to your discussions with the FBI. Did they talk to you in Florida on several occasions?

A. Uh-huh.

Q. Did you return home to Buffalo after that, to the Buffalo area?

A. Yes.

Q. Did you speak to the FBI during that time period?

A. Yes.

Q. And that would have been the week after the bombing?

A. Yes.

Q. During that time, did you tell them everything that you've told the jury today that first week?

A. Yes.

Q. Everything? Let's break it down. You returned back to your home the Monday after the bombing; is that right?

A. Yes.

Jennifer McVeigh - Direct

Q. And during those first four weekdays or five weekdays,

Monday through Friday, did you tell the FBI everything that you knew?

A. You mean the first statement? Is what you mean?

Q. Yes.

A. No.

Q. And did there come a time when you made a written statement --

A. Yes.

Q. -- about what you knew? That first statement?

A. Yes.

Q. Did you do that on May 1 of 1995?

A. I believe that was the date, yeah.

Q. Before you signed that statement, were you able to review the statement and initial each page?

A. Yes.

Q. And did you swear in that statement that you were telling the truth?

A. Yes.

Q. And did you swear in that statement that you had destroyed no other documents other than the letter you had burned in March of 1995?

A. Yes.

Q. Was that true?

A. Yes -- no. I'm sorry.

Jennifer McVeigh - Direct

Q. Did you decide then to make a second statement?

A. Yes.

Q. Was that on March (sic) 2, 1995?

A. Yes.

Q. And in that statement, did you reveal additional information to the FBI?

A. Yes.

Q. Did you reveal the conversation about the explosives?

A. Yes.

Q. Did you reveal that you had burned the clippings from The=20

Turner Diary when you were in Florida after you heard about your brother's arrest?

A. Yes.

Q. Now, at that point, had you told the FBI everything that you knew?

A. Yes.

Q. And told them everything that you've told this jury today?

A. Yes.

Q. During that time period when you were revealing this information, did you feel like the FBI treated you fairly?

A. No.

Q. Did you feel like they were pressuring you to talk?

A. Yes.

Q. After you made those statements, despite that treatment, did you feel like you had been honest with the FBI about

Jennifer McVeigh - Direct

everything you knew?

A. Yes.

Q. And today, despite your feelings about your cooperation, have you told the jury the truth?

A. Yes.

MS. WILKINSON: No further questions, your Honor.

THE COURT: Mr. Nigh.

MR. NIGH: Your Honor, I have some exhibits for the witness.

THE COURT: All right. Send them over to the clerk. Do you -- do you also want these that she already has, or may we remove them?

MR. NIGH: We may need those, but they could be put to one side.

THE COURT: Yeah. Let's don't clutter up the witness stand too much.

MR. NIGH: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. NIGH:

Q. Good morning, Ms. McVeigh.

A. Good morning.

Q. Do you kind of wish we'd have finished yesterday so you didn't have to be back this morning?

A. Yes.

Q. Well, we'll try to make it relatively quick.

Jennifer McVeigh - Cross

What I would like to do first is go back to some of the personal information that you talked about yesterday with Ms. Wilkinson. Do you remember that?

A. Yes.

Q. And I want to clarify some of the things that you said. Tim is five years older than you; is that right?

A. Five or six.

Q. You don't remember for sure?

A. No.

Q. When you initially moved out -- you and your mother moved out of the house -- that was only 10 or 15 minutes away from where Tim lived; is that right?

A. Yes.

Q. And you continued to live in that house for how long?

A. We were in two different houses, until we moved to Florida with my mother, in Lockport until the end of my ninth grade year, so . . .

Q. So it would have been from fourth grade until ninth grade; is that right?

A. Yes.

Q. And that would be five years that you lived pretty close there to Tim?

A. Yes.

Q. All right. And during that time, you saw him relatively frequently; is that correct?

Jennifer McVeigh - Cross

A. Yes.

Q. Then when you moved to Florida, when you were in ninth grade, that was the same time that Tim went into the military; isn't that right?

A. Yes.

Q. While you were in Florida?

A. Yeah.

Q. If I'm wrong, tell me.

A. I'm not completely positive when he went in.

Q. All right. You know -- you know that he served in Operation Desert Storm; correct?

A. Yes.

Q. And when you were in the 11th grade, you moved back to New York; is that right?

A. Yes.

Q. And you graduated from high school in New York?

A. Yes.

Q. All right. And then Tim returned from the military in 1992, early 1992?

A. Yes.

Q. He had completed his service in late 1991, in December of 1991; is that right?

A. I guess so. Yeah.

Q. If you don't know, you can tell me. That's fine.

A. Okay.

Jennifer McVeigh - Cross

Q. And when he got out of the military, did he live with you and your dad at the house on Campbell Street for a while?

A. I don't remember it that well, but I think he stayed there for a short time.

Q. And then got his own apartment; is that right?

A. Yes.

Q. Okay. And you moved into your own apartment during the approximate same period of time?

A. Yes.

Q. Now, you told the jury yesterday about attending college?

A. Yes.

Q. And which college are you currently attending?

A. Buffalo State College.

Q. How long have you been at Buffalo State?

A. This will be my first year.

Q. Before you attended Buffalo State, did you attend a community college?

A. Yes.

Q. And is that Niagara County Community College?

A. Yes.

Q. NCCC?

A. Yeah.

Q. How long did you attend NCCC?

A. Two years.

Q. Were you studying elementary education there, as well?

Jennifer McVeigh - Cross

A. I started in psychology, and I switched it to elementary ed., but it was a liberal arts degree.

Q. You mentioned yesterday that this letter "Constitutional Defenders" that you saw Tim write --

MR. NIGH: If I may publish this, your Honor, Government's Exhibit 8, which is already admitted into evidence.

THE COURT: All right.

MR. NIGH: If I could use the ELMO.

BY MR. NIGH:

Q. You see that on your screen in front of you?

A. Yes.

Q. Is this the one that you corrected Tim's sentence structure on?

A. Yes.

Q. All right. And that was a letter that he had written to the American Legion magazine?

A. Yes.

Q. Would have been during the fall of 1994?

A. Yes.

Q. Now, this letter, you actually saw him write; is that correct?

A. Yes.

Q. And helped him with it a little bit?

A. Yeah.

Jennifer McVeigh - Cross

Q. Was that kind of in connection with your occupation -- or your desired occupation as an elementary school teacher?

A. Yeah. I'm an English person.

Q. You make good grades in college?

A. Yes.

Q. Also, on direct examination yesterday, you testified about -- in it -- you mentioned it again today -- receiving materials in the mail from your brother, including memorabilia and military records.

A. Yes.

Q. And some of that was political literature; correct?

A. Yes.

Q. And some of it was Tim's military records that he had obtained while he was serving in the Army?

A. Yes.

Q. I'd like to direct your attention, if I may, to what I've marked as Defense Exhibits O -- O-65 and O-66. They should be right there in front of you. Probably the very last two documents in that file folder you have in your hand.

A. Okay. I have them.

Q. Directing your attention first to O-65, do you recognize that?

A. Yes.  
Q. What is that?  
A. That's one of the certificates for a medal.

Jennifer McVeigh - Cross

Q. Is that the Army Commendation Medal?  
A. Yes.  
Q. Is that one of the documents that Tim sent to you in this letter that you testified to on direct examination?  
A. Yes.

MR. NIGH: Your Honor, I'd move for the admission of O-65.

MS. WILKINSON: No objection.

THE COURT: O-65 received.

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

THE COURT: Yes.

BY MR. NIGH:

Q. Ms. McVeigh, if you would, go ahead and read what is set forth there.  
A. It's -- do you want me to start with the top?  
Q. Why don't you read the --  
A. Just the bottom four?  
Q. Why don't you identify what it is, the title on the certificate.  
A. It's the Department of the Army. It says, "This is to certify the Secretary of the Army has awarded the Army Commendation Medal to Sergeant Timothy James McVeigh, Charlie Company." Do you want me --  
Q. And then what is it for, if you go ahead and read that as well.

Jennifer McVeigh - Cross

A. "Meritorious achievement, with valor, during Operation Desert Storm while assigned as an infantryman to Team Alpha Task Force 2-16 Infantry on 25 February, 1991 in southern Iraq. He inspired all members of his squad and platoon by destroying an enemy machine-gun placement, killing two Iraqi soldiers and forcing the surrender of 30 other enemy soldiers in dug-in positions. His actions while under enemy fire reflect great credit upon himself, the First Inventory Division, and the United States Army."

Q. Thank you.

Now, if I could direct your attention to Defense Exhibit O-66. Do you see that one?

A. Yes.

Q. And what is that?

A. It's a certificate for the Bronze Star Medal.

Q. And is that one of the documents that Tim sent to you in this letter that you referred to previously?

A. Yes.

MR. NIGH: I'd move for the admission of O-66.

MS. WILKINSON: No objection.

THE COURT: Received and may be published.

THE COURT: Received and may be published.

BY MR. NIGH:

Q. And Ms. McVeigh, is that the Bronze Star Medal certificate that Tim received while he was in Desert Storm?

A. Yes.

Jennifer McVeigh - Cross

Q. If you would, just read the part of it which is describing what it's for, beginning with "meritorious service."

A. "Meritorious service during the period 17 January, 1991, to 3 March, 1991, while a member of the 2d Battalion, 16th Infantry Task Force, First Infantry Division (Mechanized) Operation Desert Storm. His selfless actions were key to the flawless execution of the mission, the liberation of Kuwait, and the ultimate defeat of the Iraqi Army. Sergeant McVeigh's flawless devotion to duty truly exemplifies the finest traditions of the military service and reflects great credit upon him, the First Infantry Division (Mechanized) and the United States Army."

Q. Thank you. Now, Ms. McVeigh, what I would like to do is to return to some of the items that you mentioned on direct examination while Ms. Wilkinson was questioning you. And I want to go back first yesterday to some of the things that you mentioned yesterday. Do you recall talking about seeing a photograph with Tim wearing biker gear?

A. Yes.

Q. And you did have a photograph which depicted your brother wearing what? Sunglasses and something that looked like a Harley-Davidson outfit or something like that?

A. Yes.

Q. Did Tim tell you where he had worn that biker garb?

A. He mentioned California.

Jennifer McVeigh - Cross

Q. Did he tell you that he had worn that biker garb anywhere else?

A. No.

Q. You also -- and this was something that was brought up today -- testified about a letter that you received saying that something -- or something big would happen during the month of the bull?

A. Yes.

Q. Is that right? I'd like to direct your attention to -- well, first before I do that, let me ask you this: As a result of receiving that letter, did you consult your astrological chart?

A. Yes.

Q. Now, if I could direct your attention to Government's Exhibit 0 -- I mean Defense Exhibit 0-33. It should be pretty close to the top of that loose stack. Not -- not in that folder.

A. Actually, it is in this folder. I saw it --



... necessarily, it is in this folder. I saw it  
Q. It might be in that big folder.  
A. Thanks, Rob.  
Q. Do you see it?  
A. Yes.  
Q. Do you recognize that?  
A. Yes.  
Q. And what is that?

Jennifer McVeigh - Cross

A. This is the page out of the book I looked in to find out  
what the month of the bull was.  
Q. Your astrological chart?  
A. Yes.

MR. NIGH: Your Honor, I'd move for the admission of  
Defense Exhibit O-33.

MS. WILKINSON: No objection.

THE COURT: O-33 received.

MR. NIGH: If we could publish it.

THE COURT: Yes.

BY MR. NIGH:

Q. When does the month of the bull begin, according to your  
astrological chart?  
A. April 20.  
Q. Thank you. And this is the document that you looked at?  
A. Yes.  
Q. Also, this morning, Ms. McVeigh, you testified about giving  
a box of materials to Rose Woods before you went on your  
vacation to Florida.  
A. Yes.  
Q. Was that a decision you made completely on your own?  
A. Yes.  
Q. Did Tim tell you to move anything out of the house?  
A. No.  
Q. You also testified this morning about this "ATF Read"

Jennifer McVeigh - Cross

document. Do you recall that?

A. Yes.  
Q. Did you see your brother write that?  
A. No.  
Q. Do you know if your brother wrote that, from your own  
personal knowledge?  
A. I just found it later.  
Q. You had seen him write the "Constitutional Defenders"  
letter; correct?  
A. Yes.  
Q. Did you see anybody write the ATF letter?  
A. No.  
Q. Did Tim ever say anything to you about delivering the ATF  
letter?  
A. No.  
Q. Showing it to anyone?

A. No.

Q. Did he ever express concern that anyone would see it?

A. No.

Q. Now, when was the last time that Tim was in your house where your computer was?

A. November of '94.

Q. And is that when he wrote the "Constitutional Defenders" letter?

A. Yes.

Jennifer McVeigh - Cross

Q. You also testified during the course of your direct examination that Tim sent you a number of items of political literature over time.

A. Yes.

Q. Did that begin in approximately 1992?

A. Yes.

Q. And did it continue up until 1995?

A. Yes.

Q. Did you receive it all at once, or was it kind of spread out a few items here and a few items there?

A. It was spread out. He'd send it to me every now and then.

Q. I'd like to direct your attention, if I may, to what's been marked as Defendant's Exhibit O-14. Do you have that in front of you?

A. Yes.

Q. Does that appear to be an article entitled "The American Response to Tyranny" and overlay from John Locke's "Second Treatise on Government"?

A. Yes.

Q. Is that one of the documents that Tim sent to you?

A. Yes.

Q. And that you put into Rose Woods' box?

A. Yes.

MR. NIGH: Your Honor, I'd move for admission of O-14.

MS. WILKINSON: I'm sorry. I don't have a copy of the

Jennifer McVeigh - Cross

materials that Mr. Nigh gave her.

THE COURT: Find it, please.

MS. WILKINSON: I have no objection, your Honor, other than it's already a Government exhibit, the same one that we entered.

THE COURT: Well, I was wondering if there was a duplication.

MS. WILKINSON: I don't know why we need the same thing twice.

MR. NIGH: We don't, your Honor.

MS. WILKINSON: I believe it's Government's Exhibit No. 10.

MR. NIGH: Then I don't need to admit a defense one, your Honor.

THE COURT: All right. It's recognized that it's the same as what's been received as Government's 10.

MR. NIGH: Yes, your Honor.

THE COURT: All right. Thank you.

BY MR. NIGH:

Q. Now, if I could direct your attention to -- we don't need to publish that. It doesn't -- Defense Exhibit O-17. Does that -- don't publish it yet. It's not in. Does that appear to be an article entitled "Waco Shootout Evokes Memory of Warsaw '43"?

A. Yes.

Jennifer McVeigh - Cross

Q. Is that one of the items that Tim sent to you of political literature?

A. I'm not sure about the top, but I remember the quotes at the bottom, reading those before.

Q. The quotes at the bottom from Thomas Jefferson about the tree of liberty?

A. Yes.

MR. NIGH: Your Honor, I'd move for the admission of O-17.

THE COURT: Do you have a copy of that?

MS. WILKINSON: I do. I found it, your Honor. No objection.

THE COURT: O-17 received.

MR. NIGH: May we publish it?

THE COURT: Yes.

BY MR. NIGH:

Q. Do you still have that in front of you, Ms. McVeigh?

A. Yes.

Q. And that one, the beginning of it, the title is -- the beginning title is "Waco Shootout Evokes Memory of Warsaw '43"; is that right?

A. Yes.

Q. And down at the bottom, it appears to be from a letter-to-the-editor page of the Wall Street Journal on March 15 of 1993; is that right?

Jennifer McVeigh - Cross

A. Yes.

Q. And then it also has several quotes at the bottom, including a quote from Thomas Jefferson about the tree of liberty; is that right?

A. Yes.

Q. And a few other quotes, as well.

Do you recognize those quotes as documents that Tim sent to you sometime between 1992 and 1995?

A. Yes.

Q. Now, did he only start sending you this type of thing in late '94 or early 1995, or had he been sending you this type of thing ever since 1992?

A. He was sending it ever since he got out of the military

A. He was sending it ever since he got out of the military.

Q. I'm not asking you to tell us precisely when you got this one. I'm just asking you whether it started at a particular point or whether it continued all throughout.

A. I'm not positive. I'm not very good with dates.

Q. And is this the kind of document that you put in the Rose Woods box?

A. Yes.

Q. I'd like to direct your attention to Defense Exhibit O-18. Do you have that in front of you?

A. Yes.

Q. Do you recognize that as a document that Tim sent to you during that 1992 to 1995 time period?

Jennifer McVeigh - Cross

A. Yes.

Q. And does it begin with a quote about how to -- or an article "How to Beat the Government's Terrorist Goon Squads"?

A. Yes.

MR. NIGH: Your Honor, I'd move for the admission of O-18.

MS. WILKINSON: No objection.

THE COURT: Received, O-18. You may publish if you wish.

MR. NIGH: Thank you, your Honor.

BY MR. NIGH:

Q. Ms. McVeigh, does that document on the right-hand side have a quote from The Gulag Archipelago by Alexander Solzhenitsyn?

A. Yes.

Q. And then lower right-hand side, does it have a quote from Winston Churchill?

A. Yes.

Q. On the lower left-hand side -- or actually, the entire left-hand column, does it have a quote from Patrick Henry ending with the last paragraph, "Many cry peace, peace, but there is no peace"?

A. Yes.

Q. Had Tim sent this to you during that period of time?

A. Yes.

Q. And is that one of the items that you put in the Rose Woods

Jennifer McVeigh - Cross

box?

A. Yes.

Q. If you would, Ms. McVeigh, look at those documents in front of you and see if you can -- well, first look at O-20, if you would. Have you found that one?

A. Yes.

Q. Do you recognize that?

A. Yes.

Q. Does that appear to be a document of political literature that Tim sent to you during this 1992 to '95 time period?

A. Yes.

MR. NIGH: I'd move for the admission of O-20, your Honor.

MS. WILKINSON: Again, your Honor, I believe this is already in evidence with the Government; but I have no objection.

THE COURT: Do you have the reference?

MS. WILKINSON: We're looking it up. I'm not sure which number it is.

THE COURT: Well, we'll admit O-20, even though it may duplicate another exhibit.

MR. NIGH: Thank you, your Honor.

BY MR. NIGH:

Q. Ms. McVeigh, does this have a picture of the American Eagle and a quote from Samuel Adams under that, "If ye love wealth

Jennifer McVeigh - Cross

better than liberty," etc., etc.?

A. Yes.

Q. And at the bottom, a quote from Thoreau, "There are a thousand hacking at the branches of evil to one who is striking at the root?"

A. Yes.

Q. Is this one of the documents that Tim sent to you during that time period?

A. Yes.

Q. And is this one of the documents that you put into the Rose Woods box?

A. Yes.

Q. All right. I'm not going to cover everything that was put into that box; but let me ask you: Were there a number of items containing similar quotes from people like Thomas Jefferson, Samuel Adams, Thoreau, other individuals like that?

A. Yes.

Q. And Tim had sent you those over time; is that correct?

A. Yes.

Q. And also, did you put a copy of the first ten amendments to the Constitution in the Rose Woods box?

A. Yes.

Q. And did you put a copy of the Declaration of Independence in the Rose Woods box?

A. Yes.

Jennifer McVeigh - Cross

Q. Were those items that Tim had sent to you?

A. Yes.

Q. Based upon what you know about your brother Tim, would it have been unusual at all for him to have this type of political literature in his possession on April 19 of 1995?

A. No.

Q. Now, if we could, I'd like to talk a moment about The=20 Turner Diaries.

A. Okay.

Q. You said that you received a copy of The Turner Diaries from your brother; is that right?

A. Yes.

Q. And that he had parts of it highlighted; is that right?

A. Yes.

Q. Let's talk about highlighting for just a moment. Did -- in what manner did Tim highlight documents and books?

A. He highlighted, I think, things he thought were important; and he highlighted a lot.

Q. Did he highlight in such a fashion that it was sometimes difficult to determine what he was emphasizing?

A. Yes.

Q. Did he send you clippings sometimes that had highlighting on both sides?

A. Yes. In fact, the ones that I received earlier were like that.

Jennifer McVeigh - Cross

Q. The clippings from The Turner Diaries that you burned?

A. Yes.

Q. They had highlighting on both sides?

A. Yes.

Q. Did you know which side he was trying to direct your attention to, if either?

A. No.

Q. Did he ever call your attention to that part of the book which references the FBI truck bombing, or the truck bombing of FBI headquarters in Washington, D.C.?

A. No.

Q. Did he ever say anything to you about that truck bombing --

A. No.

Q. -- referenced in the book?

A. No.

Q. Did he ever talk to you about ammonium nitrate?

A. No.

Q. Did he ever talk to you about nitromethane?

A. No.

Q. Did he ever talk to you about anhydrous hydrazine?

A. No.

Q. Did he ever make any special mention of aspects of the Turner Diaries that might have mentioned those things?

A. No.

Q. Now, the clippings that he sent to you that you said that

Jennifer McVeigh - Cross

you received in late March or early April of 1995, do you know, did those reference the truck bombing of FBI headquarters?

A. Not that I know of.

Q. Now, Ms. McVeigh, I'd like to turn to the events beginning on April 21 of 1995. Were you first contacted by the FBI at Dennis Sadler's house?

A. Yes.

A. Yes.

Q. While you were there in Florida during that -- during April 21 and shortly thereafter, did they search Dennis's house?

A. Yes.

Q. And did they search your truck?

A. Yes.

Q. You drive a pickup truck, don't you?

A. Yes.

Q. Did they search your truck?

A. Yes.

Q. Did they take anything out of your truck?

A. Yes.

Q. What -- what did they take?

A. I don't know everything that they took offhand. I know they took some cassette tapes I had.

Q. What kind of cassette tapes?

A. They were patriot music.

Q. Patriot music?

Jennifer McVeigh - Cross

A. Yes.

Q. All right. Would you -- would you consider those political audiotapes?

A. Yeah. Somewhat.

Q. Were those items that Tim had given to you?

A. No.

Q. Those were items you had obtained on your own?

A. Yes.

Q. Was there any literature that they took or any documents that they took?

A. From my truck, I don't know. From Dennis's house, I think I had a couple political literature, maybe.

Q. Did you have a "Citizens Rule Book"?

A. Yes.

Q. Was that something Tim had given to you, or had you obtained that on your own?

A. I got it on my own.

Q. Now, on Monday, April the 24th of 1995, did you travel to Buffalo to meet with the FBI?

A. Yes.

Q. Did you leave your truck in Florida? Did you fly?

A. Yes.

Q. And did your father and FBI agents meet you at the airport?

A. Yes.

Q. Where did you go from the airport?

Jennifer McVeigh - Cross

A. Straight to the FBI office.

Q. Did they question you that night?

A. They tried to.

Q. You weren't answering their questions?

A. No.

--- ---  
Q. Did they question you the following day?  
A. Yes.  
Q. For eight or nine hours?  
A. Yes.  
Q. Did they question you the day after that?  
A. For about eight days straight.  
Q. Eight or nine hours each day?  
A. It was -- yeah. It varied.  
Q. I'm sorry?  
A. It was varied, yeah, but it was usually -- we were usually there up until the evening hours.  
Q. Did you ask for a day off?  
A. Yes.  
Q. Were you given a day off?  
A. No.  
Q. Did you have a phrase during that period of time for your presence at the FBI office in Buffalo?  
A. Yes. After I got Joel, we referred to it as camping out at the FBI office.  
Q. You referenced Joel. Who is Joel?

Jennifer McVeigh - Cross

A. My lawyer.  
Q. Did you have a lawyer during that initial period of time?  
A. No.  
Q. Now, during the course of that eight or nine days, did the FBI ask you for more and more details about what they were -- you were telling them?  
A. Yes.  
Q. I want to go back to something that you mentioned yesterday, a conversation with Tim about having some explosives and almost being involved in a wreck. Do you remember that?  
A. Yes.  
Q. And you told the FBI that -- or at least your written statement to the FBI says it was up to a thousand pounds. Is that right?  
A. Yes.  
Q. Is that -- is that a number that you selected?  
A. I wasn't sure, but they wanted a number. That's why it says up to a thousand pounds.  
Q. Do you recall Tim ever saying anything about a thousand pounds?  
A. He gave me a number, but I don't remember exactly what the number was.  
Q. Now, going back to when you first arrived in Buffalo on April 29, did the FBI have some pictures of you?  
A. Yes.

Jennifer McVeigh - Cross

Q. Would you -- did they also have some pictures of your brother, Tim?  
A. Yes.



Q. Would you describe those pictures.

A. They had big posters on the walls all over the room.

Q. What kind of posters?

A. They had -- can I stop for a minute?

THE COURT: Yes. Want some water? Why don't you have some water.

THE WITNESS: They, of course, had Tim's time line of what they thought he had done. They also had a time line for me.

BY MR. NIGH:

Q. A time line for you? Did they have a picture of you?

A. Yes. My high school picture. They took it off my kitchen wall.

Q. How large -- had they enlarged it?

A. Yes.

Q. How large had they made it?

A. I don't know. It was maybe that big or around there.

Q. Indicating about two feet tall or -- or a foot and a half tall?

A. Yeah.

Q. Did they have anything under your picture?

A. They had -- I don't know if it was together or separate,

Jennifer McVeigh - Cross

but they also had a list of charges on posters which were larger.

Q. Charges as to you or to your brother?

A. To me.

Q. Was -- did they show you a statute, also?

A. Yes.

Q. A law book?

A. Yes.

Q. Let me direct your attention, if I may, to Defendant's O-35. Have you found that?

A. Yes.

Q. Do you recognize that document?

A. Yes.

Q. Is that a copy of what the FBI showed you and told you that you could be charged with when you met with them in Buffalo?

A. Yes.

MR. NIGH: Your Honor, I'd move for the admission of Defendant's O-35.

MS. WILKINSON: No objection, your Honor.

THE COURT: O-35 received. It may be published.

BY MR. NIGH:

Q. If I could direct your attention, Ms. McVeigh, to parts of that document. Page 57 is what it references in the lower right-hand corner. Do you see that? Principals?

A. Yes.

Jennifer McVeigh - Cross

Q. Is that one of the statutes that they showed you?  
A. Yes.  
Q. And does it have anything handwritten after: "Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures is punishable as a principal"?  
A. Yes.  
Q. What did they write in there?  
A. I.e., death.  
Q. Is that something you wrote or the agents wrote?  
A. The agents wrote it.  
Q. If I could direct your attention to the next page, section 3, clause 1. Treason. Is that one of the statutes that they called to your attention?  
A. Yes.  
Q. Did they tell you you could be charged with treason?  
A. Yes.  
Q. Did they mention to you that you could only be charged with treason during time of war?  
A. No.  
Q. What did they write after the statute?  
A. "Penalty equals death," underlined.  
Q. Does -- the message that they conveyed to you was that you could receive the death penalty?  
A. Yes. In fact, that was on the large posters which were

Jennifer McVeigh - Cross

much larger than the pictures.

Q. Did there come a time when the FBI asked you to go see your brother?  
A. Yes.  
Q. What did they ask you to do?  
A. They wanted me to talk to him on their behalf.  
Q. Did they want you to try to obtain information from him --  
A. Yes.  
Q. -- about any knowledge he might have of the Oklahoma City bombing?  
A. Yes.  
Q. Was that their idea or your idea?  
A. That was their idea.  
Q. Afterwards, did they have you prepare a written statement?  
A. Yes.  
Q. What did that written statement say?  
A. That they had never asked me to work as an agent of the FBI, basically.  
Q. Was that statement the truth?  
A. No, it was not.  
Q. Why did you sign it?  
A. They asked me and then they went and talked to someone, I guess, higher officials, and were told they couldn't do that. So then they had me sign a statement, and I really didn't know what it was and right after -- I did read it, but I really

Jennifer McVeigh - Cross

didn't understand it; and right after that is when I got my attorney because they tried to have me sign a different statement around the same time.

Q. Yesterday, the Government showed you a number of exhibits that had Tim's handwriting on them?

A. Yes.

Q. That you recognized as Tim's handwriting?

A. Yes.

Q. Did they ever show you a document that appeared to be a Ryder rental contract or a document from Ryder trucks bearing the signature Robert D. Kling?

A. I don't think so, but I'm not sure.

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

THE COURT: Yes.

BY MR. NIGH:

Q. Ms. McVeigh, you were not involved at all in the Oklahoma City bombing, were you?

A. No.

Q. You did not facilitate the bombing of the Murrah Building in Oklahoma City --

A. No.

Q. -- in any way? Did you have any prior knowledge of it?

A. No.

Q. Did you have any knowledge about your brother being involved in it in any way, shape, or form?

Jennifer McVeigh - Cross

A. No.

MR. NIGH: That's all I have, your Honor.

THE COURT: Any follow-up questions?

MS. WILKINSON: Yes, your Honor.

THE COURT: All right.

REDIRECT EXAMINATION

BY MS. WILKINSON:

Q. Ms. McVeigh, Mr. Nigh just asked you about the Ryder rental contract. Did you tell the Government that you don't recognize your brother's writing if he writes in cursive?

A. Yes.

MS. WILKINSON: Your Honor, I'd like to put back up Government's Exhibit 7 which was previously admitted into evidence.

THE COURT: All right.

BY MS. WILKINSON:

Q. Ms. McVeigh, you were asked about this during cross-examination. This is Government's Exhibit No. 7 that you found on your computer. Do you recall that?

A. Yes.

Q. Did you write that?

A. No.

Q. Did your father type it?

A. I don't think so.

Q. When you discussed it with your brother, was it your

Jennifer McVeigh - Redirect

understanding that he was familiar with the document you were talking about?

MR. NIGH: I object, your Honor.

THE COURT: Sustained as to understanding.

BY MS. WILKINSON:

Q. Did you --

A. Yes.

Q. Did you discuss the document with your brother?

A. Yes.

Q. When you talked to the FBI, did you tell them that that document was on the disk?

A. Yes.

Q. They hadn't found the disk, had they?

A. No.

Q. You pointed it out for them?

A. Yes.

Q. Now, let's talk a little bit about things that you put in the Rose Woods box. You told Mr. Nigh that you put some political literature in there; is that right?

A. Yes.

Q. Didn't you also put some letters that you received from your brother in there?

A. Yes.

Q. Look at Government's Exhibit No. 15. Do you recognize that?

Jennifer McVeigh - Redirect

A. Yes.

Q. And in this, this is where your brother tells you that Mike and Lori Fortier are trustworthy; is that right?

A. Yes.

Q. Did you also hide that letter in the Rose -- put that letter in the Rose Woods box?

A. Yes.

Q. And did you put other letters that you had received from your brother in that box?

A. Yes.

Q. Now, I'd like to clarify something because I'm confused. You told Mr. Nigh that you know that your brother never talked to you about the truck bombing in The Turner Diaries; is that right?

A. Right.

Q. I thought you told us during direct examination that you had never really discussed The Turner Diaries with your brother. Is that true?

A. I'm confused.

Q. Well, why don't you tell us. Have you ever discussed The=20

Turner Diaries with your brother?

A. No, I don't think I have. Not in conversation.

Q. So he wouldn't have any reason to point out the truck bombing or any of the components that are discussed in that book; is that correct?

Jennifer McVeigh - Redirect

MR. NIGH: I object, your Honor.

THE COURT: Sustained.

BY MS. WILKINSON:

Q. You never discussed any of the details of The Turner=20 Diaries with him, did you?

A. No.

Q. Another thing I'd like to clear up are these clippings that you received from him back in March or early April of 1995. You told us on direct that you didn't recall anything about the clippings. Is that true?

A. That's true.

Q. So you don't know whether they mentioned the truck bombing or not, do you?

A. No.

Q. Now, you told us both during direct and cross-examination that you spoke with the FBI continuously right after the bombing; is that right?

A. Yes.

Q. And they were keeping you there for long periods of time, trying to ask you questions during those initial days when you were back in Buffalo; is that right?

A. Yes.

Q. And despite that, you didn't tell them everything you knew, did you?

A. Not in the first statement.

Jennifer McVeigh - Redirect

Q. And not even -- I'm talking about even before the first statement. That Monday through Friday when you were there nine hours a day, you didn't tell them the things that you knew, did you?

A. No.

Q. Then on Saturday, I believe you told us they showed you this charges that Mr. Nigh showed you Government's -- I mean Defense Exhibit O-35.

A. I don't know which day they showed it to me.

Q. Okay. Do you recall whether they showed you those charges before or after you made your first written statement?

A. No, I don't.

Q. Okay. But once you made your first written statement, you still didn't tell the truth, did you?

A. I left things out.

Q. Okay. Well, you didn't just leave things out. You also lied about destroying documents, didn't you?

A. Right.

Q. Now, when the FBI showed you these charges, which you've clearly told us were very upsetting to you, did they make you want to lie or did they make you want to tell the truth?

want to lie, or did they make you want to tell the truth?

A. I think they were intended to just get me to talk to them by scaring me.

Q. Did you understand them to be intended to make you tell the truth or to lie?

Jennifer McVeigh - Redirect

MR. NIGH: I object, your Honor.

THE COURT: Overruled.

THE WITNESS: To tell the truth.

BY MS. WILKINSON:

Q. And did you do that?

A. Yes.

Q. You told us that the FBI at some point asked you to go see your brother; is that right?

A. Yes.

Q. Now, after those agents asked you to see -- go see your brother, you said they went and spoke to higher officials, you called them. Is that your understanding?

A. Yeah. I don't know who they spoke to exactly.

Q. But it was your understanding it was someone that was above them?

A. Yes.

Q. And didn't they come back and tell you that they didn't want you to go see your brother on their behalf?

A. Yes, they did.

Q. And in fact, you never went to see your brother to find out any information for the FBI, did you?

A. No, I did not.

Q. Despite repeated requests by your family to cooperate with the FBI; isn't that correct?

A. That's true.

Jennifer McVeigh - Redirect

Q. Your father asked you to cooperate, didn't he?

A. Yes.

Q. And didn't your mother?

A. Yes.

Q. You told Mr. Nigh that you were upset by the charges that the FBI agents showed you; right?

A. Yes.

Q. And you made a statement on May 1 where you revealed a lot of information; is that right?

A. Yes.

Q. Did the FBI let you go home and sleep overnight -- sleep at night, and come back the next day before you reviewed the statement and signed it?

A. Yes.

Q. And did you sign every single page at the beginning, at the end of that statement?

A. Yes.

Q. And did you swear at the end of that statement that it was true?

A. Yes.

Q. And when you made your second statement, did you follow the same procedure? Did you go home that night and were you able to sleep and think about the statement?

A. Yes.

Q. And you were able to come back and make any changes,

Jennifer McVeigh - Redirect

weren't you?

A. Yes.

Q. You made some changes to that statement, didn't you?

A. Yes.

Q. When you didn't like the wording?

A. Yes.

Q. You made those changes --

A. Yes.

Q. -- correct? So when you told Mr. Nigh and the jury that that thousand pounds was just a number that you had to come up with, that wasn't a number that the FBI gave you, was it?

A. They -- pressured me for a number. And that is what I thought to be the number.

Q. That's the number you thought Tim told you, a thousand pounds of explosives; correct?

A. Yes.

Q. So nobody put those words into your mouth, did they?

A. No.

MS. WILKINSON: No further questions, your Honor.

THE COURT: Mr. Nigh, any recross?

MR. NIGH: Yes, your Honor.

RECROSS-EXAMINATION

BY MR. NIGH:

Q. Ms. McVeigh, at the beginning when the FBI had you in the office in Buffalo, did they tell you that they were going to

Jennifer McVeigh - Recross

objectively investigate this case and find out whether or not your brother was responsible?

A. No. They -- they told me he was guilty and she said that he was going to fry.

MR. NIGH: That's all I have, your Honor.

MS. WILKINSON: No further questions.

THE COURT: What is her status now?

MS. WILKINSON: She's excused on behalf of the Government.

MR. NIGH: Yes, your Honor.

THE COURT: You're excusing her, as well?

MR. NIGH: Yes, your Honor.

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

Members of the jury, we'll take our mid-morning recess at this time. During this recess, please continue to, of course, avoid discussion about anything that has been presented

to you in the case, remembering what I've said so often about keeping open minds and, as well, avoid anything in any communications or publications that could relate to the issues that are being tried in this case.

You're excused now. 20 minutes.

(Jury out at 10:21 a.m.)

THE COURT: Recess, 20 minutes.

(Recess at 10:22 a.m.)

(Reconvened at 10:42 a.m.)

THE COURT: Be seated, please.

(Jury in at 10:42 a.m.)

Next witness, please.

MR. HARTZLER: Government calls Special Agent Luke Franey. Ms. Behenna will question him.

THE COURTROOM DEPUTY: Raise your right hand.

(Luke Franey affirmed.)

THE COURTROOM DEPUTY: Thank you.

Would you have a seat, please.

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

THE WITNESS: My name is Luke Franey, F-R-A-N-E-Y.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MS. BEHENNA:

Q. Are you employed, Agent Franey?

A. Yes, I am.

Q. Where do you work?

A. The United States Treasury Department, the Bureau of Alcohol, Tobacco and Firearms.

Q. And how long have you worked for the ATF?

A. Since July 5 of 1988.

Q. Where are you stationed, or where is your office located?

A. I work in the Oklahoma City field office.

Luke Franey - Direct

Q. And how long have you been in that field office?

A. Since I hired on with ATF.

Q. Do you have college?

A. Yes, I do.

Q. Where did you attend college?

A. I attended Sam Houston State University in Huntsville, Texas. I graduated in 1986 with a degree in criminal justice.

Q. After your graduation from college, did you go immediately into the ATF, or did you have some other employment?

A. No, I did not. I worked for the Port Aransas Police Department through '87. Then I was hired by the U.S. Department of Health and Human Services, Office of Inspector General, which is their investigative branch. I worked there until July of 1988, when I was hired by ATF.

Q. What is your job with the ATF?

A. As a criminal investigator or special agent assigned to the Oklahoma City field office, I investigate crimes that come under our jurisdiction that occur in the Western Judicial District of Oklahoma, or the western half of the state, and a



small portion of the eastern part of the state.

Q. And those violations would include what?

A. They would include violations of the federal firearms laws, explosive laws, arson laws.

Q. Where was the ATF located on April 19, 1995?

A. It was located in the alpha -- Alfred E. Murrah Federal

Luke Franey - Direct

Building at 200 N.W. 5th in Oklahoma City.

Q. On what floor was the ATF office located?

A. Our office was on the 9th floor, in Suite 965.

Q. Let me show you what's already been admitted as Government's Exhibit 952.

MS. BEHENNA: And with the marshal's assistance, your Honor, I would like to put the 9th floor up on the easel for the ease --

THE COURT: All right.

We'll have to bring it forward enough so the jurors can see it.

BY MS. BEHENNA:

Q. Agent Franey, you have in front of you --

MS. BEHENNA: Toward Luke?

MR. RYAN: Towards the witness.

MS. BEHENNA: Could you move it over to the witness stand a little bit more.

THE COURT: Well, now the jury can't see it.

MS. BEHENNA: May I?

THE COURT: Yes.

BY MS. BEHENNA:

Q. Agent Franey, you have a light pen in front of you, if you would like to use that, or there is a pen that you can actually mark on the computer with. Can you describe for the jury the ATF office space that was located there on the 9th floor of the

Luke Franey - Direct

Murrah Building.

A. Yes, ma'am. Our office here, which is highlighted in -- it would be in the southeast corner of the 9th floor of the building. I'll just touch it. There we go.

That would be the entrance to our office, which was our outside waiting room.

If you enter through this door here, which came into the secretary's bay as you proceeded down the hallway here, you would find our supervisor's office, Alex McCauley at the time. If you continue down the hall, you would come to Special Agent Donald Gillispie's office. Continuing eastbound, you would hit Special Agent Harry Eberhardt and Mark Michalic's office.

If you continue down again, the last office on the southeast side would be the office of Special Agent Delbert Canopp, Tim Kelly, and Karen Simpson. There were actually three agents that worked out of that office.

If you go to the end of the hallway, there would be our computer room. where our LAN system was set up.

our computer room, where our LAN system was set up.

Directly north of that in here would be our outer vault and then our evidence vault.

If you went westward back down the hall, you would come to my office right here, Special Agent Darrell Edwards' office here. We had a large conference room here, and then this last office would be our fingerprinting room and refrigerator room.

Luke Franey - Direct

Q. I believe there is a button on that pen. If you will keep pushing it, all those -- there you go.

Approximately how many employees worked at the ATF office?

A. There were 10 employees in the law enforcement office and there were three employees who were inspectors, and they worked on the -- actually the east end -- or the west end of the building down there on the other side of the Secret Service office.

Q. Can you point that out for the jury?

A. Yes, down in here. They actually had three inspectors that worked there: Vernon Buster, Jim Staggs and Bruce Anderson.

Q. Is that what's called the compliance section of ATF?

A. That's correct. They handled the licensing and compliance for alcohol, tobacco, firearms, and explosives.

Q. And as criminal investigators of the ATF, agents like yourself, you investigate criminal violations, much that you described, or as you described earlier in our testimony?

A. That's correct.

Q. The compliance section does something different?

A. Yes, ma'am.

Q. Can you tell the jury what you were doing the evening of April 18, 1995?

A. On April 18, 1995, myself and several other agents in our office were working a joint investigation with the Norman

Luke Franey - Direct

Police Department on an individual by the name of Anthony Wolf. Anthony Wolf was a convicted felon, and we were at that time making undercover purchases of firearms and narcotics from Mr. Wolf. We worked late into the evening, actually into the early morning hours of April 19, arriving back at home at about 1:30 that morning.

Q. Did you go into the office the morning of April 19?

A. Yes, I did.

Q. Do you remember what time you got to the office?

A. Yes. I got there early. The night before, I talked with my supervisor, and he instructed me to obtain an arrest warrant on Mr. Wolf; so I arrived at the ATF office at approximately 7:30 that morning.

Q. And you went in to work on the arrest warrant?

A. That's correct.

Q. Did you see any other ATF employees the morning of

April 19?

A. Yes, I did.

Q. Can you tell the jury who you saw?

A. That morning when I arrived at work, I was the first one there. The first person I heard come to the office besides me was our secretary, Valerie Rowden. I didn't actually see her that morning until after the bombing, but she was surprised that someone was there before she was. And she called out to see who was in the office; and I, of course, was back in the

Luke Franey - Direct

far east end and hollered that it was me, I was preparing an arrest warrant. So she went on with her normal morning procedures.

Shortly after that, my supervisor, Alex McCauley, came in; and he and I were working around the office and discussing me preparing and obtaining the arrest warrant.

Shortly after that, Harry Eberhardt came in the office, and he and I had a brief conversation. He said he had to run across the street because he had a jury out on an arson trial and -- in the Federal Courthouse that was just south of the Murrah Building; and he advised that he was going to run by the credit union before he went.

And he left shortly before 9:00.

Q. Where was the credit union located?

A. The credit union was in the Murrah Building on the 3d floor.

Q. Do you know where Don Gillispie was the morning of April 19?

A. Yes, I do.

Q. Where was he?

A. He was in Ponca City, testifying at a state arson trial.

Q. What about Delbert Canopp?

A. Delbert Canopp was actually on his way back to Oklahoma City. He had picked up a witness for the federal grand jury, and he was on his way back to the courthouse with the witness.

Luke Franey - Direct

Q. You didn't see either one of those guys in the office that morning?

A. That morning, no, ma'am.

Q. What about Mark Michalic?

A. Mark Michalic worked late with me the evening before, and he was on his way into the office.

Q. What about Karen Simpson?

A. Karen Simpson was actually in the Federal Courthouse just south of the building. She was working with Delbert Canopp on the investigation where they were presenting witnesses to the federal grand jury.

Q. Tim Kelly?

A. Tim Kelly was in Ponca City working with Agent Gillispie doing the state arson trial.

Q. Vernon Buster: Who was he?

A. Vernon Buster was in the ATF compliance office, which is on the west end of the 9th floor.

Q. What about Jim Staggs?

A. Jim Staggs was also in the compliance office.

Q. Bruce Anderson?

A. Bruce Anderson was -- he was not in the office. He was on his way to do a compliance inspection.

Q. What about Darrell Edwards?

A. Darrell Edwards was at home. He had worked late with me the night before. And he was shot in the line of duty several

Luke Franey - Direct

years ago and has a lot of problems with his neck. And I had called him on the phone right before 9:00 to tell him he needed to get in there because we were going to arrest Mr. Wolf if I obtained the arrest warrant.

Q. And you stated that you called him just before 9:00 on the morning of April 19.

A. Yes, ma'am.

Q. Can you tell the jury what happened shortly after 9:00?

A. I was talking to Agent Edwards on the phone, sitting at my desk, which is going to be right in that area right there. My desk actually abutted up to the common wall with DEA. I was talking with Darrell about executing the arrest warrant on Mr. Wolf, if we obtained it.

We were having a conversation relating to that when I heard an explosion or a loud bang. I heard the girls in the DEA office scream.

Q. What girls are you referring to?

A. The employees, the female support staff that worked for DEA.

Q. Did you know them?

A. Yes, I did.

Yeah, you know, most of the agencies in Oklahoma City are field offices, they're not division offices; and on the 9th floor, we all worked together on various occasions, and we also celebrated together holidays and whatnot. Everybody was a

Luke Franey - Direct

small outpost (sic), so we all knew each other fairly well on the 9th floor. And I know Carol was in there. Her desk was basically right across the wall from me. And we could beat on the wall back and forth and talk; so I knew -- I could hear them that morning when I was at my desk preparing the warrant -- I could hear people in there talking. Specifically, I didn't know who it was; but I could hear the conversation through the wall. They were laughing and joking. But I heard the loud bang, I heard all the girls scream; and then I heard a loud rumbling sound.

At that point, I didn't know what was going on. And it happened so fast, but I remember the three distinct actions.

Q. What happened to the phone?

Q. what happened to the phone:

A. I was talking on the phone with Darrell. After the rumbling noise, that's when everything came apart. I remember the walls coming in, the ceiling falling down. My most distinct memory is the fluorescent lighting fixture above my desk falling at me, and I threw up my arm to attempt to block it.

The next thing I remember is just being hit with a very strong gust of wind or a pressure blast. And the next thing I remember, I ended up back in this hallway, in this area right here, kind of halfway in my office and halfway in the hallway, covered with some rubble.

I really didn't know what happened at that point. I

Luke Franey - Direct

looked around, clouds of dust and smoke in the office.

I could hear people yelling and screaming. I had no idea what had happened.

Q. So what did you do? Did you stay there? Did you get up?

A. First thing I did -- I still had the phone in my hand, what was left of it, the phone and the cord -- and you know, I mean, there was nothing on there -- calling for Darrell on the phone. I didn't know what had happened.

I threw that down, and I jumped up. And I could run to about this point right here, you know, about three or four steps; and that's where the building collapsed, basically.

Q. You could see that it was gone?

A. Oh, yes. I could see the drop-off straight down to the rubble. At that point, I could see out the north side of the building.

Q. What did you see as you looked out the north side of the building?

A. What I remember the most was a big wall of orange flame that was coming out from where the Athenian Building was across the street.

Q. What else did you do?

A. At that point, I mean I didn't think I could get out of the building because the -- the way it kind of ended like --

Q. Are you drawing where the floor was?

A. Yes, ma'am. I'm drawing on here where I could get to; and

Luke Franey - Direct

at that point, I couldn't get out of the building. The floor basically dropped off to all the way to the south retaining wall; so I just had kind of had like a little area I could get in.

Q. And the little area is that east end of the building that you're --

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

Q. Why don't you go ahead and take all those dots off, Agent Franey, and we'll do it again.

A. Okay.

Q. Go ahead and just mark again where you remember the

building -- the floor was.

A. Okay. At the time, that's what I could see right there, was this was my position in this area back here, was where I could walk around in.

Q. Did you see Alex McCauley?

A. At that time, I did not.

Q. What about Valerie Rowden?

A. No, ma'am, I did not see them.

Q. I assume you attempted to get out of the building and you could not. What did you do next?

A. At that point, I was confused to really what had happened. I performed a -- just checking myself, you know. I didn't know if I was injured or not. I had some minor scrapes and cuts but no major injuries. I walked around. I looked out the south

Luke Franey - Direct

side of the building. I could see people running up to the building, you know; and there were people down on the bottom floor.

I really couldn't tell what had happened or how bad it was at that point.

I found in the rubble in the office a handheld radio that we utilize; and I turned the radio on, and I began calling for help, see if I could get anybody to respond.

Q. What did you say?

A. I said that somebody blew up the building and if anybody can hear this, they needed to get in there because we needed help. There was a lot of people hurt. I could hear people screaming.

At that time, I didn't know how bad it was.

Agent Michalic was coming into work, and he was right at the point work where our radios were just kind of -- sometimes he could hear me, sometimes he couldn't. And he kept saying, you know, What are you saying, what are you saying?

Okay, somebody, the building is gone, it's destroyed; you guys need to get in here.

And I think at that point, he started realizing just through my voice about how urgent was.

Agent Canopp came in -- he was on the radio. He was on the way bringing a witness over to the grand jury, and he asked me what was going on. And I told him something bad

Luke Franey - Direct

happened at the building and he needed to get down there.

Q. After you made the call on the radio, did you continue to walk around the office, what was left of the ATF office?

A. Yes, I did.

Q. What did you do next?

A. I found an evidence poster board, something similar to that, that we had used at a previous trial. And I flipped it over on the back and wrote "ATF trapped, 9th floor," put it in

the window, over here in this office looking out over the front side of the building, which is the south side of the building.

Q. Agent Franey, would you mind clicking the pen and getting those lines off; and let me show you a photograph that I don't believe has been introduced. This won't go to the jury.

THE COURTROOM DEPUTY: What's the number?

BY MS. BEHENNA:

Q. Let me show you Government's Exhibit 1012 and ask you if you can identify that.

A. Yes, I can.

Q. And what is that?

A. That is a photograph of the south side of Alfred E. Murrah Building that -- after the bombing.

Q. That's the plaza level?

A. That is correct.

MS. BEHENNA: I move for the admission of Government's Exhibit 1012, your Honor.

Luke Franey - Direct

MR. JONES: No objection your Honor.

THE COURT: 1012 is received.

BY MS. BEHENNA:

Q. Let me show you a closeup. In particular, let me have you look to the window section. And can you tell the jury what that is?

A. Yes, ma'am. That appears to be a photograph of the top three floors of the southeast portion of the Murrah Building; and that white sign there appears to be the sign that I placed in the window.

Q. That is the ATF space, the south side of the ATF space?

A. That's correct. This top floor here is.

Q. Let me have you look at Government's Exhibit 976. And I don't believe this has been introduced.

Can you identify that?

A. Yes, I can.

Q. What is that?

A. That is photograph of me.

MS. BEHENNA: Your Honor, I move for the admission of Government's Exhibit 976.

MR. JONES: No objection, your Honor.

THE COURT: 976 received.

BY MS. BEHENNA:

Q. Can you tell the jury what they're seeing?

A. That is a photograph that was taken the morning of the

Luke Franey - Direct

bombing. I'm standing in the -- what's left of our offices there looking out the back window.

Q. The south side?

A. I'm sorry. The south side of the building, looking over the plaza level. The sign to the right there is the sign that I made to put in the window, hoping that someone would be able to get up there and get me out

to get up there and get me out.

Looks like I'm either talking or yelling to people down on the plaza level.

Q. Were some of your agents down to plaza level?

A. Yes. I mean at that time, I could see Alex McCauley, my supervisor, and also Valerie Rowden. Prior to me being able to see them on the plaza, I thought that they were killed or lost in the explosion. I saw them down there. I also saw Agent Michalic and Agent Edwards. I saw some of the agents from DEA that were down there.

Q. Did you sometime that morning while you were waiting to be rescued look for survivors?

A. Yes, I did.

Q. Can you tell the jury about that?

A. When I realized I couldn't get out and I was in there, and I called on the radio and advised the agents that I could get ahold of that we needed help. I remembered at that time hearing the screams of the girls in DEA. I couldn't get out the front way to get to their office; so I went back to our

Luke Franey - Direct

evidence vault area, which is on the east end almost, where the letter F is.

Q. Agent Franey, I went ahead and put up on the screen for you the 9th floor floor plan. Go ahead. I'm sorry.

A. Okay. I came through here. I entered our outer evidence vault. I climbed up through what was left of the ceiling on some pipes and dropped down here into our evidence vault.

I proceeded to this wall right here and kicked the shelves out and kicked a hole into what was left of the DEA office.

When I got through, I realized that there wasn't really a lot left of the DEA office. It -- best I can remember, it was like this. There was just a very small portion of the office there that I could get in.

You know, I looked for the girls and I called out a little bit verbally to see if I could get any responses. I thought at that time they might have been trapped in the rubble there, but I realized that that wasn't the case.

Q. Couldn't find them?

A. No, ma'am.

Q. What did you do next?

A. I climbed back through the hole and into our evidence vault, back into the little island I could get around on back in here, and talked to Agent Michalic on the radio, advised him that, you know, I didn't find anybody over in DEA and it looks

Luke Franey - Direct

like they were all lost.

And he advised me to stay away from that portion of the building at that time. On the ground, I guess they were getting reports that it was very unstable, wanted me to stay back in that corner.



----- -- -----  
So at that point, for an hour, hour and a half, I was kind of stuck in that office. There were several escape plans they were trying. They had tried to get a helicopter to come in from the National Guard. It was going to sling-load me out of the window, but they cancelled that due to the dangers, you know, of knocking debris down on rescuers or hurting injured people. They just kept on saying, Hang on, we're going to get you out, we're going to get you out.

Q. How long were you in the Murrah Building?

A. Till approximately 10:30.

Q. Before we move on and talk about that, let me show you Government's Exhibit 968, which I believe has already been admitted. That's the north side of the Murrah Building.

A. That's correct.

Q. Do you see it?

A. Yes, ma'am.

Q. And can you with your pointer show the jury -- I mean, you've drawn it on the floor plan. Can you show the jury where you looked for the DEA girls?

A. It would be in this area here, behind that -- the tarp or

Luke Franey - Direct

roof that is --

Q. Is that part of the roof that's hanging down?

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

Q. You stated earlier that you were in the building for about an hour and a half?

A. Yes, ma'am.

Q. What happened later that morning?

A. Well, I saw several people coming up to the 9th floor. They were looking for survivors, and I talked to Larry Morgan with IRS CID. He had come somewhere around 10:00. He had come up to the 9th floor to the west side of the big crevice there. I talked to him briefly; and he said, "Hang on, we're going to try to get you out." You know, obviously, couldn't get across the hole there; but they were working on things.

A short time after that -- I don't know exactly how long -- I heard a bunch of loud screams coming from the south side of the building out on the plaza level, ran to the window, and looked. And I could see a large group of people, all the rescuers and whatnot running from the building.

I became alarmed at that time. Obviously, it didn't appear to be something good.

I got on the radio and I was calling to Michalic.

Q. Agent Michalic?

A. The agent on the ground that I had radio contact with, and I asked him what the problem was.

Luke Franey - Direct

Q. What did you learn?

A. I learned that some of the rescuers had believed they saw a bomb and that they thought it was going to go off and that I

should find something sturdy to hang onto.

Q. What did you do?

A. I mean, I was -- the first -- when the bomb went off the first time, it happened so fast, you didn't have time to get scared.

When he told me that and I realized at that point I didn't think I could go anywhere -- you know, I was at the one little island I could get around on. And when he said that, I mean, it was just like someone reaches in and grabs your heart and squishes it, because I had nowhere to go if there was another one. I didn't really think I could do anything about it.

Q. Were you scared?

A. Oh, yes. Very scared.

Q. What did you do?

A. And at that point, you just -- I just made a decision that I'd rather -- I'd rather die falling off the building than go through something like that again; so I got as far as I could, as close to the crevice as I could get, and started kicking a hole in the wall and got through --

Q. Let me go back to the floor plan.

A. Okay.

Luke Franey - Direct

Q. This is Government's Exhibit 952.

A. The crevice started -- the big crater started somewhere in here. And I could get to about right here; so I kicked a hole in that wall and got as far as I could till the floor stopped; and then I crawled on the outside of the building onto the window ledge and proceeded down the window ledge on the outside of the building, holding onto the frames and whatnot, and came down here till the floor started again, jumped in on the floor, climbed over some rubble and got -- found this stairwell over here.

When I got to that stairwell there -- I mean at that time I was still under the impression that there was a bomb; that it was going to go off. So I went as fast as I could down the stairwell. I remember when I was running down the stairwell holding onto the handrail and it being covered in blood, the floor covered in blood -- sliding, going down some of the landings and stairways -- from people that had been carried out or made it out before me.

I got down to the bottom floor and came out; and at that time, people had already started coming back up to the building to resume the rescue effort.

Q. Agent Franey, I want to put up Government's Exhibit 1012, which we previously talked about.

And can you just point for the jury where it is you climbed on the outside of that window?

Luke Franey - Direct

A. That would be this area right here.

Q. Is that ledge level?

A. No, ma'am, it's not.

Q. Can you tell the jury what it looks like?

A. It's at about 45 degree angle. It's pretty steep. Comes at about like that.

Q. How did you stand on that?

A. As best as I could. I mean, I just realized -- I really thought at that time that, you know, that obviously there was another bomb. I mean, something happened the first time; so I mean I was just going as fast as I could across that. I was holding onto what was left of the window frames, you know, the jagged glass and whatnot. I was just racing against the clock. And I went across there as fast as I could. Didn't really think about being how far up or how steep it was at that point. I just tried not to look down.

Q. After you get down to the plaza level, do you realize that you've been injured?

A. Yes. Some of the -- some of the marshals that were there came up and grabbed me. I had some cuts on my head and my hands. I was bleeding a little bit from the head, and they brought me to the triage unit there and just wiped me up, bandaged my hands there.

Q. Were there other ATF employees that were injured in that building?

Luke Franey - Direct

A. Yes, ma'am, there were.

Q. Do you know how many?

A. There were five employees in the building when the bomb went off. Two of the employees were hurt severely, our two compliance officers, Jim Staggs and Vernon Buster.

Jim Staggs received serious head wounds, bleeding very badly. He was helped out of the building, as was Vernon Buster, by DEA employee Regina Bonny. She got them downstairs. They both spent extended periods of time in the hospital.

Our office manager, secretary, Valerie Rowden, received fragmentation cuts from flying glass and fragmentation; but she was not injured severely. I think she just went to a triage unit down front, got Band-Aided up, bandaged up, and went back to work.

MS. BEHENNA: Can I have just a moment, your Honor?

THE COURT: Yes.

MS. BEHENNA: That's all we have, your Honor.

THE COURT: Mr. Jones, do you have questions?

MR. JONES: A few, your Honor.

CROSS-EXAMINATION

BY MR. JONES:

Q. Mr. Franey, I want to show you some photographs first before I show them to the jury to see whether you can identify them, because you and I have not met before, have we?

A. No, sir.

Luke Franey - Cross

Q. You've not been interviewed by the defense?

A. No, sir.

Q. All right. So I simply want to show these and see if you can identify them; and if you can, just tell me that you can without further describing them.

A. Yes, sir.

Q. So this is just for you and the Government and myself and the Court.

Do you recognize this picture?

A. Yes, sir, I do.

Q. All right. Do you recognize this one?

A. Yes, I do.

Q. And do you recognize this one?

A. Yes, I do.

Q. Now, if I may, let me go back to the first one; and I will mark it and ask you to tell me what it is.

MR. JONES: If I could, your Honor, may I ask Ms. Behenna what was the number of the photograph that you had inside the ATF office?

MS. BEHENNA: 976.

MR. JONES: Then I'll just call this 976A.

You don't have a 976A, do you, Ms. Behenna?

MS. BEHENNA: No.

BY MR. JONES:

Q. I'll just call this Defendant's Exhibit 976A; and I'll show

Luke Franey - Cross

it now to you, sir, first and ask if you can identify 976A. And if so, would you tell me what it is.

THE COURT: 976, I think you said.

MR. JONES: I'm sorry. 976A.

BY MR. JONES:

Q. Can you identify this now?

A. This appears to be a photograph taken from the west side of the ATF office after the bombing.

Q. All right. Are you sufficiently familiar with what's shown in the photograph to show the jury on the chart where -- what office this would be? By the chart, I mean the diagram behind you, sir.

A. Yes, sir, I do.

Q. All right. Can you just take the pointer and show there on the chart or floor plan?

THE WITNESS: May I get up, your Honor?

THE COURT: Yes, you may.

THE WITNESS: I believe it's a photograph that would show a view from this area here, looking this way into the ATF office.

MR. JONES: All right. Thank you, sir.

Your Honor, I ask to publish this exhibit. First I ask for its admission.

MS. BEHENNA: No objection, your Honor.

THE COURT: 976A is received and may be published.

Luke Franey - Cross

BY MR. JONES:

Q. Now, as I understand it, Mr. Franey, your office would be back beyond this way; and then a little bit to the north?

A. That's correct.

Q. Now, let me ask you, please, if you can identify what we will call as Defendant's Exhibit 976B. Can you identify that?

A. Yes, I can.

Q. What is 976B, sir?

A. That is also a photograph taken of the ATF office on the 9th floor after the bombing, taken from the west side, looking eastward into the office.

Q. And 976B --

MS. BEHENNA: Your Honor, that's already being published to the jury. I don't think it's been admitted.

MR. JONES: I'll move its admission.

BY MR. JONES:

Q. 976B is -- shows much of the same thing that's in 976A, doesn't it, except it's taken from a little further back?

A. Yes, sir.

Q. And you can see there, can you not, the hole where the blast of the explosion had blown away the floor?

A. Yes, sir.

Q. All right.

MR. JONES: Has this been published to the jury, your Honor?

Luke Franey - Cross

THE COURT: No. It hasn't been offered.

MR. JONES: I'm sorry. I thought that I offered it. I move its admission.

MS. BEHENNA: No objection, your Honor.

THE COURT: It's received and may be published.

BY MR. JONES:

Q. Now, this area here is where the floor has been blown away. Is that right?

A. Yes, sir.

Q. Thank you. Just to publish to me and to myself and the Government and the Court, I have Defendant's Exhibit 976C and ask if you can identify this.

A. Yes, sir, I can.

Q. And what is that, sir.

A. That is a photograph of the ATF office on the 9th floor of the Murrah Building sometime after the bombing.

Q. And again, that's another picture of the same general area as the first two except from a little different perspective. Is that correct?

A. Yes, sir.

Q. All right.

MR. JONES: I move the admission of Defendant's Exhibit 976C.

MS. BEHENNA: No objection.

THE COURT: It's received and may be shown.

Luke Franey - Cross

MR. JONES: Mr. Franey -- with the Court's permission, may I ask Ms. Behenna -- rather than to use another exhibit, may I simply see your exhibit that's the same as this?

All right. Thank you.

BY MR. JONES:

Q. I'm going to go ahead and show first just you and the Court and the Government and myself, Mr. Franey, this photograph, so I won't publish it to the jury yet, and ask you if you recognize what I have marked as Defendant's Exhibit 976D.

A. Yes, sir, I do.

Q. And that's you, isn't it?

A. That's correct.

MR. JONES: Your Honor, I move the admission of Defendant's 976D.

MS. BEHENNA: No objection, your Honor.

THE COURT: Received.

BY MR. JONES:

Q. Mr. Franey, as I understand it, this is you in the window and over here is the sign?

A. Yes, sir.

Q. Now, are these the window ledges that you testified to that you crawled on?

A. Yes, sir.

Q. So you came out of which window? This one? Or another one?

Luke Franey - Cross

A. Actually, no, that's not correct. The wall where I was standing there, right next to me, had a hole kicked through it, as did the next wall down to the -- moving westward. And after that wall was kicked through is when I went out on the window ledge.

Q. All right. So the wall here -- this wall right here, you kicked a hole in?

A. Yes, sir.

Q. And then this wall, you kicked a hole in. Is that correct?

A. Yes, sir.

Q. And then some -- you went beyond this way?

A. Yes, sir, I did.

MR. JONES: And then if I may see . . .

BY MR. JONES:

Q. Let me show you Government's Exhibit 1012, which has already been admitted. Do you remember this photograph?

A. Yes, sir, I do.

Q. Now, do I understand that you came out from the window somewhere along here and walked across here to this area?

A. That's correct.

Q. All right. Now, that's at an angle of about 45 degrees on the window ledge?

A. That's just an estimate; but yes, sir, that's what I believe

believe.

Q. And when you found this barrier or firewall, whatever we

Luke Franey - Cross

want to call it, like right here -- do you see that?

A. Yes, sir.

Q. Actually, the one you encountered was here, wasn't it?

A. That's correct.

Q. And were you able to go from this 45-degree approximate slant across into here?

A. Yes, sir; but I went on the inside of the building, on the inside, stepped around the wall to the inside.

Q. What do you mean on the inside step?

A. Well, it's difficult to show from this angle, but I was going on the window ledge here holding onto what was left of the window frames. When I came to that concrete retaining wall or firewall, however you referred to it, I did not go on the outside of that. I went on the inside of the building, stepping across back to the outside of the window frame.

Q. All right. So did you come across -- if I may show you again 976C -- did you come across this inside ledge here where my finger is?

A. That's correct.

Q. All right. So how much of your journey was actually on the inside, as opposed to how much was on the outside?

A. The only part where I came inside there, crossing the gape, or the hole, was where that concrete retaining wall was.

Q. Can you -- you passed one of those?

A. To the best of my knowledge.

Luke Franey - Cross

Q. All right, sir. Now, you have identified the names of the agents and employees of the ATF and where they were on the morning of the 19th; is that correct?

A. Yes, sir.

Q. Do you remember the name of the arson trial in Ponca City -- the name of the defendant?

A. I'm trying to recall.

No, sir, I can't recall it right now.

Q. It wasn't one of your cases, was it?

A. No, sir, it was not.

Q. Now, Mr. Franey, you indicated that you and perhaps other agents had been out on the night of April 18 working on a joint investigation with the Norman Police Department. Is that correct?

A. That's correct.

Q. And this was an investigation concerning a man named Wolf?

A. Yes, sir.

Q. Now, was the DEA in any way involved in that investigation along with you and the Norman Police Department?

A. No, sir.

Q. And were your activities with respect to that investigation

also in Norman, or were part of them in Oklahoma City?

A. They were actually in Norman.

Q. So you weren't anywhere in Oklahoma City on the night of the 18th working on that investigation except if you might have

Luke Franey - Cross

gone to your office?

A. That's correct.

Q. Now, within the ATF office there or elsewhere in the building, you indicated that there was an evidence locker over on the -- would it be the east wall?

A. Yes, sir.

Q. And is that that sort of long rectangular space there?

A. That's correct.

Q. What was stored in that room?

A. That room is going to be document evidence and firearm evidence that was either seized or purchased or retained during investigations.

Q. Were there any explosives stored in there?

A. No, sir, there were not.

Q. Did -- to your knowledge -- did the ATF have any explosives stored anywhere in the building?

A. No. All explosive evidence by ATF is kept at the evidence storage bunker, which is an explosive bunker shared with the Oklahoma City Police Department's bomb squad, the highway patrol, and the FBI, which is kept at the Oklahoma evidence bunker at air depot, at I-240 in Oklahoma City.

Q. I'm sorry. And that's a considerable distance away from the Alfred P. Murrah Building, isn't it?

A. That's correct.

Q. Now, when this alarm was sounded or you heard that there

Luke Franey - Cross

might be another bomb in the building or what was thought to be a bomb, were you ever able to find out or satisfy yourself what might have caused that commotion?

A. Yes, sir.

Q. And what was that, sir?

A. I believe at that time someone had either observed a box with wires coming out of it, or it could have been an inert Law rocket or a TOW missile that Customs had. I'm not sure exactly which one it was.

Q. This was an inert missile that was not held by the ATF?

A. The TOW missile that was found? Yes, I believe so.

Q. It was held by another law enforcement agency?

A. That's correct.

Q. So far as you know, there was nothing in the ATF's possession that could have contributed to the explosion.

A. No, that's correct. There was not.

Q. Now, these agents that you have identified here: Were any of these individuals part of the ATF contingent at Mt. Carmel outside Waco?



A. Yes, there was.

Q. Who were those?

A. Special Agent Mark Michalic and special Agent Harry Eberhardt were involved in the execution of the search warrant on February 28, 1993.

Q. Now, is Mr. Michalic still with the ATF?

Luke Franey - Cross

A. Yes, sir, he is.

Q. And is he in the Oklahoma City office?

A. He's actually assigned to Denver now.

Q. All right. And Mr. Eberhardt: Is he still with the ATF?

A. Yes, he is.

Q. And where is he assigned?

A. To the Oklahoma City field office.

MR. JONES: I don't believe I have any further questions. Thank you, Mr. Franey.

THE COURT: Do you have any follow-up questions?

MS. BEHENNA: Just a couple.

THE COURT: All right.

MS. BEHENNA: Your Honor, if I could ask Mr. Jones for the defense exhibits, since I didn't have copies of them. I wanted to go over those pictures again.

THE COURT: Yes. All right.

REDIRECT EXAMINATION

BY MS. BEHENNA:

Q. Agent Franey, let me show you Defense Exhibit 976A. Was that board there from the morning of April 19, 1995?

A. No, ma'am.

Q. Let me show you Defendant's Exhibit 976B. Is that the hole you observed that morning?

A. Yes, it is. It -- that photograph -- you know, that is after the rescue efforts had come and they cleared a lot of the

Luke Franey - Redirect

rubble out. But after the explosion on the morning of the 19th, this area back in here was all covered with rubble, fragmentation, things like that; so that is why at the time I had to go on the outside of the building and on the ledge and climbed back through.

Q. And there was no board there for you to leave the building?

A. That's correct.

Q. And if you could have left the building that morning, would you have done so?

A. Yes, I would have.

Q. I mean, other than going outside the ledge, I mean.

A. Yes, ma'am.

Q. Let me show you Defendant's Exhibit 976D, I believe. Do you remember that picture?

A. Yes, I do.

Q. Do you have a box in your hand in that picture, Agent Franey? Do you see that?

A. Yes, I do.  
Q. What do you have?  
A. That is a lockbox that I kept in my desk.  
Q. What's in it?  
A. Savings bonds that I'm saving for my daughter's college -- college time.

MS. BEHENNA: That's all I have, your Honor.

THE COURT: Anything else of this witness?

MR. JONES: Nothing further. Thank you.

THE COURT: Is he to be excused?

MS. BEHENNA: Yes, your Honor.

THE COURT: Agreed.

You may step down. You're excused.

THE WITNESS: Yes, sir.

THE COURT: Next, please.

MR. HARTZLER: Government calls Bill Sweet.

Mr. Mackey will question him.

THE COURTROOM DEPUTY: Raise your right hand, please.

(William Sweet affirmed.)

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

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

THE WITNESS: William Glen Sweet, S-W-E-E-T.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Mackey.

MR. MACKEY: Thank you, your Honor.

#### DIRECT EXAMINATION

BY MR. MACKEY:

Q. Good morning, Mr. Sweet.

A. Good morning.

Q. Would you tell the jury where you live?

A. 10141 Wavell Road, Fairfax, Virginia, 22032.

Q. Is that a suburb of Washington, D.C.?

#### William Sweet - Direct

A. Yes, it is.

Q. How long have you lived in the D.C. area?

A. About 20 years now.

Q. What's your current employment?

A. I'm a self-employed direct response marketing consultant.

Q. And what do you do?

A. It deals with marketing, but the key here is direct response. What I do is quantifiable. To give an example, if you were to watch a television program and you saw dial 1(800) and order the product right now, that's direct response.

Q. You're in sales?

A. Marketing.

Q. Marketing.

A. There is a difference.

Q. Okay. And I should know the difference. I'm sorry.

What's your educational background?

A. I have a degree in accounting.

Q. Was that awarded from college?

A. Yes. Ithica College in New York.

Q. From where?

2. FROM WHERE.

A. Ithaca College in New York state.

Q. Did you ever work for a business known as Liberty Lobby?

A. Yes.

Q. And during what time period?

A. I worked there for approximately 10 years, closer to 11

William Sweet - Direct

now. I resigned from there in November of '95.

Q. So you would have started sometime in '84-85?

A. I believe it was '85.

Q. '85? And what positions did you hold with Liberty Lobby?

A. I started off as a comptroller for one of the subsidiaries. I had management positions in personnel administration, subscription, and direct marketing, marketing director, and operations management.

Q. What were your title and duties during 1993 through the time period when you left?

A. I was director of marketing in operations management.

Q. Tell the jury what Liberty Lobby is. What business is it engaged in?

A. It's a populist institution which was originally founded in 1955. They -- an organization that's a conservative organization. They oppose, to say, the NAFTA treaties. They believe in right to carry and bear arms.

Q. Do they publish a newspaper?

A. They publish The Spotlight newspaper, yes.

Q. And how long has The Spotlight newspaper been published?

A. It's in its 21st year.

Q. During the time that you were circulations manager, that is '93, '94, '95 period that I'm focusing on, approximately what was the circulation for The Spotlight newspaper?

A. The press run was about 110,000.

William Sweet - Direct

Q. Mr. Sweet, let me direct your attention to the fall, late summer, fall of 1993 and ask if you, on behalf of Spotlight, were engaged in an offering of a debit calling card to your readership.

A. Yes, we were.

Q. Were you personally involved in making decisions that would lead to that offering?

A. Yes, I was.

Q. And did, in fact, Spotlight do so?

A. Yes, they did.

Q. And approximately when?

A. The initial decision, I believe, was made at the end of August, first part of September to go forward with the project.

Q. Could you outline to the jury a little bit about what that offering was, what the debit card provided, and what service you would have offered to those readers?

A. It's a prepaid debit calling card. You would prepay an

amount -- in this case it was 30, 50 or \$100 for a time. It was 25 cents a minute. You could call anywhere in the continental United States at that time for seven days a week, 24 hours a day.

Q. Was it necessary for the purchaser of the card to pay in advance?

A. Yes. That's correct. Pay in advance.

Q. And was a PIN number assigned?

William Sweet - Direct

A. A PIN number was assigned to each card, yes.

Q. How would that be used?

A. You have to dial in on a 1-800 number and follow the prompts. The prompts are asking for your PIN number, and then you can make your phone call.

Q. Once you owned a Spotlight calling card, could you recharge or apply more dollars to that account?

A. Yes, you can.

Q. How would you do so?

A. Typically, people would send in cash, money order, or check.

Q. And when you bought or when a customer bought a Spotlight calling card, did they receive anything from Spotlight or someone acting on behalf of Spotlight?

A. Yes. They received their card.

Q. And anything in addition to the card itself?

A. There would be a little letter, brochure, and an envelope, what we call a No. 9 envelope in case they wanted to reorder more cards.

Q. Were coupons used by The Spotlight customers?

A. Yes. When you -- in the envelope was a coupon book. It was -- the outside of it was a laminated piece of paper which had the calling card on it; and immediately following were eight coupons that you would use to send back to recharge your card.

William Sweet - Direct

Q. And what was Spotlight's financial interest in this arrangement? Why did you make the offering?

A. Spotlight received a commission of 5 cents for each minute.

Q. So approximately 20 percent?

A. 20 percent.

Q. And would that 20 percent be of both the initial purchase as well as any subsequent recharges?

A. That's correct.

Q. Mr. Sweet, look at Government's Exhibit 480 in front of you in the accordion folder. What is that, please.

A. This is a copy of the wrap that went around The Spotlight which we used to kick off the program.

Q. Does it describe some of the features of the calling card that you've described to this jury?

A. Yes, it does.

MR. MACKEY: Your Honor, I move to admit Government's Exhibit 480.

MS. RAMSEY: No objection, your Honor.

THE COURT: 480 received.

BY MR. MACKEY:

Q. Mr. Sweet, did you have a Spotlight calling card yourself?

A. Yes, I do.

Q. Did you use it?

A. Frequently.

Q. Describe to the jury what you would hear if you wanted to

William Sweet - Direct

place a Spotlight debit card call.

A. You would dial in, as I mentioned, the 1(800) number; and the first thing you would hear is "Welcome to the Spotlight calling card." Then you'd hear a series of prompts. The first one would be to enter your opinion number. Then after entering your PIN number, it would tell you how many dollars you had left on the card. Then you would prompt it to dial, punch in the number that you wished to call; and after the number had gone through it would tell you problems -- well, it would tell you exactly how many minutes you had remaining on the card.

Q. Was it part of your responsibilities to keep track of the initial applications and the subsequent payments on these charges for The Spotlight customers?

A. Yes, it was.

Q. And would you tell the jury from a business standpoint what kind of records were kept and who kept them?

A. Typically, you would respond with a coupon. And you would indicate the amount that you received -- excuse me -- that you would want to purchase. That would come in to our mail room. We would open up your envelope and take out the document and verify the amount and it would get processed.

There was two ways to go with that. One way, we kept track of the money; and the other way, the documents were used for posting. And the two had to balance, so you got your card.

Q. So the envelope that contained that payment: Did it become

William Sweet - Direct

a record that Spotlight used and kept?

A. Yes, the envelope does. We use that -- on the envelope, we would date-stamp the envelope the day it was opened in the mail room. The dollar amount that was inside the envelope was recorded, the initials of the person who opened the thing, and then we would have a code for the revenue source. In this case, it was the telephone card; so the envelope would then be -- is retained as a -- really, a balance against the deposit of all cash by revenue source.

Q. And what code was written on the outside of the envelope to tell you at Spotlight that this was a payment on a debit card?

A. TC.

Q. Standing for?

A. Telephone card

A. TELEPHONE CARD.

Q. And what use was made of the coupon that was enclosed in each payment?

A. The coupon was then -- it was also date-stamped and validated to the amount that was -- of cash that was received. It was -- then became a part of what we called a remittance letter and was transferred to Boston Financial Data Services for actual setup of the account.

Q. Did you keep copies of the coupons on hand at Spotlight?

A. Yes. As a matter of course, we kept copies of the coupons just to make sure that, No. 1, nothing got lost in the process and (2) that if there had been any questions, we would have

William Sweet - Direct

copies of them.

Q. Could you by benefit of these records reconstruct the payment history on any person's account, then?

A. Yes, we could. Once we could establish all the payments that came through, we could actually trace right through every payment that was received.

Q. Did you at Spotlight keep the original application -- that is, the first application for the card on file?

A. The very first application that came in, yes, we did. We kept that.

Q. Take a look, please, Mr. Sweet, at Government's Exhibit 481. Do you recognize that document?

A. Yes, I do.

Q. Let me start by asking you this question: After the bombing in Oklahoma City, Mr. Sweet, did representatives of the Government ask you to search your records for any records concerning the customer named Daryl Bridges?

A. Yes, they did.

Q. And is Government's Exhibit 481 one such record that you located?

A. Yes.

Q. As to that customer?

A. Yes.

MR. MACKEY: Your Honor, I move to admit Government's Exhibit 481.

William Sweet - Direct

MS. RAMSEY: No objection.

THE COURT: 481 received.

BY MR. MACKEY:

Q. Mr. Sweet, I apologize for what we've done to your application there. It has some smudges from Fingerprint; but let me direct your attention to the date that appears here in the lower right-hand corner. Can you read that?

A. That is November 12, 1993.

Q. And what does that tell you about when Spotlight received this application?

A. That was the date that this was opened in the mail room.

Q. And what was the name of the customer and address that was

given to you in this application?

A. It reads, "Daryl Bridges, care of 3616 North Van Dyke Road, Decker, Michigan, 48426/TDC."

Q. Do you have any knowledge what the initials TDC stand for?

A. I probably at one time understood; but at this point, I can't recall what that means.

Q. Did you receive a payment -- or you at Spotlight -- in connection with this application?

A. Yes, we did.

Q. Take a look at Government's Exhibit 482 and also Government's Exhibit 483. Tell the Judge, please, what each of those are. First, 482 and then 483.

A. 482 is a United States postal money order in the amount of

William Sweet - Direct

\$50.

Q. Is that the money order received in connection with the application of Mr. Bridges?

A. Yes, it is.

Q. What is 483?

A. 483 is the envelope that was received at the mail room of Spotlight.

MR. MACKEY: Your Honor, I'd move to admit Government's Exhibits 483 and 482.

MS. RAMSEY: No objection.

THE COURT: They are received.

MR. MACKEY: With the Court's permission, could I exchange with the witness and give him a better copy?

THE COURT: Sure.

BY MR. MACKEY:

Q. Can you read that now, Mr. Sweet?

A. Yes, I can.

Q. Can you tell the jury what these figures represent? The numbers, I mean.

A. That is November 7, 1993. That's the year -- the date that this was purchased.

Q. And to whom is this money order made payable?

A. It's made payable to the Spotlight.

Q. And who is the purchaser or the remitter?

A. It says the purchaser is from -- Daryl Bridges.

William Sweet - Direct

Q. I show you at this time Government's Exhibit 483. Could you just describe to the jury what that exhibit is, please.

A. That is the envelope in which the application came from Daryl Bridges.

Q. Does it bear the same date of November 12, 1993?

A. That is correct.

Q. And these notations and handwriting at the bottom: Describe what those represent.

A. That represented that there was \$50 received inside this, and it was for the telephone card. The CT (sic) means

telephone card.

Q. Mr. Sweet, before coming to court today, did you attempt to locate any other payments that Spotlight received in the name of or on behalf of Daryl Bridges?

A. Yes. On several occasions we searched extensively for documentation.

Q. Let me do it this way, if I can, Mr. Sweet: Can you take a moment to go through the rest of the exhibits that are in front of you and see if you can identify those as the subsequent recharges to that same account after opening the card in November of 1993.

A. Yes. That's what these are.

Q. You've seen those before coming to the stand this morning; correct?

A. Correct.

William Sweet - Direct

Q. Do you find Government's Exhibit 485, a money order dated February 18, 1994; corresponding envelope -- excuse me -- coupon, 486, and envelope, 487?

A. Yes.

Q. And do you see a more legible copy of the coupon marked Exhibit 486A?

A. Yes.

Q. Do each of those exhibits relate to a recharge of the Bridges account in the amount of \$50 in February of 1994?

A. Yes.

MR. MACKEY: Would move to admit 485, 486, 486A, 487.

MS. RAMSEY: Your Honor, if I might have just a moment.

THE COURT: Yes.

MS. RAMSEY: No objection, your Honor.

THE COURT: They're received. 485, 486, 486A and 487.

BY MR. MACKEY:

Q. Did Spotlight receive a third payment on the Bridges account in or about August of 1994?

A. That is correct. We have one here for September 2.

Q. All right. Take a look, please, at Government's Exhibit 488, 488A, 490, 490A, and 491. Are those in that order the money order, coupon, and envelope relating to the third payment on the Bridges account?

A. That is correct.

William Sweet - Direct

MR. MACKEY: Move to admit those exhibits, please, your Honor.

MS. RAMSEY: No objection.

THE COURT: They're received.

BY MR. MACKEY:

Q. Did you find evidence in your records of a fourth payment in the amount of \$30 docketed in at Spotlight in October of 1994?

A. Yes.



A. Yes.

Q. Are those exhibits, for the record, 492, being a money order; 493, being the coupon; 493A, being a more legible copy of the coupon, and 49 -- excuse me -- 493A, a legible copy of the coupon, and 494, the envelope? Do you find those records before you?

A. That is correct.

Q. Are those the records that prove payment or recharge on the Bridges account of \$30 in the fall of 1994?

A. Yes, it is.

MR. MACKEY: Move to admit those exhibits, please, your Honor.

MS. RAMSEY: No objection.

THE COURT: What are they again? 492?

MR. MACKEY: 493, 493A, and 494.

THE COURT: Yes. They're received.

MR. MACKEY: Thank you, your Honor.

William Sweet - Direct

BY MR. MACKEY:

Q. Did Spotlight receive a fifth payment from the Daryl Bridges customer?

A. Yes.

Q. Do you see 495, 496, 496A, and 497?

A. Yes.

Q. And do those records relate to a payment in the amount of \$100 received in November, 1994?

A. That is correct.

MR. MACKEY: Would move to admit those exhibits, please, your Honor.

MS. RAMSEY: No objection.

THE COURT: They're received.

BY MR. MACKEY:

Q. Was a sixth payment received from the Bridges customer in or about February, 1995?

A. Yes.

Q. Do you find before you Government's Exhibits 498, 499, 499A, and 500?

A. Yes.

Q. For the record, are each of those the money order, coupon, legible copy of the coupon, and envelope for that payment received in February, 1995?

A. That is correct.

MR. MACKEY: Move to admit those exhibits, please,

William Sweet - Direct

your Honor.

MS. RAMSEY: No objection.

THE COURT: They're received.

BY MR. MACKEY:

Q. Finally, Mr. Sweet, was a seventh payment received from the Daryl Bridges or on the Bridges account in or about late February, 1995, in the amount of \$100?

-----1, ----, -- --- ----- -- ,-----  
A. That is correct.

Q. Do you see before you Government's Exhibit 501, being the money order, 502 and 502A being the coupon and legible copy thereof, and 503 being the envelope?

A. Yes, that's correct.

MR. MACKEY: Your Honor, I would move to admit those exhibits, please.

MS. RAMSEY: No objection, your Honor.

THE COURT: Received.

BY MR. MACKEY:

Q. Based on your search of the records of Spotlight, do they constitute the payment history on the Bridges account for that card?

A. Correct. We have -- those -- there were some apparently duplicate credits to the account --

Q. All right.

A. -- which resulted in internal problems that we had just getting information processed. And there were two occasions

William Sweet - Direct

there was an additional credit, but those were reversed.

Q. The documents that Spotlight received in the way of money orders: Are all of those before you as you have identified this morning to the jury?

A. That's correct.

Q. Do you know an individual named Paul Angel?

A. Yes, I do.

Q. And who is he?

A. He is a gentleman that worked with me on the prepaid calling card program.

Q. And do you know an individual named Keith Bower?

A. Yes, I do.

Q. And who is he?

A. He was a technical expert in the calling card process working for West Coast Technologies.

Q. Mr. Sweet, do you have before you Government's Exhibit 484?

A. Yes.

Q. It's been previously admitted in evidence. Would you simply open the front cover of that exhibit and direct your attention to the left-hand side of that open exhibit. Do you see the name Paul Angel?

A. Yes.

Q. Do you see the name Bill Sweet?

A. Misspelled, but yes.

Q. How is it spelled in that book?

William Sweet - Direct

A. S-U-I-T-E.

Q. Do you see a phone number beneath or right next to those names?

A. Yes, I do.

Q. Do you recognize that number?

A. That is the main phone number going into Spotlight.

Q. Mr. Sweet, as part of your assistance to the Government in connection with this investigation, did you search Spotlight's files for any subscriptions to the Spotlight newspaper in certain names?

A. Yes, I did.

Q. Did Spotlight subscribe -- or did it have a reader by the name of Timothy McVeigh?

A. No.

Q. Did it have a subscriber to its newspaper named Daryl Bridges?

A. No.

Q. Did it have a subscriber named James Nichols?

A. Yes.

Q. At what address?

A. At the Decker, Michigan, address.

Q. Same address that's on the front of the coupon book, 484?

A. Right. 3616 North Van Dyke Road, Decker, Michigan.

MR. MACKEY: Mr. Sweet, thank you very much. That's all I have.

William Sweet - Cross

THE COURT: Do you have questions?

CROSS-EXAMINATION

BY MS. RAMSEY:

Q. Mr. Sweet, how would you classify the subscribers to the Spotlight newspaper?

A. They were populists, conservatives.

Q. What does "populist" mean to you?

A. America first.

Q. Pardon?

A. America first.

Q. Would that be antigovernment?

A. I would not say so, no.

Q. Would this be the Rush Limbaugh type subscriber, or would it be someone who was different?

A. Well, I'm going to answer this question that I'm not politically in tune with the organization. I did mostly the business side of Spotlight. The -- I can only tell you typically that they were involved with populist policies of Thomas Jefferson's time. They were opposed to the NAFTA treaties, for example. They are pro gun, antiabortion.

Q. Pro gun and antiabortion?

A. Correct.

Q. Okay. Go ahead.

A. And that's basically what kind of people they are.

Q. Is this -- would this be classified as a newspaper, or a

William Sweet - Cross

magazine?

A. This is a newspaper. It's a tabloid newspaper.

Q. Tabloid?  
A. Tabloid size.  
Q. How often is it published?  
A. It's published weekly.  
Q. And was it published weekly from its inception in 1955?  
A. It's only in its 21st year. My understanding, it has been published weekly since that time.  
Q. And when you say it supports Thomas Jefferson and other people like Thomas Jefferson, would there be quotes in the magazine or newspaper with regard to -- that would be attributable to Thomas Jefferson?  
A. I would say so. And I've probably even seen them, but I can't say that I paid that much attention to it.  
Q. To other government officials, such as Mr. Jefferson? Would there be quotes in the magazine from him, or newspaper?  
A. I would guess so.  
Q. You didn't regularly read the magazine?  
A. I'm sorry, but I did not.  
Q. Okay. I believe that you said that Timothy McVeigh did not have a subscription to The Spotlight newspaper; is that correct?  
A. We did not find one in his name.  
Q. Now, tell me about this Spotlight card: How many people

William Sweet - Cross

actually held this card?  
A. At that time, I think there was approximately 10,000 cards outstanding.  
Q. I believe you said on direct examination that the subscription level of The Spotlight was approximately 100,000.  
A. That was the press run.  
Q. What does that mean?  
A. That's how many copies we printed each week.  
Q. Okay. And I believe also you've testified previously that this was passed around between a lot of people --  
A. Quite a few.  
Q. -- was your understanding of that?  
A. Yes.  
Q. So do you have any idea what your circulation actually was?  
A. There had been estimates that upwards of 200,000 people would read it every week.  
Q. How big was this generally?  
A. Excuse me?  
Q. How big was this generally? How many pages?  
A. It generally was 32 pages.  
Q. And did it have advertising in it, also?  
A. Yes, it does.  
Q. And 10,000 approximately had the calling card. Is that correct?  
A. That's what I believe it was at that time, yes.

William Sweet - Cross

Q. What was the dollar amount? Do you know?

Q. What was the dollar amount. Do you know.

A. I can only tell you when we initially launched it, we did about a quarter of a million dollars in revenue in about a six-month period of time.

Q. A quarter of a million dollars in Spotlight newspaper, or quarter of a million dollars generally?

A. For the calling card, it was for -- quarter of a million dollars in calling card revenues.

Q. So that was not attributable to you -- is that correct -- to Spotlight magazine or newspaper?

A. In terms of?

Q. Well, the quarter of a million dollars was the total amount that was received from the card. Is that correct?

A. That's total revenue on the card, yes.

Q. And how much revenue was attributable from that quarter of a million to Spotlight newspaper?

A. From the ads placed in Spotlight? Is that the question?

Q. No, from the Spotlight calling card. Are we talking about --

A. I think we're on two different subjects here.

THE COURT: Are you asking about the commission?

MS. RAMSEY: Yes.

THE WITNESS: Oh. The commission would have been approximately 20 percent of that.

BY MS. RAMSEY:

William Sweet - Cross

Q. Of the quarter of a million?

A. Right.

Q. And what -- that was in your initial offering. And was that where you received the 10,000 people who took the card?

A. Yes.

Q. And after the initial offering, did you continue to have people who purchased the calling card?

A. Yes.

Q. And how many people have totally purchased the calling card?

A. At this time, I really couldn't tell you; but it would -- my guess would be something like 20-, 25,000 cards.

Q. And can you tell me how much revenue Spotlight newspaper has received from the calling card?

A. That, I could not.

Q. At the time that you left in 1995 --

A. I could not give you an exact number on that.

Q. But over a quarter of a million?

A. Yes.

Q. Do you have any idea who the subscribers were or what type of people were subscribing to the Spotlight calling card?

A. I can only assume that they followed the same profile as the reader.

Q. Was there any other advertising with regard to the Spotlight calling card other than the initial ad that was

William Sweet - Cross

placed -- or I believe you called it a wrapper?

A. Yes, there was quite a bit.

Q. And where was that?

A. They were found in ads within the paper itself.

Q. Only?

A. I would -- at that time, yes.

Q. At any other time, were there other ads?

A. Subsequently well beyond the events, there has been other ads.

Q. And can you still get a Spotlight calling card?

A. Yes, you can.

Q. Do you still have one?

A. Yes, I do.

Q. What do you hear when you first punch in that 800 number?

A. At that time, it was, "Welcome to the Spotlight calling card."

Q. What is the 800 number?

A. It's 1(800)397-7733.

Q. And after the welcoming line, what would you hear next?

A. You would hear the -- there is a series of prompts that would ask you to enter your calling card number.

Q. And is the calling card number unique to each individual, or is it only the PIN number that is unique to each individual?

A. The calling card number and the PIN number are the same.

William Sweet - Cross

The only other number you're dealing with is the 1-800 number.

Q. So if anyone were to have the calling card number, which would include the PIN number, they could call and see what the balance was in their Spotlight account. Is that correct?

A. That's correct.

Q. Go ahead and tell what happens next.

A. Well, after you've entered your PIN number, it prompts you to -- well, it will tell you how much money -- at that time, it would tell you how much money you had remaining on the card.

And then it would prompt you to enter the phone number that you wished to call. And as soon as you have entered the last digit, it would tell you how many minutes you had remaining.

Q. And did it tell you that in whole minutes, since you billed 25 cents a minute?

A. Yes. It was whole minutes.

Q. Okay. And were duplicate cards -- were duplicate cards of an account of furnished to anyone?

A. No.

Q. And could the card be copied?

A. As in a Xerox copy?

Q. Right.

A. Sure.

Q. Do people traditionally memorize their card numbers?

A. I know a lot of people did.

Q. Okay. And have you become aware of anyone having problems

William Sweet - Cross

with their calling cards?

A. Yes.

Q. And what kind of problems would you be aware of?

A. Well, typically, for some reason, the call wouldn't go through if the system was down. That was the -- at the time -- one of our biggest headaches.

Q. The 800 number?

A. The 800 number wasn't functioning properly.

Q. I believe there were some problems with the Daryl Bridges calling card; isn't that correct?

A. Apparently there was.

Q. And you do not have any idea what those problems were, though, do you?

A. I'm -- not direct recollection to them, no.

Q. But the Liberty Lobby Spotlight was called on September 15, September 19, and October 5 with regard to problems with the card. Is that correct?

A. Apparently.

Q. Are you aware of the term "freaking"?

A. No, I'm not.

Q. "Shoulder surfing" --

A. No.

Q. -- where someone looks over your shoulder or gets your PIN number or card number and uses that without your permission?

A. I'm not familiar with those terms.

William Sweet - Cross

Q. Have you ever heard of the numbers being stolen and being used by someone other than authorized?

A. I can recall one or two cases where somebody had claimed that the card was used without their authorization.

Q. And do you know who Daryl Bridges is?

A. No, I don't.

Q. In your search for subscribers to the liberty -- or to the magazine, did you find that there was a subscription on behalf of Mr. Nichols, I believe you said?

A. It was James Nichols.

Q. James Nichols. And was there also a subscription on behalf of Michael Fortier?

A. Yes.

Q. And there was not a subscription on behalf of Timothy McVeigh?

A. No.

Q. Do you know who Timothy McVeigh is?

A. Yes.

Q. As a result of the calling cards?

A. No.

Q. All right. Can you tell me if you also searched in your database as far as subscribers to determine that Mike Havens had a subscription to The Spotlight newspaper?

A. Yes.

Q. You had no idea with the records that you have who actually

Q. You had no idea with the records that you have who actually

William Sweet - Cross

placed any call using The Spotlight debit card, do you?

A. No, I don't.

Q. And you do not have any idea who received a call using  
The=20

Spotlight debit card, do you?

A. I have no knowledge on that.

Q. Do you have any knowledge as to who would call and check a  
balance on their Spotlight debit card?

A. It can be done by the individual, just by going, as I've  
explained how they call it and tell you what the balances are.

Q. But you don't have any idea who would actually make that  
call, do you?

A. It's possible for somebody to call our offices, which  
happened hundreds of times, for people who had questions about  
their balances or how the system worked to call us; and we  
would check the information for them.

Q. If someone were calling the 1(800) number and using their  
card number with a PIN number, you would not know who was  
actually making that call, would you?

A. No.

MS. RAMSEY: Your Honor, if I might have just a  
moment.

THE COURT: Yes.

MS. RAMSEY: Nothing further, your Honor.

THE COURT: Mr. Mackey, do you have any redirect?  
REDIRECT EXAMINATION

William Sweet - Redirect

BY MR. MACKEY:

Q. Mr. Sweet, there were a number of steps in the chain  
between the time the customer bought his money order to renew  
and the time the credit got applied. Correct?

A. Correct.

Q. First step was it had to go to you in Washington, D.C.?

A. Correct.

Q. Then it had to go to Boston Financial in Boston?

A. Correct.

Q. Then Boston had to tell the phone company to apply the  
credit?

A. Correct.

Q. Did you find over time that there were days and sometimes  
weeks that passed before that credit ever got applied?

A. Unfortunately, that's true.

Q. And that would trigger, would it not, complaints from  
customers saying, I sent in a renewal and I -- my balance check  
doesn't say you got it?

A. Quite a few, yes.

Q. Would you on those occasions pick up the phone and use that  
same PIN number and dial and see what balance the computer was  
saying?



A. Yes, I would.

Q. And when you did that, would you do that from the offices of Liberty Lobby in Washington, D.C.?

William Sweet - Redirect

A. Yes, I would.

Q. So that would be a phone call placed from your phone, dialing somebody else's PIN number?

A. Correct.

Q. For the purpose of customer support?

A. Customer service, yes.

Q. Do you have any recollection that you did that on the Bridges account in September and October of 1994?

A. I certainly do not.

Q. Ms. Ramsey asked you some questions about the dangers of a debit card that depends on a peculiar PIN number and how other people might acquire that through theft or fraud or whatever. Do you recall those questions?

A. Yes.

Q. With a debit card, two people could purposely decide to share use of a single debit card account, could they not?

A. Yes.

MR. MACKEY: Thank you.

Nothing else, your Honor.

THE COURT: Did you have any --

MS. RAMSEY: Yes. Just a couple questions, your

Honor.

THE COURT: All right.

REXCROSS-EXAMINATION

BY MS. RAMSEY:

William Sweet - Recross

Q. I believe you testified on direct examination that you have one of the cards. Is that correct?

A. Yes, I do.

Q. And I believe you've also testified previously that you share that card with your children. Is that correct?

A. I've given them their own PIN numbers.

Q. And isn't it common that -- or is there any prohibition against sharing that PIN number with other people?

A. No, there is no prohibition I'm aware of.

MS. RAMSEY: Nothing further, your Honor.

MR. MACKEY: One omitted question, your Honor. I'm sorry, your Honor. I know it's the lunch hour.

REDIRECT EXAMINATION

BY MR. MACKEY:

Q. Mr. Hartzler reminded me: Mike Havens, did you find as a subscriber to Spotlight?

A. Yes.

Q. He didn't live anywhere near Marion, Kansas, did he?

A. I can't tell you that off the top of my head. I just know the name.

Q. And finally, do you have any recollection that the Daryl Bridges card was ever reported stolen?

A. No. It was never reported stolen.

MR. MACKEY: Thank you, your Honor.

THE COURT: Is he excused?

MR. MACKEY: He is, your Honor.

THE COURT: Is that agreed?

MS. RAMSEY: Yes, your Honor, it is.

THE COURT: Okay. You may step down, and you can go home. You're excused.

THE WITNESS: Thank you.

THE COURT: Members of the jury, you can't go home; but you can go to the jury room. We'll take our noon recess at this time; and of course, as usual, I must caution you about keeping open minds and avoiding discussion in the case.

I have the suspicion that this afternoon we're going to be walking through a lot of documents; so fortify yourselves within reason, of course, and what's available to you.

So we'll excuse you now for the usual hour and a half luncheon recess, and you'll follow the usual cautions. You're excused.

(Jury out at 12:13 p.m.)

THE COURT: All right. 1:43, or thereabouts.

(Recess at 12:13 p.m.)

\* \* \* \* \*

## INDEX

Item  
Page

### WITNESSES

Jennifer McVeigh

Direct Examination Continued by Ms. Wilkinson 7030

Cross-examination by Mr. Nigh

Redirect Examination by Ms. Wilkinson

Recross-examination by Mr. Nigh

Luke Franey

Direct Examination by Ms. Behenna

Cross-examination by Mr. Jones

Redirect Examination by Ms. Behenna

William Sweet

Direct Examination by Mr. Mackey

Cross-examination by Ms. Ramsey

Redirect Examination by Mr. Mackey

Recross-examination by Ms. Ramsey

Redirect Examination by Mr. Mackey

### PLAINTIFF'S EXHIBITS

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
6	7042				
7					
7	7040	7040			
9					
10	7056	7056			

PLAINTIFF'S EXHIBITS (continued)

PLAINTIFF'S EXHIBITS (continued)

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
11	7057	7057			
12	7058	7058			
17	7047	7047			
221 & 222	7035	7035			
480	7144	7144			
481	7147	7148			
482, 483	7149	7149			
485-487	7151	7151			
486A	7151	7151			
488A, 490A	7152	7152			
488	7152	7152			
490, 491	7152	7152			
492-494	7152	7152			
493A	7152	7152			
495-497	7153	7153			
496A	7153	7153			
498-500	7153	7154			
499A	7153	7154			
501-503	7154	7154			
502A	7154	7154			
976	7118	7118			
1012	7117	7118			

DEFENDANT'S EXHIBITS

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
976A	7128	7128			
976B	7129	7130			
976C	7130	7130			
976D	7131	7131			
O-14					
O-17	7079	7079			
O-18	7081	7081			
O-20	7082	7082			
O-33	7075	7075			
O-35	7091	7091			
O-65	7071	7071			
O-66	7072	7072			

\* \* \* \* \*

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 6th day of May, 1997.

---

Paul Zuckerman

---

Bonnie Carpenter

