

Monday, May 12, 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 90)

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 12th day of May,
1997, in Courtroom C-204, United States Courthouse, Denver,
Colorado.

Proceeding Recorded by Mechanical Stenography, Transcription
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APPEARANCES

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PROCEEDINGS

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

THE COURT: Please be seated.

Good morning. Ready for the jury?

MR. HARTZLER: We are.

MR. JONES: Yes, your Honor.

THE COURT: All right. Bring them in.

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

THE COURT: Members of the jury, good morning. We're ready to resume our trial with the next witness.

Mr. Hartzler.

MR. HARTZLER: The Government calls Mark Ippolito.

THE COURT: Thank you.

MR. HARTZLER: Mr. Mendeloff will question him.

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

(Mark Ippolito 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: Yes, ma'am. Mark Clement Ippolito.
I-P-P-O-L-I-T-O.

THE COURT: Mr. Mendeloff.

MR. MENDELOFF: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. MENDELOFF:

Q. Mr. Ippolito, tell us where you live.

A. I live in Englewood, Colorado.

Q. What is your employment?

A. I'm the health services administrator at the Federal Correctional Institute at Englewood.

Q. Prior to becoming health services administrator at the

Mark Ippolito - Direct

Federal Correctional Institute at Englewood, did you go through some form of education?

A. Yes, sir. I'm a board-certified physician assistant. I graduated from the College of Medicine and Dentistry in New Jersey in 1980 and have worked as a physician assistant since that time.

Q. And tell us about your history at the Bureau of Prison.

A. I started work at the Bureau of Prisons in 1990 initially as a line physician assistant, was promoted to assistant health service administrator in 1992 and health service administrator in 1993. I came to the Englewood facility in 1994 to assume the role of health service administrator.

Q. Since you've been working at the Englewood facility, have you come to know Timothy McVeigh?

A. Yes, sir.

Q. Look around the courtroom and see if you see him.

A. Right there.

Q. Would you point out an article of his clothing?

A. He's wearing the blue shirt.

MR. MENDELOFF: May the record reflect the identification of the defendant, your Honor.

THE COURT: I think it's blue. All right.

BY MR. MENDELOFF:

Q. Let me direct your attention to February 15, 1997. On that date, did you perform some form of measurement on Mr. McVeigh?

Mark Ippolito - Direct

A. Yes, sir, I measured his height.

Q. Can you tell us what you did?

A. Yes, sir. I reported to the prison and went to the clinical director's office where I knew he had the newest of our physician scales. Mr. McVeigh was brought in by an FBI agent, a -- I believe it was a lawyer for Mr. McVeigh, and one of our lieutenants. I asked Mr. McVeigh to take his socks and shoes off so I could get an accurate measurement, and then I had him step up onto the scale and measured him by direct, direct measurement.

Q. Tell us what that means, direct measurement.

A. A Health-O-Meter scale has a sliding bar and you slide the bar up, and then there's a horizontal bar that comes out that locks into position. I had Mr. McVeigh stand on it with his back to the bar. I had him stand straight, which he did. He cooperated very well, stood very straight, and then I brought the bar down to the top of his head and then read the measurement directly off of the scale.

Q. And that measurement was what?

A. It was 72.5 inches.

Q. 6-foot 1/2 inch?

A. Yes, sir.

MR. MENDELOFF: Your Honor, I may need to use the ELMO for a moment.

THE COURT: All right.

Mark Ippolito - Direct

BY MR. MENDELOFF:

Q. Let me direct your attention to Government Exhibit 427.

A. Yes, sir.

Q. Ask you to look at this exhibit, specifically at the height measurement on this driver's license. Do you see it?

A. Yes, sir.

Q. And what does that read?

A. It says 6.2.

Q. 6' 2"?

A. 6' 2".

Q. Is that an accurate statement of the defendant's height?

A. No, sir, not by my measurement.

Q. How far off is it?

A. Approximately an inch and a half.

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

THE COURT: Any questions?

MR. JONES: Yes.

CROSS-EXAMINATION

BY MR. JONES:

Q. Were you present when Mr. McVeigh was measured in Michigan?

A. No, no, sir, I was not.

Q. You don't know anything about those procedures?

A. No, sir, I don't.

Q. Were you present when he was measured at the Noble County

Mark Ippolito - Cross

Courthouse?

A. No, sir, I was not.

Q. Had he been measured by the Bureau of Prisons prior to the day you measured him?

A. There are measurements in the chart. I'm not sure whether those were measurements or whether they were just historical.

Q. Do you know if he was measured in the military?

A. I would imagine he was, sir.

Q. Do you know what those measurements were?

A. I do not.

Q. And the date you measured him was in February of 1997?

A. That's correct, sir.

Q. Do you remember the date; February 17, I think you said?

A. I would have to refer to my memo to be -- to be sure, to be certain.

Q. All right. So approximately two years less three months after he'd been in confinement?

A. It was February of this year, sir.

Q. All right.

Thank you, sir.

MR. MENDELOFF: Just one question, your Honor.

THE COURT: All right.

REDIRECT EXAMINATION

BY MR. MENDELOFF:

Q. Mr. Ippolito, do you know whether or not the measurement on

Mark Ippolito - Redirect

Mr. McVeigh's driver's license was actually as a result of a measurement or whether it was just a result of Mr. McVeigh saying that he's 6' 2"?

A. I do not, sir.

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

THE COURT: Is the witness excused?

MR. JONES: Yes, sir.

MR. MENDELOFF: Yes, sir.

THE COURT: You may step down. You're excused. Next witness, please.

MR. HARTZLER: The Government calls Michael Fortier.

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

(Michael Fortier affirmed.)

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

THE WITNESS: My name is Michael Joseph Fortier. That's spelled F-O-R-T-I-E-R.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Hartzler.

MR. HARTZLER: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. HARTZLER:

Michael Fortier - Direct

Q. Good morning, Mr. Fortier.

A. Good morning.

Q. Can you tell us where you were born.

A. I was born in Maine.

Q. And approximately how long did you and your family live in Maine?

A. Until I was seven years old.

Q. From there where did you move?

A. We moved to Kingman, Arizona.

Q. And where have you spent most of your life?

A. In Kingman, Arizona.

Q. Are you residing in Kingman right now?

A. I'm in federal custody right now.

Q. And why is it that you are in federal custody?

A. I pled guilty to four felony counts.

Q. What felony counts were you charged with?

A. I was charged with conspiring to transport stolen weapons, transporting stolen weapons, making false statements to the FBI, and misprison of a felony.

Q. And were there any counts that you were charged with which were dismissed?

A. No, sir.

Q. So you pled guilty to all of the counts that you were charged with?

A. Yes, sir.

Michael Fortier - Direct

Q. And that's the four counts you just identified?

A. Yes.

Q. When and where were those charges filed?

A. In August of 1995 in Oklahoma City.

Q. Is that the same indictment that's on trial here today?

A. Yes, sir, I believe it is.

Q. Well, the indictment on trial here today involves bombing charges. Were you charged with the bombing?

A. No, sir, I was not.

Q. Okay. Were you charged in the same indictment as Timothy McVeigh and Terry Lynn Nichols?

A. No, sir, I have a separate indictment. I misunderstood the question. I thought -- I was indicted by the same grand jury, though.

Q. On the same day?

A. Yes.

Q. How long, then, have you been in custody?

A. For 21 months.

Q. Are you married?

A. Yes, sir.

Q. What's your wife's name?

A. Lori.

- Q. Do you have children?
A. Yes, I have two children.
Q. Remind us of their names and ages.

Michael Fortier - Direct

- A. My daughter is four years old. Her name is Kayla. And I have a son who is 16 months old. His name is Michael.
Q. So your wife was pregnant when you went into custody.
A. Yes. Yes, sir.
Q. Mr. Fortier, how far did you go in school?
A. I have two years of college.
Q. So you've graduated from high school?
A. Yes, sir.
Q. And where did you attend high school?
A. In Kingman, Arizona.
Q. What's the name of that school?
A. Kingman High.
Q. The same school that your wife attended?
A. Yes, sir.
Q. And you graduated what year?
A. In 1987.
Q. Mr. Fortier, do you know Timothy McVeigh?
A. Yes, sir, I do.
Q. When and where did you first meet him?
A. In Fort Benning, Georgia, when I entered the service in 1988.
Q. That was the Army?
A. Yes, sir.
Q. And did you become friends with Mr. McVeigh?
A. Yes.

Michael Fortier - Direct

- Q. So just calculate for us how long you have known Mr. McVeigh.
A. Nine years.
Q. After your basic training at Fort Benning, Georgia, what did you do?
A. We were transferred to Fort Riley, Kansas.
Q. The "we" includes whom?
A. The whole company that I went through basic training with, includes Mr. McVeigh and Terry Nichols.
Q. And how long did you remain at Fort Benning in Kansas -- I'm sorry, Fort Riley in Kansas?
A. Until May of 1991.
Q. Did you remain friends with Mr. McVeigh at Fort Riley?
A. Yes, sir.
Q. For the entire period that you were there?
A. Yes, sir.
Q. While you were at Fort Riley, did Mr. McVeigh ever share any literature with you?
A. Yes, sir, he did.
Q. Tell us about that, please.

A. Mr. McVeigh brought to me a book called The Turner Diaries. He urged me to read it, which I did.
Q. Did you have any conversation with him about it?
A. None that I can recall.
Q. And when was it, again, that you were discharged from the

Michael Fortier - Direct

Army?

A. In May of 1991.
Q. Were you honorably discharged?
A. Yes, sir.
Q. What did you do after you were discharged from the Army? Where did you go and what did you do?
A. I traveled back to Kingman, Arizona, where I started to attend the community college.
Q. The name of that college is what?
A. Mohave Community College.
Q. And was that your full-time activity?
A. Yes, sir.
Q. For how long?
A. For all of '91 and part of '92. I had gotten a part-time job in 1992 working for a printing company, as I was going to school full-time.
Q. And between that time and when you surrendered to federal custody in 1995, what did you do?
A. I also had a job at Kingman TruValue, went to school part-time still. Me and my wife got married, and we had a child. Not in that order. That's what we did.
Q. Did you remain friends with Mr. McVeigh after you left the service?
A. Yes, sir.
Q. And did he ever visit you or did you visit him anyplace

Michael Fortier - Direct

after you both were discharged from the Army?
A. Tim visited me in Kingman, Arizona.
Q. As best you can recall, tell us when approximately it was that he first visited you in Kingman.
A. Best I can recall, he came to see me in April of 1993.
Q. Now, do you recall the tragedy that occurred at the Branch Davidian compound near Waco, Texas?
A. Yes, sir.
Q. And did you follow that event on the news?
A. Yes, I did.
Q. Mr. McVeigh arrived, as you recall, approximately when in relationship to that incident?
A. Just after the fire destroyed the compound.
Q. And do you recall having any discussions with him about that?
A. Yes, sir.
Q. What did he say?
A. Tim told me that him and Terry Nichols were planning to travel to Waco, Texas. to demonstrate --

- Q. From where?
- A. Excuse me?
- Q. From where?
- A. From the farm in Michigan.
- Q. Is that where he was -- he had been staying?
- A. That's what he told me.

Michael Fortier - Direct

- Q. Very well. Continue. Sorry to interrupt you.
- A. That's okay. He told me that they were packing their -- Tim's car and they were just getting ready to leave when Terry came out of the house and yelled for Tim to come watch the TV with him. He told me Terry had said, "We're too late," the fire had started. And then Tim -- Terry stayed in Michigan and Tim just went to my house after that.
- Q. Did he give you any indication that he had visited the area of Waco, Texas, prior to his arrival in Kingman?
- A. Yes, he had told me he had been there.
- Q. And did he have any memorabilia, souvenirs from that area that you saw?
- A. He had a hat that said -- a black hat that said "ATF" across the top of it and apparently somebody had drilled some holes in it to simulate bullet holes.
- Q. Did you know at that time who he was talking about when he mentioned Terry Nichols?
- A. Yes. I did.
- Q. How did you know that name?
- A. From the service.
- Q. Explain your connection or relationship with Mr. Nichols, please.
- A. I went through basic training with Mr. Nichols, and he was also transferred to Fort Riley, Kansas, where he stayed for just a short time, and then I'm not really sure what happened

Michael Fortier - Direct

- to Nichols. He got discharged or something.
- Q. So he left the Army before you did?
- A. Yes, sir, he did.
- Q. And during the time that you were stationed with Mr. Nichols, did you and he become friends?
- A. We became acquaintances.
- Q. Did Mr. Nichols and Mr. McVeigh become friends?
- A. Yes. Yes, they did.
- Q. During this visit that you described in the spring of 1993, approximately how long did Mr. McVeigh remain in the Kingman area during that visit?
- A. I believe he stayed at my house for about a week. And then for his employment, what he was doing was what he called running the gun-show circuits. And so for about a month or maybe two, he was traveling out of Kingman and then coming back. For a while.
- Q. When he was in Kingman, where did he stay?

A. At my house. I invited him to stay at my house.

Q. Did you have room for an extra person?

A. Yes. I had an extra bedroom in my home.

Q. During that approximately one week that he was staying at your house, do you recall any further discussions with him about the Waco incident other than his plans to leave and hearing about the fire on the radio in Michigan with Terry Nichols?

Michael Fortier - Direct

A. We just discussed the legality of it. We both concluded that the federal government had intentionally attacked those people and maybe not intentionally started the fire, but they were certainly the cause of the fire and potentially they murdered those people in Waco.

Q. This was a shared belief?

A. Yes, sir.

Q. Mr. Fortier, did you discuss at all the media coverage of the incident?

A. What I recall discussing with Tim about the media is just that the media tended to sensationalize the incident and support the government in it.

Q. After that visit, did you see Mr. McVeigh again in that year, the year of 1993?

A. Yes, sir.

Q. Could you please tell us about the next time you saw Mr. McVeigh in 1993, where it was, and what were the circumstances.

A. He was traveling the gun-show circuit, so he was coming back and forth. But sometime during the midsummer of 1993, he decided to stay in the Kingman area. He rented a trailer out on the road, this road called Old Route 66. And he also found employment working for State Security Services.

Q. State Security is a guard service?

A. Yes, sir.

Michael Fortier - Direct

Q. During the time that -- well, I should ask you first how long did he remain in the area, living in -- on Old Route 66?

A. He moved away from the area sometime in the fall of '93.

Q. And during that time, did you have any further discussions with him about the incident at Waco?

A. Yes. Many discussions.

Q. Okay. Can you tell us about those discussions?

A. Somewhere along the line at one of the gun shows, he found a tape called, "Waco, The Big Lie," which we viewed at my house. We discussed the tape. Mostly we just rehashed the same old discussion over and over again.

Q. Which was a view that the people had been murdered, in effect?

A. Murdered and that there was a cover-up, that somebody should be held accountable.

Q. How long -- I'm sorry. I asked you how long he stayed in the area. Till the fall. Do you know where he left -- or where he went, I should say, after that?

A. I believe he went to Michigan to stay with -- on the Nichols farm.

Q. Did you see him again?

A. The next time I saw him was in 1994.

Q. And where was that?

A. In my home. He had traveled -- Tim had given me a call one day on the telephone and told me that he wasn't happy where he

Michael Fortier - Direct
was at in Michigan, so I offered to help him get employment at where I was working.

Q. At that point, you were working where?

A. In Kingman TruValue.

Q. That's a hardware store in Kingman?

A. Yes. Yes.

Q. Your position then was what?

A. Bookkeeper.

Q. How was your relationship with the owners or managers?

A. Great.

Q. You felt that you could get him a job someplace in the hardware store?

A. Where I was thinking was working out back. There was a large turnover. I didn't think there would be a problem with getting him a job.

Q. So I take it he accepted that proposal?

A. Yes, and then he traveled to my home.

Q. Just give us an approximate of when that was, when he came back to Kingman.

A. Early 1995. Excuse me, 1994.

Q. And were you successful in getting him a position out back at the Kingman TruValue?

A. Yes.

Q. So he came to Kingman and lived there?

A. Yes. He found himself a place to live out in this area

Michael Fortier - Direct
called Golden Valley, in a block home out there.

Q. Where is Golden Valley in relationship to Kingman?

A. Just west of Kingman, over this mountain range.

Q. About how far?

A. 5 miles.

Q. And you said a block home. What is a block home?

A. Cinder block home. It's just a home, a house.

Q. That he was renting?

A. Yes.

Q. When he arrived or moved into Kingman, I think you said, "He first stopped at our house" or "stayed at our house"; is that correct?

A. Yes, sir.

Q. For how long approximately?

Q. For how long approximately:

A. A few days.

Q. And then he moved into this block house?

A. Yes, sir.

Q. Did he move in there alone, or did someone else live with him?

A. Terry Nichols was living with him for about two weeks.

Q. Is that -- well, what time period was it that Mr. Nichols lived there?

A. When he first rented the house.

Q. And did you see Mr. Nichols in the area and at the house?

A. Yes, sir, I did. I had dinner with Tim and Terry.

Michael Fortier - Direct

Q. Was anybody else present?

A. No, sir.

Q. How about your wife?

A. She wasn't with us.

Q. And you recall that evening?

A. Yes, sir.

Q. Did you see anybody else -- or did you see Mr. Nichols at any other time during that period?

A. No, sir, I did not.

Q. Now, after Mr. McVeigh began working at the Kingman TruValue, you continued to work there as well; is that right?

A. Yes.

Q. Did you see each other pretty much every day?

A. Pretty much. We worked in different areas, but we had some contact.

Q. During that period of time when you worked together at the Kingman TruValue, did the two of you socialize at all together?

A. Yes, sir.

Q. What kinds of things did you do?

A. Just normal kinds of things: Watched TV, talk about sports, whatnot. Spent a lot of time talking about conspiracy theories. We shot some weapons and went walking in the mountains.

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

Michael Fortier - Direct

A. Until about August.

Q. So it was a matter of several months during the midsection of 1994 that he lived in Kingman?

A. Yes, sir.

Q. Did you have any experience with explosives that summer?

A. Yes, I did.

Q. Describe that experience, please.

A. My wife and I and Tim went into the mountains one afternoon, and we set off a pipe bomb.

Q. Whose pipe bomb was that?

A. It was Tim's.

Q. And can you just tell us where the pipe bomb was placed and

what you did and what effect the pipe bomb had?

A. Me and my wife stayed on the other side of -- there was just a little valley, and we stayed on one side of it. And Tim went up the other side of the hill and placed it underneath this rather large boulder, probably the size of the TV console there. He lit it, and I was watching and he ran and hid behind some other rocks. And when it blew up, it took the big boulder and just slowly rolled it on its side.

Q. During this -- I'll call it the summer of 1994 when Mr. McVeigh was living in Kingman and working at the Kingman TruValue, did you ever have any political discussions with him?

A. Yes, sir.

Q. Did you talk at all about the United Nations?

Michael Fortier - Direct

A. Many times.

Q. And can you tell us about the conversations that you had with him about the United Nations?

A. We both believed that the United Nations was actively trying to form a one-world government. To do this, they had to meet certain ends, one of them being they needed to disarm the American public, take away our weapons. We were calling this the New World Order. We spoke quite a bit about that.

Q. What was exactly the New World Order? What's your definition of New World Order?

A. An elite group in the United Nations that is looking to form a single government to control the world.

Q. Did the two of you ever take any action related to your concerns about the United Nations and this New World Order?

A. One day at work Tim approached me and said that he had been noticing on his way to work each morning that there was a buildup happening at the local National Guard armory. He said over a period of days there is just more and more vehicles being parked in the back area. He asked me if I wanted to go with him one night to go check it out, which I did in the middle of the night. Me and Tim went and jumped the back fence, looked in the back of all the vehicles, and we looked at the bumper numbers. We just scouted around to see if there was any evidence of UN activity.

Q. This was a National Guard armory located in Kingman?

Michael Fortier - Direct

A. Yes, sir.

Q. About how many vehicles were there?

A. Between 16 and 24.

Q. What type of vehicles were these?

A. They were deuce and a halves, large trucks.

Q. And did you get inside any of the trucks, do any investigation as to what materials were there?

A. We were peeking in the back of the trucks. They were all empty.

Q. Did you see any materials that you found of interest?

A. As we were leaving, I came across some . . . a couple shovels, a couple picks, and two axes, which we stole.

Q. Where were those?

A. They were located on the undercarriage of a Humvee, which is like a Jeep. We had to hide underneath the Jeep because there was a diesel getting off the highway, and its lights flashed across the National Guard armory's yard, and we did not want to be seen, so we slid underneath the Jeeps; and that's when I noticed that they were there. And we just, on the spur of the moment, decided to take them.

Q. So each of you got a shovel, a pick, and an ax?

A. Yes, sir.

Q. What did you do with yours, your set?

A. I eventually turned them back over to some agents to return to the National Guard.

Michael Fortier - Direct

Q. This was after your cooperation?

A. Yes, sir.

Q. But what did you do with them initially?

A. Initially, Tim took them to his house and painted them.

Q. Painted them what?

A. A sand color.

Q. What color had they been?

A. They were green.

Q. And after they were painted a sand color, did you get your set back?

A. Uh-huh, and I stuck it in my shed -- stuck them in my shed.

Q. Remained in your shed until you turned them over to the FBI?

A. Yes.

Q. Had your wife do that?

A. Yes.

Q. You said that Mr. McVeigh remained in the area that summer until sometime in August -- is that correct -- 1994?

A. Yes, sir.

Q. And did he work at Kingman TruValue throughout that entire period?

A. Not the entire period. Roughly in May he quit. And he found brief employment at Carter & Company, which is a factory out in the industrial park near Kingman. He was employed there for just a short time, and then he found employment with a

Michael Fortier - Direct

landscaping company.

Q. Okay. During -- pardon me. During this period of time, did the two of you exchange, share, subscribe to any particular literature that relates to your political beliefs?

A. Well, I had a subscription to -- I believe I had a subscription at that time to the Spotlight news magazine.

Q. We've heard some testimony about the Spotlight. Can you characterize it?

A. It has all the news that the mainstream media won't print

A. It has all the news that the mainstream media won't print is what they claim.

Q. Can you give us what the slant is maybe?

A. Oh, yes. It's -- they talk a lot about the New World Order.

Q. Any other literature other than your subscription to the Spotlight?

A. Tim introduced me to another little flyer-type pamphlet called the Patriot Report.

Q. What is the Patriot Report?

A. It's just like a monthly flyer that comes in the mail. I'm not sure where it originates, but it speaks about all the same type of stuff, the UN takeover.

Q. Did the two of you have any interest in organizing beyond yourselves to form some sort of political organization of any sort?

A. We had a brief interest in organizing a militia.

Michael Fortier - Direct

Q. And how is it that you knew about militias?

A. Just through these magazines and stuff that we had been reading.

Q. So there were discussions and descriptions of militia organizations in these magazines you were receiving?

A. Yes, and I also received some firsthand descriptions from Tim. He apparently had met some people in the Michigan militia while he was doing some gun shows up there, and he told me about them.

Q. What steps did you take to form any kind of political organization or militia?

A. All's we really ever did was travel down to Prescott to speak with somebody that was in a militia down there. We asked them -- or we asked this person what they did, how they formed it, what needs to be done to keep it running, stuff like that.

Q. Do you remember that man's name?

A. No, sir. I believe it's Bassett, but I'm not sure.

Q. And was this a day trip?

A. Yes.

Q. How far is Prescott?

A. About two hours, I believe.

Q. So you're talking about Prescott, Arizona, obviously?

A. Yes.

Q. Did you notice any change in McVeigh's attitude during this period when he was in Kingman during the middle section of

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1994?

A. He became -- he started to become more defensive, keeping weapons behind his doors in his house. He was collecting wood from TruValue to burn in his wood-burning stove in his home. In the meantime, he was stacking it in his backyard. He explained to me why he was stacking it where he was, that he

... didn't want -- or he wanted to use as some type of berm to block bullets in case there was ever any type of Waco-style raid on his home. He just became defensive.

Q. Did he ever talk to you about being at war or declaration of war during that period of time?

A. I remember one statement he made to me driving in his car. He was driving me back to Kingman to my house and he said that he thought the U.S. Government had declared war on the American public and that they were actively taking our rights away.

Q. Do you recall any plans you had for the 4th of July that year?

A. Yes. Tim had made a flyer of his thoughts and ideas and collections of quotes from our Founding Fathers. He condensed it all into -- onto one piece of paper; and I had photocopied a bunch of them at work, and we were going to pass them out on the 4th of July. We never did, though, because Tim got called away. He went to Buffalo. Something was the matter with his grandfather; and I didn't have no interest in doing that by myself, so it never came to be.

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Q. And you were going to hand these fliers out where?

A. At the 4th of July, the fireworks.

Q. Where?

A. Oh, at Centennial Park.

Q. In Kingman?

A. In Kingman, yes.

Q. Do you recall when Mr. McVeigh moved out of the block house on Old Route 66, approximately?

A. In June, approximately.

Q. And do you know where he went after that?

A. Yes. For almost the full month of July, he was staying at my house.

Q. During that period of time, did something special happen in your life?

A. Yes. I got married to my wife.

Q. And where did you get married?

A. In a casino in Las Vegas, Nevada.

Q. What was the date?

A. July 25.

Q. How far is Las Vegas from Kingman?

A. It's 90 miles.

Q. And did Mr. McVeigh attend the wedding?

A. Yes, he did. He was my best man.

Q. How did that come about?

A. Well, I was going to have my brother be my best man, and

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then I got a notice that my other brother was coming down from Alaska, so I didn't want to create any conflict or any animosity between my two brothers, so I asked Tim to be my best man.

Q. Mr. McVeigh was a good friend of yours at the time?
A. Oh, yes. I don't mean to belittle him in any way. I was very glad to have him as my best man.
Q. After your wedding, did you go on a honeymoon?
A. Yes, sir.
Q. And do you know where Mr. McVeigh stayed during that time?
A. I had asked him to stay at my house to watch over it.
Q. Why was that?
A. I live in a rough neighborhood. I didn't want my house getting broke into.
Q. Do you have some pets as well?
A. Yes. Couple cats.
Q. When you got back from your -- well, first of all, how long was your honeymoon?
A. Approximately a week.
Q. When you got back, did you see Mr. McVeigh?
A. Yes, sir.
Q. Where was that?
A. In my home.

Q. Was he working at that time?
A. Not that I know of.

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Q. And how long did he stay?
A. Just a few days. I'm not sure how long exactly.
Q. When you returned from your honeymoon, did you also return to work?
A. Yes, sir.
Q. When Mr. McVeigh left, do you recall where he said he was going?
A. I don't recall.
Q. So if you were married on July 25, went on your honeymoon for a week, you returned probably in the very beginning of August of 1994; is that right?
A. Yes, sir.
Q. And Mr. McVeigh remained in your house for a few more days?
A. Yes, sir.
Q. So he left the area also at the beginning of August of 1994?
A. Yes. I'm not sure exactly when he left.
Q. Well, do you recall your next contact of any sort from him?
A. Yes. I received a letter in the mail from Tim.
Q. Do you recall that letter?
A. Yes, sir.
Q. You read it?
A. Yes, I read it.
Q. Tell us what it said.
A. Tim told me that him and Terry Nichols had decided to take

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some type of positive offensive action. He wanted to know if I

wanted to partake of it; if I did, I would have to keep it a secret from my wife. That's basically what the letter said.

Q. What did you do with the letter?

A. I showed my wife the letter.

Q. Did you respond to that letter?

A. Yes, sir. I told him in my letter that I was curious what he was talking about, but then I would in no way keep any secrets from my wife.

Q. So your response did not reject the idea of taking action; is that fair?

A. I was curious to what he was talking about.

Q. But you invited further conversation at least; you did not reject the idea of taking action against the government; is that a fair characterization?

A. Yes.

Q. After receiving and responding to that letter, did you have further contact with Mr. McVeigh that year?

A. Yes, sir.

Q. When was the next contact?

A. Shortly thereafter. It could have been a week later. I'm not really sure.

Q. You mean after your response?

A. Yes.

Q. Tell us where you had contact or what contact you had with

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Mr. McVeigh.

A. Tim was at my house. I don't remember much about this visit. It was real short, just a few days. We had a conversation near my fence in my front yard. Tim was telling me what he meant by taking action. He told me that he -- him and Terry were thinking of blowing up a building.

Q. Is that the first time you had heard him discuss using explosives to blow up something?

A. Yes, sir.

Q. Other than obviously the desert experience?

A. Yes.

Q. And did he try to persuade you to participate in this activity?

A. Yes. He asked me to help them. I turned him down. I said I would never do anything like that unless there was -- until the time that there was a UN tank in my front yard.

Q. What was your reference to having a UN tank in your front yard?

A. Obviously if there was a UN tank sitting in my front yard, we would be at a state of war with the New World Order, and I feel that actions like that would be appropriate at that time, but not before.

Q. You said this was a short visit to Kingman by Mr. McVeigh; is that correct?

A. Yes.

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Q. And you recall this conversation being at the fence in your front yard?

A. Yes.

Q. Was anyone else present?

A. No, sir, it was just me and Tim.

Q. You may have already told us this, but did you have any further discussion with Mr. McVeigh about your inclusion -- or I should say your telling your wife, Lori, about his plans?

A. Would you repeat the question, please.

Q. Yeah, that's terrible. Sorry.

I think you said that you told Mr. McVeigh somehow that you would not keep any secrets from your wife, Lori; is that right?

A. Yes, sir.

Q. And when did you tell him that?

A. I told him that in the letter that I sent back to his original letter.

Q. Okay. So that was not part of the conversation at the fence?

A. No, sir.

Q. Did you ever look for a storage locker for any purpose?

A. Yes, sir. Tim gave me a call asking me to rent a storage locker for him.

Q. When was this?

A. In the fall of 1994.

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Q. Do you know where he was calling you from?

A. No. He just said that he would be in Kingman in a few days. So obviously he was a few days -- few days' drive away.

Q. And did he tell you why he was interested in a storage locker in that area?

A. He didn't tell me why.

Q. Did he have any special requests, make any special conditions for your renting a storage locker?

A. Yes. He asked me to rent him a storage locker outside the Kingman area. He wanted me to use a fake name, and he wanted me to pay in cash.

Q. And did you rent a storage locker?

A. No, sir.

Q. Did you look for a storage locker?

A. I did go look for a storage locker. Me and my wife drove down to Golden Valley. We located some storage lockers, and I went to the office and asked the ladies inside if I could rent one; and she said that they were all full. Excuse me.

We then drove to another area where we could not find any storage lockers. And then we gave up.

Q. The other area you drove to was where?

A. On the other side of Kingman. There was these two little towns, I believe they're called Hackberry and Ash Fork, or maybe it's Valentine. I'm not sure. There was no storage lockers there. We gave up.

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Q. When did you go look for the storage locker in relationship to when you received the call from Mr. McVeigh?

A. The next day.

Q. And do you recall what day of the week it was that you went out?

A. A Sunday.

Q. How is it that you recall that it was on a Sunday?

A. Well, for one reason, I was off work. And I just recall it being a Sunday.

Q. During your telephone conversation in which Mr. McVeigh requested you rent a storage locker, did he tell you when you could expect to see him again?

A. He told me that he was going to be in Kingman in a few days.

Q. And did you, in fact, see him a few days thereafter?

A. Yes. I was at home. I believe it was after work. I was just laying on my couch. There was a knock on the door, and I said, Come in. And it was Tim. I told him, Sorry, I couldn't find you a storage locker.

And he told me that was no problem; don't worry about it; we already got one.

Q. Was he alone?

A. He was alone at that time.

Q. And where did he stay?

A. I don't recall exactly. I believe he was staying in the

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desert with Terry Nichols at this campsite.

Q. What's the campsite?

A. There's -- in the spring of 1994, me and Tim and my father-in-law, Les, went out snake hunting; and we came across this abandoned car out in the desert which later came to be referred to as the "campsite" between me and Tim.

Q. Now, did he remain in the area for some time after you saw him that day he came and you told him you had not gotten the storage locker?

A. Yes, sir.

Q. For approximately how long, as best you remember?

A. A week, thereabouts.

Q. Do you recall your next contact with him, after he stopped at your house?

A. Yes.

Q. When was that?

A. It was either that night, or maybe it was a few nights later, he showed up at my house almost at 9:00 on the dot. I remember looking at the clock on my wall and seeing that.

Q. So it was dark outside?

A. Yes, sir.

Q. And was he alone?

A. No, he wasn't. He came at my house and asked me to come with him, he wanted to show me something. I went with him in his car. We followed Terry Nichols in his truck to the storage

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sheds that are near my house.

Q. So they were in separate vehicles?

A. Yes, sir.

Q. Describe the truck.

A. I'm not sure if it's a Ford or Chevy, but it's a just a blue truck with a white camper.

Q. And had you seen that vehicle before?

A. Yes.

Q. All right. Where did the three of you go that evening?

A. We went to some storage units near my home.

Q. You're familiar with those storage units?

A. I had seen them before.

Q. Had you ever gone there before?

A. No.

Q. And when you got to the storage unit area, what happened?

A. We got into a storage locker that they had rented, and Tim showed me some explosives that were inside it.

Q. Do you recall what explosives you saw?

A. I don't recall exactly the explosives I seen that night.

What I recall, Tim had a flashlight, and the main part of the beam was shining on the box; and it had a -- and one of those orange triangles or yellow triangles -- not a triangle. Excuse me -- a diamond that says "explosives." That's what I remember seeing mostly.

Q. And you were actually shown some of these explosives?

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A. Tim was reaching into the box and showing me some explosives, but I don't remember exactly what it was he showed me.

Q. And do you recall how much else was in the storage locker?

A. Well, he was squatted down before a blanket that was covering some items that appeared to be more of the boxes containing explosives. I could estimate there were about three high, two and two deep. That would be about 12 boxes.

Q. And what was Mr. Nichols doing during this time?

A. He was taking some stuff out of the storage locker and putting it back into his truck. I remember specifically he was putting in a spare tire.

Q. At that storage facility, when you were shown the explosives in a box, did you have any discussion with either Mr. Nichols or Mr. McVeigh about the source of those explosives?

A. I had invited Tim and Terry to stay the night at my house 'cause I thought they were -- they were sleeping in the desert. Terry declined, but Tim took me up on my offer; and that evening, Tim told me where they had gotten the explosives.

Q. What did he say?

A. He told me that him and Terry had come across this quarry that was in Kansas, near where Terry was living. They would have to drive by it like on their way to work -- on Terry's way

have to drive by it like on their way to work -- on Terry's way to work. He described for me the night that they went into the

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quarry and stole the explosives. He said it was a stormy night. I'm not sure which vehicle they were using. He told me, but I forgot.

Anyway, they drove there and they took with them a Makita drill; and they tried to get into one shed, but they couldn't because of some type of antitheft device barrier that was covering the lock. So they went to another shed that did not have this device on it, and they drilled the lock and then made a few trips stealing explosives. And then it was my impression that just thereafter, they drove to Kingman with the explosives.

Q. The two vehicles?

A. The two vehicles.

Q. Car and truck?

A. Yes. Tim told me on the way there he was upset with Terry because Terry either almost got stopped for speeding, or he was almost in an accident, or for some reason they almost got caught by the police.

Q. With the explosives in their vehicles?

A. Yes, sir.

Q. From your hardware store experience, were you familiar with what a Makita drill was?

A. Yes.

Q. What is a Makita drill?

A. It's just a handheld drill. The one he was speaking of was

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a cordless drill. It uses a battery instead of electricity.

Q. This conversation was where in your house?

A. In my living room.

Q. And you said that Mr. McVeigh, Mr. Nichols had been staying in the desert, but you invited them to stay in your house?

A. Yes.

Q. And was that invitation accepted?

A. Only by Tim.

Q. Approximately how long did he stay in your house?

A. For a few days. Approximately, maybe up to a week.

Q. He had previously, on a previous visit to Kingman, revealed to you the plans to blow up a building; is that right?

A. When I spoke to him by the fence, he told me that that's what they were thinking of doing, was blowing up a building.

Q. And did you have any further discussion about that plan during this visit?

A. Sometime during the month of October, before the October 31, we did have a discussion.

Q. What's the significance of October 31?

A. On that date I bought my Jeep. I bought a vehicle. And so I could place certain events either before or after that date. That's the only way I can -- I can -- that's as close to the

dates as I can.

Q. Okay. Sometime before October 31, you had a conversation, a further conversation about the plan to blow up a building; is

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that correct?

A. Yes, sir.

Q. Where was that conversation?

A. In my living room.

Q. Tell us about it.

A. Tim told me that him and Terry had chosen a building in Oklahoma City, a federal building in Oklahoma City. He also told me that he had figured out how to make a truck into a bomb. He explained to me how he would arrange the barrels, 55-gallon drums in the back of that truck to form something he was calling a "shape charge."

He told me about the ratio of how to . . . fuel to ammonium nitrate to -- excuse me. That that's how he would make an explosive. He told me that he would use the explosives that he had stolen from the quarry. He had drew on a piece of paper -- he diagrammed the truck and the barrels, and he diagrammed how he would fuse the bomb from the front of the cab into the back area of the truck.

Q. How was he going to fuse it from the front to the back?

A. He told me he was going to just drill a hole and run a canon fuse through the hole.

Q. The hole would be where?

A. Through the back of the cab into the back portion of the truck.

Q. Did he tell you why they had selected the federal building

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in Oklahoma City?

A. He told me they picked that building because that was where the orders for the attack on Waco came from. He told me -- he also told me that he was wanting to blow up a building to cause a general uprising in America hopefully that would knock some people off the fence into -- and urge them into taking action against the federal government.

Q. Can you, using words, describe the diagram that he drew?

A. He drew a box. And then he was drawing circles to represent barrels. He drew them in the shape of a triangle. He explained to me the base of the triangle would be pointing towards the building because that is the direction the blast would travel. He was also drawing oblong circles to represent this other explosives that he was calling "sausage" that he stole from the quarry, behind the triangle to just bolster the blast.

Then he was drawing lines to represent the canon fuse.

Q. Did Mr. McVeigh tell you what time of day or night he intended to blow up this truck bomb?

A. Tim told me that he was wanting to do it at 11:00 in the

morning.

Q. Did he explain why he had selected that hour?

A. He said that he wanted -- I asked him why; and he said because everybody would be getting ready for lunch.

Q. Did you have any discussion about the deaths that such a

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bomb would cause?

A. I asked him about that right as he said that. I said, What about all the people?

And he explained to me, using the terms from the movie "Star Wars" -- he explained to me that he considered all those people to be as if they were the storm troopers in the movie "Star Wars." They may be individually innocent; but because they are part of the -- the evil empire, they were -- they were guilty by association.

Q. Did he tell you how he intended to acquire the materials for this bomb, other than the explosives, obviously?

A. He told me that him and Terry had already bought some ammonium nitrate. He told me the whole story about how they were using Terry's truck and they went to some type of store and that they were going to use -- or they had used fake names. And Tim told me that Terry was supposed to do all the talking, but some way -- you know, halfway through the buy of it, he was messing up. And Tim told me that he would have to do it from then on out.

He also explained to me how he wanted to get some fuel -- he was calling anhydrous hydroxine (sic). He said he wanted to dress up like a biker and he wanted to get it at a raceway.

Q. Did you have any discussion with him as to when this bombing would occur? Not the time of day, but the date.

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A. He told me that he wanted to bomb the building on the anniversary of Waco.

Q. Did he tell you why he had selected that date?

A. He didn't say specifically why.

Q. Did you know what the anniversary of Waco was?

A. I understood it to mean the anniversary of the day the fire had engulfed the compound.

Q. And did you know that date?

A. I don't remember specifically if I knew that date or not. The date has been so ingrained in my mind up till now that I don't know. It's very possible I could have.

Q. So you certainly know the date now?

A. Certainly.

Q. And the date is?

A. April 19.

Q. After that evening -- or actually, let me step back one step and ask you about the evening that you went to the storage locker and Mr. McVeigh showed you some of the explosives. Did

you ever see any of the explosives again?

A. Yes. This one morning -- it was either a Saturday, a Sunday, or a Monday, 'cause I was off work, and those were my days off -- I was sitting around the house and Tim came and knocked on my door and asked --

Q. Just let me interrupt you for one second. You got three days a week off?

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A. No -- while I worked at TruValue, I had either Saturday and Sunday off, or Sunday and Monday; and it changed. And I'm not sure which days it was during that time frame.

Q. So you worked five days a week, you got two days off. You just don't remember which time period this was, so it could have been a Saturday, it could have been a Sunday, it could have been a Monday. That's what you're saying?

A. That's what I'm saying.

Q. I got it. Thank you. Please continue.

A. Tim asked me to come with him and Terry, go out to the desert. They were going to test some of those explosives. I walked out to his truck, Terry's truck. He, Tim, showed me a milk jug of ammonium nitrate. He had already put some fuel in it, and he was going to try to ignite that with a blasting cap.

Q. Was this a clear plastic milk jug?

A. Yes.

Q. Could you see the color and see what was inside it?

A. What was inside it looked like salt rock, white salt rock.

Q. Granular?

A. Yes.

Q. Could you see any other explosives?

A. Yes. We also went to the back of Terry's truck, where Terry was standing. And Tim reached in the back. I believe he reached into a red crate and pulled out what he was calling the "sausage." This explosive literally looks like a sausage,

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about 12 inches long, with crimped ends. He told me all you would have to do is slit a hole in it and stick in a blasting cap and this would explode.

Q. Did he do anything with the sausage, or just show it to you, just display it?

A. He just showed it to me. And I reached over and gave it a little squeeze. That's all he did.

Q. And did he explain to you what the plans were for the day?

A. Yes. He told me that they were going to go out and test these explosives.

Q. And did you go with him?

A. No.

Q. Why was that?

A. Because that looked like a lot of trouble, and I didn't want no part of it.

Q. Okay. What happened?

A. I said no and went back in my house. and they left.

A. I said no and went back in my house, and they left.

Q. They left?

A. Yes.

Q. Did you speak or see Mr. McVeigh after that morning?

A. Yes, that afternoon he came back to my house.

Q. Was Mr. Nichols present?

A. No. I asked him about that. And he said that Terry had gone off to Vegas.

Q. Did you have an understanding of why Mr. Nichols would go

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to Vegas?

A. I believe his ex-wife lives there.

Q. Did he have any children that live in Las Vegas?

A. Yes, I believe he has at least one child that lives there.

Q. All right. And when Mr. McVeigh returned that afternoon, did you discuss with him the activities in the desert?

A. He told me that everything went well except for the jug -- the milk-jug bomb. He told me that the blasting cap just sprayed the ammonium nitrate everywhere, it didn't work.

Q. Did you ever have any contact with any member of Mr. McVeigh's family?

A. Just his father.

Q. Describe that for us.

A. I remember receiving one call from Tim's dad early in the morning, and he was calling me to tell me that he needed to contact Tim. I'm not sure if this was the call that was early in the morning. I received more than one call from Tim's father; but in this time frame, I received a call from Tim's father telling me that his grandfather had died and he needed to get ahold of Tim.

Q. When you say "this time frame," you're still referring to the fall of 1994?

A. Before October 31, yes.

Q. Before you purchased your Jeep?

A. Yes, sir.

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Q. And was Mr. McVeigh in the area at the time you received this call concerning his grandfather's death?

A. No, he wasn't. I'm not sure where he was. He had left for a while. And his father thought he was in the area working still, and so I just had to play it, "Okay, next time I see him --" I was telling this to his father -- "Next time I see Tim, I'll tell him that he needs to call you."

Q. And when did you next see Mr. McVeigh?

A. I'm not sure how many days later it was, but it was still before October 31.

Q. Did you tell him about the conversation?

A. Yes, I did. He seemed nonblas=82 (sic) about it, like he had

already heard of it or something.

Q. And what happened? Did he remain in the area? Did he

leave? Do you recall the experience?

A. Well, eventually just a couple days before October 31, he left the area.

Q. When -- at any of the times that Mr. McVeigh left the area before October 31 when you purchased your Jeep, did you have any further contact with him about that storage locker that he had rented?

A. Before he left, during that time when his father gave me the call, he had asked me to watch over the storage shed, and he had given me a key and a combination for the two locks that were securing the shed.

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Q. And did you ever use the key and the combination to get into the shed?

A. I did.

Q. Explain that to us, please.

A. One evening me and my neighbor, Jim Rosencrans, we were up all night smoking crystal meth., and we had gone for what we considered a little adventure out to the airport where we just on a whim got into an airplane. And out of the airplane we stole a couple first-aid kits and this canister of oxygen that I found inside the plane.

The next morning we took -- we took that stuff home; and the next morning I went over to Rosencrans' house and I asked him if he wanted to go back out there, 'cause I thought that was fun, getting into the planes. And he told me that him and another friend had been out there this morning and there was a bunch of sheriff's vehicles around the plane that we had got into.

So I got paranoid about having that property, the oxygen tank, in my house. And so I thought the perfect place to put it, get rid of it, was to put it inside that storage shed.

Q. Did you do that?

A. Yes, I did.

Q. Did you have any difficulty getting in with the combination and key that Mr. McVeigh had given you?

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A. Not at all.

Q. When you got into the storage shed, do you recall whether or not the materials that had been in there the evening that you went in there with Mr. McVeigh and Mr. Nichols were still there?

A. There was stuff in the storage shed, but I didn't look through it at all. I didn't notice, more or less.

Q. The boxes that you saw in the storage shed the night that Mr. McVeigh displayed some explosives to you, were they covered in any way, closed, open top; do you recall?

A. I only seen the one box that he pulled out. All the rest were being covered by a blanket or tarp.

Q. Was that blanket or tarp still there the morning that you took the oxygen tank to the storage locker; do you recall?

A. I didn't notice. I just opened the door and took one step in and more or less just turned and set the tank down and then got out of there.

Q. Did you have any further contact with Mr. McVeigh after October 31 when you purchased your Jeep?

A. Yes, sir.

Q. Do you recall the next contact?

A. It was by phone. Tim gave me a call. He told me that -- he first on the phone and said, "This call is code red," meaning this was something -- some Army term we had or . . . meaning it was important, what he was going to say was

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important. He told me that Terry Nichols had robbed this man named Bob who was in Arkansas and he wanted me to give him a call on a pay phone within the hour. He gave me a number to call him.

Q. Did you do that?

A. Yes, sir.

Q. What did you do?

A. Me and my wife, we drove to a mini mart, I think it's called Tri-Mart, and I went inside and got \$5 worth of quarters and called him. He told me that -- again he told me that Terry had did Bob, and he wanted me to watch my back because he suspected that Bob suspected him in the robbery, and he thought that Bob would send private investigators out to Arizona to look for Tim; and if those investigators would be in Kingman, they would find me because I'm associated with Tim. He wanted me to watch my back.

Q. And did you know who Bob was?

A. A friend of Tim's is all I know about him.

Q. Did Mr. McVeigh explain to you or further describe Bob and why he was -- would be the victim of this robbery?

A. He explained to me at one time -- this is before the phone call. He told me that him and Terry were thinking of robbing Bob because Bob had kept a list of names of people that he would turn over to the government in case he ever got arrested.

Q. And did he tell you what Bob's occupation was and where he

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lived, things of that sort?

A. He told me that Bob lived in Arkansas and that he was a gun dealer.

Q. After that telephone conversation, did you have any further contact with Mr. McVeigh that year, 1994?

A. Yes. Right around my birthday I started receiving some more calls from Tim.

Q. Hold it. When is your birthday?

A. December 15.

Q. All right.

A. The first call I recall is Tim calling me and asking me if

A. THE FIRST CALL I RECALL IS TIM CALLING ME AND ASKING ME IF I'm -- was interested in making some money. He used the term "ten to the power of ten," which I understood as 10,000.

I said, Sure, I was interested in that.

He said, "Okay, just, you know, wait for my further calls."

Q. You were still working at TruValue at this time?

A. Yes, sir.

Q. How much were you making?

A. About \$200 a week.

Q. Okay. So \$10,000 was attractive. Did he explain how -- is that right?

A. Yes.

Q. And did he explain how you were going to make this \$10,000 on the telephone?

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A. No, sir.

Q. Do you recall anything else about the call? 'Cause I interrupted you.

A. Not that first call, no.

Q. All right. You obviously had further contact with him?

A. Yes. He called me at work, told me that I was going to be needing to take some time off work, about four days, so I should start trying to do that, which I did. I told my employer some big, long story about going to Florida and helping Tim out with the situation he had. I got some time off work.

Q. What do you mean, you told him that --

A. What I told my employers was that Tim was going to be traveling the country doing some gun shows with another individual. They were going to start on the East Coast and work their way to the West.

Q. And this was a concoction of your own making; is that right?

A. Yes, sir.

Q. All right.

A. I was going to Florida and pick up his car and drive it back to Kingman where he would eventually end up, and he wanted his vehicle to be there.

Q. Now, at this point did you understand why -- what exactly you would be doing to earn 10,000 or thereabouts?

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A. Not exactly. But I had some understanding that it was probably a shady deal.

Q. And did you understand -- you understood at this point obviously that the individual named Bob had been successfully robbed; is that right?

A. Yes, sir.

Q. Did you understand what had been taken from him?

A. Just guns.

Q. Did you have any idea of what quantity of guns had been

taken from him?

A. No, did not.

Q. Did you assume that in making money it might involve illegal activity in relationship to those guns and that robbery?

A. Yes, I assumed that.

Q. And I take it you didn't tell your employer that you were about to engage in a shady operation in order to get some days off work?

A. No, I did not.

Q. So what happened next?

A. Well, I received another call from Tim telling me that he was in a motel room in Kingman and that he wanted me to come see him that night and to bring certain items. He wanted me to bring a wooden stock that came off my Mini 14. It's a rifle. He wanted me to bring some Christmas paper, wrapping paper, a

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couple boxes, some tape, and a pair of scissors.

Q. Did you do that?

A. Yes. That evening me and my wife traveled to Tim's motel room.

Q. Do you recall the name of the motel?

A. No. I know it now, but I didn't at that time.

Q. Okay. You recall where it was?

A. Yes, it was right beside the Holiday Inn.

Q. On what street?

A. Andy Devine.

Q. In Kingman?

A. Yes, sir.

Q. You arrived there. Did you see Mr. McVeigh's car?

A. Yes.

Q. Okay.

A. And we went into the room that he -- the room number that he told me that he would be at, knocked on the door, and Tim brought us into his room. He right away asked me if I brought the wooden stock from the Mini 14.

And I said, "Sure, here it is."

And he said, "Hand it to me --" or "Give it to me," is what he said.

And I said, "No way. I'm not going to give it to you."

And from the other side of the bed, he produced a

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weapon that resembles an M-16 and he said, "Would this do in trade?" And obviously it did, it would.

Q. Well, that's obvious to you but -- but explain to us, first of all, what the stock for a Mini 14 is.

A. It's -- well, imagine a rifle and then you can take all the metal off it and you have just the stock, the wood part, worth maybe \$40. And the M-16 rifle was worth anywhere from 800 to

\$1500.

Q. Okay.

A. And so obviously it was a very good trade.

Q. Sure.

A. We made that trade, and then Tim started to rustle around inside this large box that was in his room; and I looked inside this box, and it was full of blasting caps. And he told me that's why he needed me to bring those two boxes to his motel room, he was going to divide those caps up, and you sell them in Michigan for \$2500 apiece. He divided the blasting caps and asked my wife if she would wrap them, make them look like presents, which she did.

While she was doing this, me and Tim sat down at the table in the motel room and we had discussion; he told me the exacts (sic) of the robbery of Bob.

Q. What did he tell you?

A. He told me that Terry had parked his vehicle on this dirt road near Bob's house and he had to travel through some woods

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to get to Bob's house and that Terry had hidden behind Terry -- this man named Bob's shed or garage, I'm not sure which. And when Bob came out in the morning, Terry confronted him. Terry had a shotgun, and Terry ordered Bob to go back inside the house, and he tied him up and put all Bob's weapons into Bob's van. He said that during this time, Terry got tired and had to untie Bob and have him help him and he retied Bob up and got inside the van and drove to where his truck was and unloaded the weapons and then drove away.

Q. And this description of a robbery was all according to McVeigh in that motel room; is that right?

A. Yes, sir.

Q. Did you have any further discussion about how it was you were going to make money?

A. Yes. Tim told me that alls I had to do was go to Kansas with him and he would give me -- he had a bunch more weapons just like the one he gave me and if I traveled to Kansas with him, he would give them to me.

Q. Did you discuss how you would get to Kansas?

A. Yes, Tim told me that I should drive my Jeep to Kansas, but I didn't think that was feasible, my Jeep not being made for the highway. So I said, "Well, why don't I just ride with you and then I'll bring a duffel bag and I can put the weapons in the duffel bag and I can take a bus back, the Greyhound bus?"

Tim didn't like that idea. He said, "Why don't you

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just rent a car?" And I was agreeable to that since I had a credit card and I was of age, so that's what we decided to do.

Q. And what happened?

A. Well, the next morning me and Tim traveled to Kansas.

Q. You went back to his hotel, I assume, motel?

A. Yes, the next morning my wife dropped me off at the motel

A. Yes, the next morning my wife dropped me off at the motel. I put my stuff in Tim's car, and we got into Tim's car and started driving.

Q. What route did you take to Kansas?

A. We went east on I-40 and then north on I-35. Once we entered Kansas, though, we got off the interstate and started using state highways.

Q. Now, I assume that you had discussions with Mr. McVeigh in the car traveling from Kingman to Kansas; is that right?

A. Yes, sir.

Q. And first of all, how long did it take you to drive that far?

A. Two days.

Q. So you stayed overnight someplace?

A. Yes, in Amarillo, Texas.

Q. Do -- did you have any further discussion of the plans to bomb a federal building in Oklahoma City, let's say during the first day of the trip, if you recall?

A. Yes, on the first day of the trip, we were on the highway of course, passing -- we were passing a truck that just

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happened to be a Ryder truck. Tim motioned to it and said that's the type of truck he was thinking of using, except he wanted the one size larger. He pointed to the wheel well of the truck and explained to me how the one he wanted, the back portion of the truck sat on top of the wheel instead of going around it like the one that we were looking at.

We kept passing and he also pointed to the door on the truck and said the one he was wanting to use said 18,000 pounds. The weight measurements that are on the side of the door, he pointed to them. He then told me that he was thinking that he would have to stay inside the vehicle to make sure that it was going to go off.

And I was like, "Now you're talking about committing suicide. This is stupid. What you need to do is keep standing on the street corners and telling people about this. In the next 10 years, you'd be much more effective than doing something like this."

And he told me that he didn't think talking was accomplishing anything and that he was going to sit inside the vehicle, and if anybody tried to stop it from blowing up, he was going to blow them away.

Q. Blow them away how?

A. I understood him to mean that he would -- he has a Glock .45, and he was talking about shooting them, whoever that may be.

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Q. By nightfall of the first day of driving, you had arrived where?

A. Amarillo, Texas.

Q. And is that where you stayed overnight?

A. Yes, sir.

Q. Do you recall the name of the motel?

A. It was a Motel 6.

Q. Do you recall the next day?

A. Yes, sir.

Q. Describe what you remember about the next day.

A. Well, we left Amarillo, and we were driving up to Kansas; and as we passed through Oklahoma City, Tim got off the highway saying he wanted to show me the building. We drove into downtown Oklahoma City. We drove by the back of the building first -- or what I think is the back of the building and around the side --

Q. Describe this building, when you say the building.

A. I'm speaking of the federal building Tim was pointing out. What I first seen of it was the back courtyard, just a big cement courtyard with some trees; and we drove around the side of it, to the front of it. The front was just all really dark glass, like black glass.

As we drove past the front of it, Tim asked me if I thought that a truck of the size he was speaking of would fit in the -- I'm not sure what it -- it looks like a commercial --

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like a drop-off zone or just a little pull-in that's in front of the building.

And I said, "Yeah, you could probably fit three trucks in the front there."

And he drove further on, and then we turned into an alley, and he pointed out a spot where he was going to park his vehicle there. He explained to me what his plans were at that time. He said him and Terry were thinking of doing one of two things.

Excuse me, let me recant that. He said he was thinking of doing one of two things: One being Terry would follow him down in the morning, that he was planning this, and wait for him in this parking spot, or that they would drop a vehicle off there a couple days earlier and then Tim would just drive the truck down, himself, and then run to the car and get in it and drive away.

Q. Did you have any conversation with Mr. McVeigh about that parking space he'd selected?

A. Yes, I did. We were parked so that I could see down an alleyway that was more or less in the direction of the building, and I asked Tim why he wouldn't park closer -- what I said was, "Why wouldn't you park down the alley?"

And he said he didn't want to do that because he wanted to have a building between him and the blast. He didn't explain that any further. After that we just -- we just drove

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away.

Q. And drove away to where?

A. Well, we eventually got back onto I-35 and headed north.
Q. Toward Kansas?
A. Yes, sir.
Q. Approximately how long did you, were you in the Oklahoma City area -- I should say off of the highways in Oklahoma City?
A. 20 minutes. I can only estimate.
Q. What do you recall next about your trip?
A. Well, we -- Tim -- what I recall next is Tim's explanation of why he didn't want to get on -- why he did not want to get on the tollbooths, the toll roads. He explained to me that he thought they would take your picture as you passed through the booth itself, so we got off the highway and kind of zigzagged up into Kansas.
Q. How far did you drive that day?
A. Eventually we got up to Junction City.
Q. Did you make any stops before you got to Junction City?
A. Yes, we made a few stops.
Q. What was the first one?
A. The first one that I recall, we stopped at a storage unit; Tim said he wanted to check on some stuff. We stopped and we got out and we were only there for a few minutes. He opened up the storage unit and just crawled inside and there were a couple mattresses that were standing up on end, and he just

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peeked over the mattresses and looked at whatever it is he was wanting to see.

And from there we went north --

Q. Let's talk about that first stop. Do you recall anything that was near that storage unit facility?
A. I recall two things being near there. There was first a Pizza Hut that was right there. It was kind of out in the middle of nowhere, so it's kind of strange for a Pizza Hut to be there. And then when Tim stopped, I got out to stretch my back because I have a condition in -- my back tends to hurt me if I sit for long periods of time. And I was stretching, and I noticed some type of commercial building that was just right in front of the storage unit.
Q. At the time did you know what city you were in?
A. No. No, sir, I did not.
Q. Since you began cooperating with the Government, did you take the agents back to that location and point out the facility?
A. Yes.
Q. And as a result of that experience, did you notice the city sign, determine what city you were in?
A. No, sir. The agents told me what city it was.
Q. Okay. What city did they say?
A. They said it was Herington.
Q. That was your first stop, then, at that storage facility

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near the Pizza Hut and the commercial building?

A. Yes, sir.

Q. Did you make any stop after that before you got to Junction City?

A. Yes, we made two more stops.

Q. Okay.

A. We traveled north -- I believe it would be north up to this little lake that's near there. Excuse me. Me and Tim was having discussion about which vehicle would four-wheel better, my Jeep or his little Spectrum.

Q. What's that mean, four-wheel better?

A. Off road, driving the vehicle off road, over terrain.

Q. By the way, what car did he have at this time?

A. His Spectrum. A little gray car.

Q. Okay.

A. We went to this lake, and we pointed out this hill that his Spectrum would drive up. He didn't think that my Jeep could do it. So we got there, and we walked up the hill first; and then we got in his vehicle and we drove up the hill.

Q. Any other stops you made before you got to Junction City?

A. Yes, we drove to a city I later learned was Council Grove. And we stopped at the -- a storage unit that was there. And Tim got into it and brought out a box that I later learned was full of some guns, had a few weapons in it and ammunition and some other stuff.

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Q. Later that day, you learned that?

A. This was evening by that time.

Q. By the time you got to the storage lockers in Council Groves, it was evening?

A. Yes, it was dark.

Q. Okay. And you removed a box that you later saw; is that correct?

A. Yes.

Q. Can you just generally describe the location of that storage facility, anything that was near that one, if you recall?

A. Well, there was also another Pizza Hut that was near this storage unit, too.

Q. Okay. Brief stop, was it?

A. Very brief. He just went in there and grabbed the box, and we drove up to Junction City. And we stopped at a Wal-Mart, and we got something to eat at a Wendy's. And then we -- actually, Tim rented us a room at this little, run-down motel.

Q. What do you mean Tim rented you a room?

A. Well, he asked me to hide out behind the motel so he could save a few dollars and just rent the room under one person.

Q. So what did you do?

A. I hid behind the motel.

Q. And then after he registered, you met up with him someplace?

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A. Yeah. He drove his car and backed it up to where the room was, and I just went into the room.

Q. Do you recall the name of that motel?

A. No, sir.

Q. It was in Junction City?

A. Yes.

Q. Do you recall that evening?

A. Yes.

Q. Tell us what happened that evening.

A. Other than watching TV and we took some showers, Tim got that box out of his car; and he started going through the items. And he was like dividing it, all the stuff up. And he did this for a little while. It was like he couldn't make up his mind. But eventually, he divided up the stuff that he wanted to give to me; and he did give it to me. He gave me two pistols and some ammunition. And he kept what was left.

Q. Was this your understanding of what you were going to get to make \$10,000?

A. No. This was . . . no. It was not.

Q. What happened the next day?

A. The next day we -- Tim gave me a ride down to the Manhattan airport. Manhattan is another city that's near Junction City.

Q. You're familiar with -- were you familiar with this area from your Fort Riley experience?

A. Yes, Fort Riley is right outside Junction City.

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Q. Had you ever been to that little lake before?

A. No, sir.

Q. Had you ever driven to either of those storage facilities before?

A. No, sir.

Q. Okay. Go ahead. You went to Manhattan airport?

A. Rented a vehicle. It was a Crown Victoria. Then I followed Tim back to this storage unit. And he backed me into the storage unit so my trunk was facing the door. Then he asked me to keep watch, to make sure nobody would walk up on us; and Tim was -- he went through the weapons, dividing them up to what he wanted to give me and what he wanted to keep.

Q. Why did you rent a Crown Victoria?

A. What I tried to get at first was a van. I wanted something that I could maybe stop on the side of the road and stretch my back and possibly sleep so I didn't have to rent a motel room. They didn't have a van; so I asked for the largest vehicle they had, and it was the Crown Vic.

Q. And do you recall what rental agency you obtained that --

A. I believe it was Avis.

Q. You said that you drove, then, to one of the storage facilities. Do you recall which one it was, the first or second stop?

A. It was the second stop, the one in Council Grove.

Q. Backed your car up.

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Tell us what happened.

A. We spent -- I can only estimate -- about 45 minutes to an hour there, going through all the weapons, making sure that they were unloaded. Tim was, like I say, dividing the weapons into the better ones -- what he was doing was giving me the not-so-good weapons, you know, the less expensive weapons. And we were loading them into the back of the Crown Vic.

Q. About how many weapons were loaded into the back of the rented car?

A. Approximately between 20 and 25.

Q. And did you have any further discussion about these guns and what you might do with them?

A. Well, it was obvious what I was going to do with them. I was going to sell them at gun shows to turn it into money, to turn the weapons into money. Tim was giving me pointers on what to wear and how to speak and how to act at gun shows.

Q. Had you ever worked a gun show before?

A. No, sir. In the fall of '94, I briefly watched Tim's table at a certain gun show in Kingman for like an hour, maybe less. But I had no real experience with it.

Q. That was a gun show at which he had a table in Kingman?

A. Yes, sir.

Q. Was that during one of the periods of time when he was staying in Kingman at your place?

A. Yes, sir. I believe it was sometime in October, maybe

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September.

Q. Okay. And what kind of hints did he give you as to how to work a gun show?

A. He told me to -- to shave. He told me to --

Q. You have a beard then?

A. No, I didn't. But I usually keep about two days' growth of beard. I don't like to shave every day because it hurts my face. He told me I should wear like military clothing and I shouldn't talk in slang, just have a military bearing about me and it would help the weapons to sell.

Q. After the guns were loaded, trunk was closed, what did you do?

A. We drove to that Pizza Hut that was near there, and we had lunch. And then both of us drove to this nearby convenience store, where I filled up the gas tank. I had asked Tim if he would drive behind me and look at the -- at the Crown Vic and see if it looked funny, because there's a lot of weight in the back and it was riding kind of low. And I told him that if it looked okay to just pass me and give me a thumbs up. Which he did. And then we came up to this stop sign that was a T. Tim went north and I went south. We parted ways.

Q. You drove back to Kingman?

A. Yes, sir.

Q. How long did it take you?

A. I drove straight through. I drove without sleeping all the

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way to the Arizona border. There I stopped at this rest area. I slept for a couple of hours.

Q. In your car?

A. In the car. So I drove all night. And then I got home about 2:00 in the afternoon.

Q. Do you recall whether or not you had any further contact with Mr. McVeigh that year, 1994?

A. The afternoon that I got back, Tim gave me a call and told me about an accident that he was in. He said somebody had rear-ended him. He was up in Kansas. I was naturally curious. I was wondering if like the blasting caps that he was carrying -- I was wondering if they blew up. He said they didn't. Kind of surprised him, he said.

Q. You said he was up in Kansas?

A. Yes.

Q. So this accident -- your understanding was somehow that it occurred immediately after you separated?

A. Excuse me. Let me strike that. I mean Michigan. I was confused.

Q. Okay.

A. I meant Michigan.

THE COURT: Perhaps this a place to break --

MR. HARTZLER: That would be fine, your Honor.

THE COURT: -- for our morning recess.

You can step down now and we'll have you back in 20

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minutes. We're going to take our recess.

Members of the jury, we will, as has been our custom, break at this time for a 20-minute rest stop. Again, I emphasize to you the importance of not discussing anything about the case among yourselves or with any other persons, keeping open minds and avoiding any kind of conversation about what you're hearing and seeing in connection with this case or what lies ahead, knowing that we have a long way to go.

You're excused now for 20 minutes.

(Jury out at 10:27 a.m.)

THE COURT: 20-minute recess.

(Recess at 10:28 a.m.)

(Reconvened at 10:46 a.m.)

THE COURT: Be seated, please.

(Jury in at 10:46 a.m.)

THE COURT: Mr. Fortier, if you'll resume the stand, please.

You may continue.

MR. HARTZLER: Thank you, your Honor.

BY MR. HARTZLER:

Q. Mr. Fortier, when we took a break, I think you had just concluded telling us about a telephone conversation after you returned from Kansas in December of 1994. I may have asked you

returned from Kansas in December of 1994. I may have asked you if you had any further contact with Mr. McVeigh that year. Did you?

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A. No, sir.

Q. So we're now going to move into 1995. Is that right?

A. Yes.

Q. Do you recall your first contact with Mr. McVeigh in 1995?

A. He had given me a call and asked me to go meet him in a motel room at Kingman.

Q. And when was that approximately?

A. Late January, early February, around there.

Q. Your daughter's birthday is what?

A. February 14.

Q. Was it before, or after her birthday? Do you remember?

A. It was before.

Q. And do you recall the Super Bowl of that year by any chance?

A. Not really.

Q. Do you recall the motel room that you were -- that you went to?

A. Yes.

Q. Where was that?

A. It was on the eastern -- excuse me -- the western outskirts of Kingman.

Q. And did you meet Mr. McVeigh there?

A. Yes. Me and my wife traveled there.

Q. Tell us what happened.

A. We went there and we parked our vehicle and we were walking

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to the room that Tim told me he would be at, and I noticed what I thought was his bags in the back of this small station wagon. It had Michigan plates on it. And I had already known about his other vehicle getting totaled, so I figured that was his car, his new car. We knocked on the door and went into the motel. We greeted each other, and Tim had asked me if I had done any gun shows yet.

I told him I had not.

And he became upset. He didn't become verbally upset. He just became real quiet and wouldn't -- it was very hard to make small talk with him.

So we just stayed there for a short time, maybe 20 minutes at the most, and then me and my wife left.

Q. Did you see him again after that meeting?

A. Yes.

Q. Where was that?

A. He had moved from that motel to another motel.

Q. Do you recall the name of that motel?

A. No, sir, I do not.

Q. Do you recall where it was?

-
A. Yes. It was in Kingman.
Q. Where? Located where?
A. Near Andy Devine and Stockton Hill, the crossroads.
Q. All right. You met him there?
A. Yes.

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Q. Do you recall approximately how long or how soon after the first meeting?
A. Within days.
Q. And describe for us the meeting you had at that motel.
A. I don't really remember anything specifically happening. We were just talking. We just met, was watching TV. He had moved to another motel shortly after that, where I met him again. He gave me some items. He gave me a toolbox that had some other items in it, some tow straps; and what I remember specifically is he wanted me to read this paper that he had wrote for his sister to turn in as a term paper to where she was going to college.
Q. What was the subject matter?
A. Gun control.
Q. Okay. What are tow straps?
A. Cloth straps that you can tow vehicles with, attach two vehicles together and you can tow them.
Q. Did you have any further discussion during this time period with Mr. McVeigh about selling of weapons that you had at gun shows?
A. Yes. He was going to help me set up some gun shows, and he did. He set up a gun show in Reno, Nevada.
Q. Any others?
A. He also set one up in St. George and one in Tucson.
Q. Did you actually attend those gun shows?

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A. Yes, sir.
Q. Who did you attend the gun shows with?
A. The one in Reno and the one in St. George, I attended with Tim. And the one in Tucson, I attended with my wife.
Q. And did you sell some of the guns at those gun shows?
A. Yes, sir.
Q. Make some money?
A. Yes, sir.
Q. And did you keep all the money that you made in selling the weapons at the gun shows?
A. Not all of it. The very first gun show, the one in Reno, I traveled with Tim, and I made quite a bit of money on the first day. And gun shows are usually two days long; and the evening after the first day of the gun show, I was in the motel room. And Tim told me that he had been talking with Terry, and he told me that Terry was really upset with me for giving me those weapons and that now to make up for it, he, Terry, wanted me to give him \$2,000 and we would call it even.

After some thought, I decided that that would probably be my best bet, was to just give him \$2,000; but I didn't want to give it to him all at once. So what me and Tim decided was I was going to give Tim a thousand dollars from this first gun show and then pay him back -- and then give him a thousand dollars later.

Q. And did you do that?

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A. Yes, I did.

Q. So you gave him a total of \$2,000 for him to give to Terry Nichols based on what he told you?

A. Yes, sir.

Q. Did you ever purchase any false identification kits?

A. I did, back in the fall of '94.

Q. Explain the circumstances of that purchase.

A. Tim had been asking me to max out my credit cards and give him the money so that he would have money to live on, because he wasn't planning on working.

And I wasn't willing to do that; but what I was willing to do was to send away and get him some false identification that he may somehow get credit cards using false ID and then he could max them out, more or less just rip off the credit card company.

Q. What's that term "max out" mean?

A. Cash advance the credit card for as much as you can.

Q. And then not pay it back?

A. Well, that was the general idea, yes.

Q. And did you actually take steps to obtain the false identification cards?

A. Yes. I looked in the back of a Soldier of Fortune magazine, and I wrote to a company for them to send me some order forms, which they did; and then I ordered some false identification.

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Q. In whose name did you order the false identification?

A. The identification came back blank. The name I was using was Tim Tuttle, and I addressed it to my home.

Q. Why did you use the name Tim Tuttle?

A. Because I considered this -- these IDs were Tim's and this whole deal was Tim's. I also was aware that he was probably going to do something illegal or that ripping off the credit card company is an illegal act, so I went ahead and used Tim's alias.

Q. So you already knew that that was a name that he had used?

A. Yes.

Q. How did you know that?

A. From picking up his mail at the mail room where he had a mailbox. A lot of the time, his mail was addressed to Tim Tuttle, and sometimes it was addressed to Tim McVeigh.

Q. The mail room is located where?

A. On the first floor of the building where the mail room is located.

A. On Stockton Hill Road in Kingman, Arizona.
Q. Is it located --
A. Excuse me.
Q. Is it located near anything that you're familiar with?
A. Yes. It's right beside a place where my wife used to work.
Q. After you sent away for these false identification kits to some company, did you receive them?
A. Yes.
Q. And what was it that you actually received?

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A. I received a blank certificate of birth, a blank driver's license, and a blank Social Security card.
Q. What did you do with those blank forms?
A. By the time I got them, Tim wasn't around no more; so I just stuck them inside my dresser -- I mean my desk. I had a little cubbyhole in my desk.
Q. At your house?
A. Yes.
Q. And how long did they remain there?
A. Until about February of '95.
Q. Okay. What happened then?
A. Tim asked me if I had ever gotten that stuff. I believe he may have seen it at some time, or maybe I had told him about it. I'm not sure. But he was aware of those items and he asked me about them, and I said that they were probably still up in the cubbyhole in my desk. And he went and he rooted around in my desk. I'm not sure if he ever found them or not.
Q. Do you know whatever happened to those forms?
A. I believe I know what happened to them now.
Q. Based on what your wife has told you?
A. Yes.
Q. Otherwise, other than what she's told you, do you have any knowledge of what happened to them?
A. No, sir.
Q. Other than the trips that you took to the Reno and

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St. George's gun shows with Mr. McVeigh in early 1995, approximately how long did he remain in the Kingman area from when he first arrived, as you told us late January, early February?
A. Until sometime in the earlier part of April.
Q. And how often did you see him during that several-month period of time?
A. Quite often.
Q. Did you do any things with him?
A. Yes.
Q. Were you working during this time period?
A. No, sir, I wasn't.
Q. Why was that?
A. When I got back from the trip to Kansas, I had a disagreement with my employers over some items or -- excuse me.

disagreement with my employers over some items of course me, over what they were calling a Christmas bonus, and I subsequently quit.

Q. How much Christmas bonus did you receive?

A. \$50.

Q. And was that the source of the disagreement?

A. It was, you could say, the straw that broke the camel's back.

Q. Okay. So you quit.

A. Yes, sir.

Q. Did you -- pardon me -- obtain employment after that?

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A. No, sir.

Q. What was your source of income?

A. My income -- my income tax refund, the weapons. Me and Jim Rosencrans, my neighbor, had found these wooden crates out in the desert; and we had sold some of them to some people, making a little bit of money. Just stuff like that.

Q. Did you also receive a monthly check from the military?

A. Yes.

Q. Why was that?

A. From the VA. I have a 10 percent disability from the military.

Q. What's the nature of your disability?

A. I had a few times while I was in the service dislocated my shoulder, and they subsequently operated twice on my shoulder and gave me a 10 percent disability.

Q. Did you also get some financial assistance from your parents or your wife's parents?

A. Lori's parents were quite generous.

Q. You mentioned that you had some difficulty with your back and that's why you had rented a large car, wanting to rent a van. Did you ever do anything about the back problem you had?

A. Yes. I had for a year went to go see a chiropractor, and he wasn't helping me. And then I went to the VA hospital in Prescott, and they had admitted me to a two-week back school, is what they called it, in their hospital. I was admitted

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between March 6 and I think -- somewhere around the 18th.

Q. Was Mr. McVeigh in the Kingman area during that period of time?

A. Yes, he was staying at my house for that time.

Q. So when you went into the hospital, he stayed at your house?

A. Yes, sir.

Q. And did you have contact with him when he got -- pardon me -- you got out of the VA hospital in Prescott?

A. Yes, sir.

Q. Do you recall any -- well, let me back up one moment. During these weeks prior to your going into the hospital and getting out of the hospital, had you had any discussions about

the bomb plan?

A. Not before I went into the hospital. None that I can recall.

Q. And then when you got out of the hospital, did you have any further discussion about the bomb plan?

A. Yes, sir. What I was doing for my back was just -- I was mostly just laying around and trying not to work it. And in the hospital, they told me that that was the wrong thing to do. They suggested that I take walks at least once a day to exercise my back.

That's what me and Tim was doing. He came with me on one of these walks. And during this time, he told me that

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Terry Nichols didn't want to help him anymore and that he wanted me to help him by going to Kansas and helping him mix the bomb.

Q. What did you say?

A. I told him no, I would never do something like that.

Q. Did he ask for any other assistance, other than mixing the bomb?

A. He asked me if I wouldn't do that, if I would at least give him a ride to the desert, if he could get from Las Vegas to the desert -- if he could somehow get to Las Vegas. I told him I wouldn't do that, either.

Q. And did you understand why it was he wanted to go to the desert?

A. To just -- just to hide out.

Q. Did you at some previous occasion have a conversation about his post-bomb plans or his plans after the bombing?

A. Not that I recall previous to that.

Q. Was there one time that you went out to the desert and he supposedly buried something in the desert, said that he was going to?

A. He asked me one day if I wanted to go four-wheel. And he wanted to stash something out near the campsite. It was a bag of -- it was his duffel bag, and it appeared to be full of -- just full of stuff. But there was some indication that there was some cans of food that was in it.

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Q. I'm sorry. I may have connected these events, and they're not connected in your mind. Is that -- is that right?

A. Not at the time.

THE COURT: You may go ahead.

MR. HARTZLER: Thank you, your Honor.

BY MR. HARTZLER:

Q. Prior to that conversation you had with Mr. McVeigh when the two of you walked around the block and he asked for your assistance, had you made it clear to him before that that you were not willing to participate?

A. Yes, sir. Perfectly clear.

Q. And how long after that conversation did Mr. McVeigh remain staying in your house?

A. A week.

No, let me retract that. Maybe two weeks.

Q. What caused him to move out?

A. I was going to start baby-sitting my niece, and he moved from my house, saying that he couldn't handle another child being in the house, meaning my child plus another.

Q. What was the state of your friendship during this period of time?

A. It was deteriorating.

Q. Why was that?

A. I'm not sure. Tim was starting to call me names and give me dirty looks, and just the general vibes that I was receiving

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from Tim were negative.

Q. Did he once refer to you as being domesticated -- too domesticated?

A. Yes. He said it like a curse word, as if that was something that was bad.

Q. And was there ever any conversation about leaving your family?

A. Yes. He was urging me to leave my wife and travel with him on the road, sort of like being a couple desperados, or something of that nature.

Q. You did not agree with that?

A. No. I told him specifically I would never leave my wife, "I'm not going to help you do this."

Q. Did there come a point when you became fearful of Mr. McVeigh?

A. Yes, there did -- it was.

Q. Can you describe that for us and explain the reason you were fearful?

A. The reason I was fearful was just like I said before: He was giving me these negative vibes, and I wasn't sure if -- what his state of mind was.

I had -- he called me on the phone after he had moved from my house to another motel room. He wanted me to come there and pick up a book that he was wanting me to read. And by that time, I was fearful enough that I concealed a weapon on

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my body -- but I went to go see him -- just in the off chance that something happened.

Q. Did your wife go with you?

A. No, sir.

Q. Did you get the book?

A. Yes, I did.

Q. What book was that?

A. I believe it's called The Rise of the Far Right Extremists.

Q. And did you read the book?

A. No. I didn't. I looked through it and Tim had written in

A. NO, I DIDN'T. I LOOKED THROUGH IT, AND I HAD WRITTEN IN the margins. I'm not sure what he wrote. I didn't read it. But he had written all through the book in the margins.

Q. Did you have any further contact with Mr. McVeigh before his departure from the Kingman area?

A. Yes. When I agreed to -- when I was going to take the book back to him. When I did that, he had another book that he wanted me to read. I'm not sure the name of it, but the -- what he wanted me to read was specifically Chapter No. 2. It was called "The Order." And he also gave me what I considered at a time this little lecture about how he was traveling the high road and I was traveling the low road and that we couldn't be friends no longer.

And I was just like, whatever; and I took the books and went back to my house. I read some of that chapter.

Q. What was it about?

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A. It was about this group of people that lived in Colorado. They were like white supremacists.

Q. Did you have any further contact with Mr. McVeigh after you got that book?

A. Yes. I had contact with him when I took those two books. They were -- by the way, they were library books, Mohave County library books. Me and my wife took them back to his motel room.

Q. So Lori accompanied you on this visit back to the motel room?

A. Yes, sir.

Q. And were you still somewhat fearful of Mr. McVeigh during this period of time?

A. All three times that I went to his motel room, I took a weapon with me.

Q. Why did you take your wife with you one time?

A. Because I didn't think it was probable that he was going to do anything. I was just -- it was just -- I just took the weapon on the off chance that he would do something.

Q. Did he also share with you a copy of The Turner Diaries during any period this time?

A. While he was still living at my house, he asked me to read The Turner Diaries. I was laying on my couch, and he was walking by and he tossed it down onto my coffee table. I picked it up and flipped through it. And he had highlighted

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some sentences and some paragraphs and stuff; and since I had already read the book and I didn't have no interest in rereading it -- so I laid it back down on my coffee table. And I don't know what happened to it from then on.

Q. When -- the last time that you saw Mr. McVeigh before today was when?

A. The last meeting at the motel room.

Q. When you and your wife returned the two books, the two

library books?

A. Yes, sir.

Q. And I believe it was at the meeting at the motel room before that that he told you were going on separate paths, or something to that effect?

A. Yes, and that we couldn't be friends any longer.

Q. When you saw Mr. McVeigh on either of those two visits, did he tell you where he was going?

A. No, he did not.

Q. Did you think he was going someplace to carry out the bombing?

A. What I thought after reading the part of the Chapter No. 2 and listening to what he told me that day in the motel room -- I thought he was going to Colorado to find some real friends, some manly friends.

Q. Your reference is that he didn't consider you such a person? Is that what you're trying to imply?

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A. Yeah. He was degrading me in the motel room is what I'm implying.

Q. So what was your understanding of the status of the bombing plan at that point?

A. I thought that it was all falling apart and that him and Terry weren't going to do it any longer.

Q. Did you consider calling someone and becoming a government informant at that time?

A. No, sir, I did not.

Q. You realize as you sit here today that you might have stopped this bombing, had you called someone?

A. Yes, sir. I live with that knowledge every day.

Q. Why didn't you?

A. There is really -- there is no excuse that I could offer that would compensate for why I didn't. I think one would have to look at my lifestyle and my friendship with Tim. I -- I had known Tim for quite awhile, eight years up to that point, maybe less than that, six years. But Tim -- well, if you don't consider what happened in Oklahoma, Tim is a good person. He would stop -- he would stop and help somebody that's broken down on the side of the road. I just didn't think Tim had it in him.

Q. Where did you spend Easter of 1995?

A. With my parents.

Q. Was --

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A. Excuse me.

Q. Go ahead.

A. At my parents' house and at my sister's house.

Q. Two different places?

A. Yes. Both in Kingman.

Q. Same day?

A. Yes.

Q. Was Mr. McVeigh still in the area as of Easter of 1995?

A. Not that I knew of.

Q. And when did you learn of the bombing in Oklahoma City?

A. The morning that it happened.

Q. April 19, 1995?

A. Yes, sir.

Q. Where were you?

A. I was at home.

Q. Who was present?

A. My wife was sleeping in the bedroom. So was my child, in her bedroom. And Jim Rosencrans was at my house at that time.

Q. How did you learn of the bombing?

A. Me and Rosencrans had been playing video games all night, and when it -- when he decided to go home, he turned off the video game and the TV will come on, one of the stations; and the news coverage of the bombing was all over the TV. That's how I seen it.

Q. What was your reaction?

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A. I was shocked at all the destruction. It's not what I was expecting to see when he turned off the TV.

Q. You knew who had done it?

A. Right away, I thought Tim did it. I think I thought, Oh, my God, he did it.

Q. Did you consider calling someone and telling them what you knew?

A. Later that day, I asked my wife -- or maybe it was the next day. I'm not sure. I asked her if she thought we should call Les -- that's her father, my father-in-law -- and ask him what we should do.

She didn't think that was a very good idea.

Q. Did you think about calling law enforcement?

A. I was frightened of law enforcement.

Q. Why?

A. For one reason, Ms. Reno and President Clinton were both calling for the death penalty for whoever had involvement in this.

Q. Had you ever had an attorney before that time?

A. No, sir.

Q. Were you knowledgeable about criminal law?

A. No.

Q. Well, if you had made it clear to Mr. McVeigh that you would not assist him, why were you concerned for yourself and your involvement in the bombing?

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A. Because I knew -- or I thought that someone who knew about this but failed to do anything about it, to try and stop it, for whatever reason was going to be held accountable for it in some way.

Q. You still believe that?

Q. You still believe that?

A. Yes.

Q. When you first heard the news of the bombing, did you anticipate that you would be contacted by law enforcement agents?

A. Yes, I did.

Q. Why was that?

A. I didn't think Tim was going to get away with it.

Q. And do you recall when you were first contacted by the FBI about this matter?

A. Yes, sir.

Q. When was that?

A. The 21st of April.

Q. Two days after the bombing?

A. Yes, sir.

Q. And where were you contacted?

A. At my home.

Q. Did you do anything to prepare yourself for that meeting?

A. No, sir.

Q. Were you surprised when the agents arrived?

A. I was surprised that they arrived so quickly. That day, I

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had seen -- excuse me -- that was the day -- I believe that was the day that they had put Tim McVeigh's name to the sketch of John Doe No. 1, and I knew they would eventually come and talk to me.

I didn't realize they would get there so quickly, though.

Q. Were you prepared to lie to them?

A. I didn't have any preparation for it. Everything I said and did during that time period was just off the cuff.

Q. Do you recall what you said to the agents when they first contacted you on April 21?

A. Yes.

Q. Did you tell them the truth?

A. No, sir, I didn't.

Q. What did you lie about?

A. Basically, I lied about any of Tim's involvement in the bombing.

Q. And why was it you lied about his involvement?

A. I felt Tim was like a buffer zone. If people thought he was guilty, then that would bring suspicion down on myself; but if he was innocent, then surely I would be -- have no knowledge of it.

Q. Do you recall being asked by the agents whether you thought he was capable of committing this offense?

A. Yes, sir.

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Q. What was your answer?

A. My answer was a lie.

Q. What was it?

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A. I told them that I didn't think Tim was capable of it.
Q. Why did you lie?
A. Because I wanted to conceal all my knowledge. I didn't want them to know that Tim had done it.
Q. Do you recall being asked about Terry Nichols?
A. Yes.
Q. Did you lie about that as well?
A. Yes, sir.
Q. What did you say? Do you remember?
A. Whenever I was asked anything about Terry Nichols, I just gave a negative answer that I didn't know nothing about Terry. I just wanted to push him aside and not even have to think about him.
Q. You were asked if you, yourself, had knowledge about the bombing?
A. Yes.
Q. And did you lie?
A. Yes, sir.
Q. Denied knowledge?
A. Yes, sir.
Q. About how many times were you contacted by FBI agents after the 21st of April?

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A. Many times. I was contacted for the 21st, the 22d, the 23d and the 24th consecutively, and then after that I was also contacted sporadically.
Q. Let's just take those first four days. The 21st was a Friday. Is that right?
A. Yes, sir.
Q. So you were contacted then through the weekend and again on Monday, the 24th. Is that right?
A. Yes.
Q. And you were asked questions, I presume, about the bombing and about your relationship with Mr. McVeigh?
A. Yes. Among other things.
Q. Were you truthful about anything?
A. I was truthful about some things; but whenever they asked me questions about the bombing itself or any of my knowledge, I always lied about that.
Q. Were you asked about the weapons and your trip to Kansas?
A. Yes.
Q. Did you tell the truth about that?
A. No. No, I did not.
Q. What did you say?
A. I lied about that, too.
Q. How big a lie?
A. Pretty big lie, I guess, as lies go.
Q. What did you say?

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A. I told them that I hitchhiked to Kansas and that I bought some weapons off Tim.

Q. You said you bought the weapons?

A. Yes.

Q. Why did you say you bought them?

A. Because it's not -- it's not common for somebody just to give weapons to somebody else, unless there is a reason for it. And I thought, you know, the reason being obviously that they were stolen, I didn't want that to be found out.

Q. And did you provide details about your hitchhiking?

A. Yes.

Q. Had you planned that story in advance?

A. No. It was -- it was just off the cuff, and it was pretty obvious that the FBI agents that were interviewing me knew I was lying.

Q. What do you mean it was pretty obvious?

A. Just the way they were looking at me and the way I was answering the questions, it was just really off -- you know, just off the top of my head.

Q. Can you give an example?

A. Well, they said, "How did you get there?"

And I said, "Hitchhiking."

They said, "Who picked you up?"

I said, "A trucker."

And they said, "What color was his truck or what did

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his truck look like?"

"It was like red."

You know, just one-word answers. That's how it went.

Q. Do you recall being asked whether you thought Mr. McVeigh had committed the bombing?

A. Yes. They asked me those questions.

Q. I didn't hear the last part.

A. Yes. They did ask me that.

Q. And what was your answer?

A. No.

MR. HARTZLER: Pardon me, your Honor.

BY MR. HARTZLER:

Q. Were you ever asked during those first few interviews if you had ever spent any time in Oklahoma City?

A. Yes.

Q. What did you say?

A. I don't remember exactly what I said, but I believe I said that I had not.

Q. What was the tone of these interviews during that first weekend, Friday, Saturday, Sunday?

A. It progressively got more aggressive on the part of the agents.

Q. And did the aggressiveness climax at some point?

A. On the 24th, I was already upset over something that was written in the Arizona Republic.

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Q. What was that?

A. What I considered just a bunch of inflammatory lies and mistruth -- mistruths. And I felt that the FBI had released some information to the press to somehow intimidate me and so --

Q. Tell us -- give us the detail. What information had been released or do you think was released to the press?

A. I really -- I can't think of anything right offhand.

Q. Okay. Well, was your address listed in the newspaper?

A. Yes.

Q. Was that upsetting to you?

A. Yes, it was.

Q. Okay. Did you think that the agents had disclosed your address to the media?

A. Well, of course anybody could find that out. It would be quite easy. There was other -- other things in there that I was upset about.

Q. Very well. Tell us about the meeting that you had with the agents on Monday, the 24th of April.

A. Well, I was upset in the first place, and I went in there. And there is a special agent named Special Agent Williams. He was very aggressive that morning. He told me that he thought that I knew more than I was telling them about the bombing. He thought that I might possibly be a conspirator in the bombing, and he actually called me a baby killer at that time. And that

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upset me.

Q. Well, did you know more about the bombing?

A. Yes, I did.

Q. Did you admit that?

A. No, I didn't.

Q. So what happened during that interview?

A. Well, we exchanged words, heated words. I had to ask my wife to leave the room, to let things calm down.

Oh, they started speaking to me about what they could do to help me out if I wanted to cooperate with them; and I was kind of dancing with them, mulling that idea over in my mind. But I was never real serious at that point about telling them what I knew. I was still very afraid of consequences.

Q. You still did not have an attorney?

A. I still did not have -- yeah, an attorney. I didn't really -- I didn't know what my rights were. I wasn't sure if I could just get up and leave or if I had to stay; and that's about all I remember, really, about that.

Q. And when you left, what were the terms that you left on?

A. Harsh terms. I was not going to speak with them anymore. On my way out the door, I asked them -- I said, "It's obvious that the next time we meet, you'll be searching my house." And I asked them not to raid it with men dressed in black with automatic weapons. There was no need to do that; I will cooperate with them in the search; they didn't need to scare my

cooperate with them in the search, they didn't need to scare my

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children -- or my child and my wife.

Q. So you anticipated that your home would be searched?

A. Yes, I did.

Q. And why did you ask them to notify you before the search?

A. I didn't -- I don't remember asking them to notify me. I do remember asking them not to raid it in such an aggressive manner as I had seen them do to the house in Michigan, which I believe is the Nichols farm.

Q. Well, was a search warrant executed at your house?

A. Yes, sir.

Q. And were you notified before?

A. Yes. I received a call from one of the agents asking me to gather up my wife and child and go meet them at the Mohave Community College.

Q. Did you destroy any evidence or do anything between the time you were notified and the time the search was actually executed?

A. No, sir. Me and my wife just put together a baby bag and put some shoes on my child and gathered up my dog. And I think we got the cats out of the house, and we just drove over there.

Q. Why was it you left your home for this search?

A. Well, I didn't want to. I was kind of arguing with the agent, because I wanted to stay there to watch what they were going to do. I didn't want them to trash my house. But the agent just said really I had no choice. He wanted me to go

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meet him at the college.

Q. Do you know now why the agents wanted you out of your house?

A. Well, what the agent told me at the time was he didn't want anything to happen. They were worried about my neighbor. He was acting kind of erratically during that time period, and he thought there might be problems; but as of now, I really -- I don't know the real reason, if any --

Q. Did you learn that something happened the same day of the search that the agents accomplished at your house when you weren't present?

A. Well, they were right about my neighbor acting erratically. He did. He got arrested while they were searching the house. But I don't know of anything that happened at my house.

Q. Well, you know now that microphones were implanted in your house; right?

A. Yes.

Q. And you've reviewed transcripts of some of the conversations?

A. Yes.

Q. And you know that those conversations -- or those tape-recorded conversations started on the same day as the search. Is that right?

A. Yes, sir.

Q. In fact, they started right after the search was executed?

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A. Yes, sir.

Q. Is that not correct?

A. That's correct.

Q. You also know your telephone was tapped, don't you?

A. Yes.

Q. You learned both of these months after you began to cooperate; is that correct?

A. Yes.

Q. So is it not your understanding now that the agents asked -- wanted you out of the house so they could implant hidden microphones?

A. Yes. I just wasn't thinking --

Q. You did not know that at the time, though.

A. Excuse me?

Q. You did not know that at the time, though.

A. I did not.

Q. And at the time, did you suspect that your telephone was being tapped and your home was being tapped?

A. I suspected it, but I had no proof.

Q. In addition to your conversations with the agents during the interviews with the FBI where you were lying, were you lying to other people as well?

A. I was lying to everybody.

Q. Why was that?

A. Because mostly everybody was asking me about the bombing

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and asked me about Tim and the bombing, and I couldn't tell anybody what I knew.

Q. During the period right after the bombing, your brother John was where?

A. He had traveled to Kingman.

Q. Do you recall a conversation you had with him, either in person or by telephone, in which you discussed what you might do?

A. Yes.

Q. Can you tell us about that?

A. I had talked to my brother on the phone. The conversation came around to the topic of talking on talk shows. And I told him that I was thinking of doing the talk-show circuit.

Q. Were you?

A. Not seriously.

Q. Why did you say -- go ahead.

A. I had been mulling that over in my mind just in a playful way for a few months prior to that. The topic of conversations that I was thinking about had nothing to do with Tim. It had to do with my neighbors and some friends that were having

domestic disputes. Seemed like it would be a perfect topic for, you know, talk shows.

And thrust into the situation after the bombing and taking on the persona of somebody that is innocent and just being drug into this, I felt that it was expected, or just that

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was expected of me to say something like that.

Q. But did you talk to him about how you might make big money doing the talk-show circuit?

A. I remember saying that, yes.

Q. And did you talk to him about how you had found a career, you could tell a fable, or something along those lines?

A. Yes. I jokingly said both those statements.

Q. And why did you say that to him?

A. It was just part of our conversation, like it was just off the cuff. I really -- I didn't plan on saying that. It was just --

Q. But did you have any plans to do the talk-show circuit and hope to make money doing the talk-show circuit?

A. No. No real plans whatsoever.

Q. You also spoke to various reporters during this period of time; is that right?

A. Yes, sir.

Q. Who called your home? Some of them came and knocked on your door?

A. Many of them.

Q. And were there any of them that you granted interviews to?

A. Yes.

Q. Do you recall any of those interviews?

A. I did one interview for CNN.

Q. Where was that?

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A. They filmed it in a park that was near my house.

Q. What did you say during that interview?

A. I told -- he wanted to say that Tim was innocent until proven guilty in the courts, and I more or less just lied -- lied throughout the interview.

Q. So you defended him? Would that be a fair characterization?

A. Yes, sir.

Q. Now, you also during one of these interviews expressed condolences for the victims. Is that right?

A. Yes, sir.

Q. Do you recall which interview that was?

A. Not exactly, but I was telling a lot of the reporters to please print that. I felt that was important, but it was something that the media just didn't seem to want to put out in their papers.

Q. Okay. But according to your testimony, of course, you knew who was responsible for the bombing at that time.

A. Yes, sir.

A. Yes, Sir.

Q. And wouldn't the best thing for the victims have been for you to simply tell the truth?

A. Yes. It is the best thing for them for me to tell the truth.

Q. And why is it that you did not do that back then?

A. I was extremely frightened. I was frightened for my

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future. I wanted to keep my family intact, and I -- I didn't want to go to prison.

Q. Did you still consider Mr. McVeigh a friend at this time?

A. No.

Q. Why was it that you tried to defend him, then?

A. Because if -- that was -- if Tim was guilty or if it was common knowledge that Tim was guilty, then that's one step closer to the authorities finding out my crimes.

I had at this -- at this time I had -- I'm not sure how many -- these five, I think, stolen weapons in my house that was causing me great concern. I didn't want to get caught with those.

Q. Do you recall a reporter asking you, "In your heart, do you feel this is something he," meaning Mr. McVeigh, "would do?" Do you recall that question?

A. Yes.

Q. And do you recall your answer?

A. Yes.

Q. What did you say?

A. I lied and said that it wasn't something I thought that he would do.

Q. Why did you tell that lie?

A. The same reason: I was just like that Tim didn't have any involvement whatsoever.

Q. Do you have a friend named Glynn Bringle?

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A. Yes.

Q. Do you recall having a conversation with him?

A. Yes, I do.

Q. Do you recall what you told him?

A. Yes.

Q. What was that?

A. He said that him and this guy named Larry that -- apparently he was at this guy named Larry's house. He said that they thought I should make some money off this deal.

And I told them, "Yeah, that's what I was thinking. I was thinking I could --" I used the term "one cool mill," or something to that effect.

Q. Did you say that you thought you could make up something juicy?

A. Yes.

Q. Did you say "something that's worth The Enquirer"?

A. Yes.

Q. Why did you say that?
A. I'm not sure exactly why I said that.
Q. Well, was this during the period of time when you were still proclaiming innocence to everyone?
A. Yes.
Q. What was it you thought you could make up?
A. I'm not sure exactly what I was thinking at that time.
Q. Did you also tell your parents about the money being in the

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movie or the movie rights?

A. Yes, sir.

Q. So you thought that maybe you could become -- write a story that the movies would pick up?

A. None of this was serious. I didn't have any serious intent on ever making any money off a story or anything of that nature. If I -- at that time, I was proclaiming Tim's innocence and in a sense proclaiming my innocence. And if I would tell the real story, I would get in trouble; so that was never a serious intent of mine.

I was just saying that because it -- I sort of felt that it was expected of me, meaning an innocent person thrust into this worldwide situation. There was people making money off books about O. J.; and I'm not exactly sure what put this in my head, but this is what I was running with at that time.

Q. You lied to the FBI.

A. Yes, I did.

Q. You were lying to CNN?

A. Yes.

Q. Lied to various other reporters?

A. Yes.

Q. You lied to your friends?

A. Yes.

Q. You lied to your parents?

A. Yes.

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Q. Did you lie to your dad?

A. Yes, I did.

Q. How was your dad handling this?

A. My father was taking this very hard.

Q. What was his reaction?

A. He was going through a nervous breakdown about it.

Q. How did you handle that?

A. He asked me one night if -- if I had any involvement with it or if I knew anything; and I lied to him.

Q. Are you ready to proceed?

A. Yes, sir.

Q. You mentioned one day that -- it was actually the night before the bombing, I believe, that you recall that you were with your neighbor, Jim Rosencrans.

A. Yes, I was.
Q. And I believe you said that you were up all night.
A. Yes.
Q. What was your condition that night?
A. I was high on crystal meth.
Q. How often did you use crystal meth. during this period in the beginning of 1995?
A. Quite a bit.
Q. Where were you getting it?
A. I was getting it all from Jim, except for one certain instance.

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Q. What was that instance?
A. I had asked another person that Jim had introduced me to to take a weapon down to Phoenix and trade it for some drugs. I couldn't sell the weapon, but I knew I could sell the drugs pretty easy in Kingman.
Q. Did you ever sell drugs yourself?
A. Not any substantial amount at all.
Q. Well, how about an insubstantial amount?
A. Yes.
Q. And did you use any drugs other than crystal meth.?
A. Occasionally, yes, I smoked some marijuana.
Q. What's the street or the slang name for crystal meth.?
A. "Crystal" is what I called it.
Q. People call it "speed" sometimes?
A. Oh, yes. Yes.
Q. Were any illegal substances or drugs in your house prior to the FBI search?
A. I believe there might have been an old pipe, tinfoil pipe, that had some marijuana residue in it that I had left in the house while the FBI agents searched the home.
Q. Anything else?
A. I don't think so.
Q. So you weren't concerned about being notified about the search so that you could destroy drugs?
A. No. The drugs was the last thing on my mind during this

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time.
Q. When was the last time you used any illegal drugs?
A. The last time that I recall is approximately a week after the search, when Jim Rosencrans got released from the jail. He spent about a week in jail. About the night that he was released, he came over to my house and he had some crystal meth.; and we stayed up pretty late smoking it.
Q. What caused you to stop? That was almost two years ago.
A. Yes.
Q. You haven't used drugs in two years?
A. I haven't used drugs since I was subpoenaed to go to Oklahoma City, when I actually traveled to Oklahoma City and

met my lawyer, Mr. Michael Maguire.

Q. After you -- or after the bombing, did you engage in any activities designed to prevent the FBI from discovering evidence?

A. Yes. One afternoon, I was discussing with my wife these tapes that I had that pertained to the Waco, Texas -- to Waco. And on the TV, the media was making a big deal about these tapes, and I was wondering if I should get rid of these tapes or not. She didn't think I should, but Jim Rosencrans came over and I asked him what he thought. He thought I should probably get rid of them.

I asked him if he wanted it or wanted them. He said sure. He took them.

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Q. Anything other than the tapes?

A. Yes. I also had in my shed for quite a while since the spring of '94, since Tim moved out of that block home in Golden Valley -- I had a third or so bag of ammonium nitrate in my shed.

Q. Where did you get that?

A. I got it from Tim. He asked me to hold it for him.

Q. Did you ever use it for anything?

A. No. I had no use for it.

He asked -- excuse me. I didn't want to be caught with that stuff because I knew what the bomb was made of; and so I also -- I also asked Rosencrans if he wanted the ammonium nitrate, the bag. He said sure, he'd take that, too.

Q. Did you have some other explosive items someplace?

A. Yes.

Q. What were those?

A. Two things, really, or two different sets of things: When Tim moved out of his home in Golden Valley --

Q. Block house?

A. Block house. He had sort of a little garage-sale-type thing where he was trying to make some money and liquidate some items. I bought a bunch of stuff off him, including some explosive components.

And also, in the spring of '95, after Tim had moved out of my house, me and my wife and Rosencrans and his

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girlfriend was staying up. We were smoking some crystal meth., so it was pretty late and we were playing spades, which is a card game; and there was a knock on the door, and it was Tim. He had brought over an ammo can, and he told me that he wanted to trade me this ammo can for a larger one that I had.

And so I went and got it, and then we went into my front bedroom; and he opened up the ammo can, and there were some items that I believe were stolen from the quarry in Kansas in that ammo can.

Q. Why do you believe that?

A. It looked to be the same stuff that he had showed me

A. It looked to be the same stuff that he had shown me earlier.

Q. The same stuff you had seen in the hotel room when your wife wrapped -- no? Go ahead.

A. No, sir. The same stuff that I had seen back -- before October 31, just after the -- he got into Kingman he told me he wanted me to keep this stuff for him; and he also referenced a .50 caliber rifle that I had gotten as part of the deal in Kansas. You know, it came with all those other weapons. He said he wanted me to keep that stuff and he may come back for it later, you know, in the future.

Q. Did the FBI find all that stuff in the search of your house?

A. No. I had concealed that stuff.

Q. Where?

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A. In the trunk of this car my brother was building. It was in his garage.

Q. So it was at your brother's house --

A. Yes.

Q. -- garage?

And when had you taken the stuff there?

A. I had taken it this one evening just after I had asked that man, Terry, to exchange that rifle down in Phoenix for some dope. This one afternoon, I was selling a lot of marijuana out of my house, and I was getting paranoid about it. And Rosencrans told me -- he asked me to listen to my scanner; and after a while he came out and told me that the -- he thought the local narcotics police was making a sweep -- or he said that they actually had just busted a couple houses that he knew, he recognized the addresses, and he was fearful that they were about to come to his house and possibly my house.

So I wanted to get that stuff out of my house. I took it over to my brother's house.

Q. So this was before the bombing?

A. Yes.

Q. You took it out of your house and placed it in the garage at your brother's house?

A. Yes.

Q. And did you ever do anything with those explosive items? Did you ever set anything off?

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A. Me and Jim Rosencrans had set off a few pipe bombs.

Q. What were the pipe bombs made of?

A. PVC and at least one metal pipe bomb.

Q. What was the explosive item in the pipe bombs?

A. Gunpowder.

Q. And who made those pipe bombs?

A. I made one and Rosencrans made a few more.

Q. Tell us what PVC is.

A. It's water line. It's piping for water.

Q. What's the material? Feels like a what?
A. It's hard plastic.
Q. You mentioned that you were served with a subpoena to appear before the grand jury. Is that right?
A. Yes, sir.
Q. Recall that incident?
A. Yes.
Q. And what did you -- what was your response to receiving the subpoena?
A. I thought the jig was up, more or less. I didn't have no -- no doubt that I could go before a grand jury and lie; so I started looking for a lawyer.
Q. Did the agents when they served the subpoena ask if you were willing to cooperate?
A. Yes, they did.
Q. And what did you say?

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A. I said no, I -- I said I didn't have anything to tell them, I didn't know anything.
Q. That was not true.
A. That was not true.
Q. Okay. So your mind-set somehow changed after that. Is that fair?
A. Yes.
Q. Why was that?
A. Because I knew that I could not lie before a grand jury.
Q. Do you recall the date that you were scheduled to appear before the grand jury?
A. The date changed. They gave me my first subpoena, I think was for the 16th; and then they came back and gave my wife one and myself a new one for a later date.
Q. Do you recall the date for hers?
A. The 18th, I believe; and mine would have been the 23d.
Q. Did you go to Oklahoma City in response to this subpoena?
A. Yes, sir.
Q. You traveled together, the two of you?
A. Yes.
Q. And when you got to Oklahoma City -- well, let me ask you on the way, did you have any conversation about what you would say to the grand jury?
A. No, sir, none that I can recall.
Q. Did you make any decisions before you got to Oklahoma City

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about what you would do for your grand jury appearance?
A. Not any concrete decisions. What I had decided to do was to contact the FBI and correct my statements and to have them get me a lawyer.
Q. So do you recall when you arrived in Oklahoma City?
A. Yes.
Q. What date?

A. I'm not sure on the date.

Q. What happened when you arrived in Oklahoma City?

A. Excuse me. Let me recant that.

The date was May 17. Me and my wife rented a room, and we called the FBI and asked them if they could get us in contact with a lawyer.

Q. Did you meet with the agents that day?

A. Yes, sir.

Q. What time?

A. It was in the evening.

Q. And do you recall what you told them?

A. Yes, sir.

Q. What did you say initially?

A. Initially I told them that I wanted a lawyer and that I wanted to correct my statements.

Q. Did you correct your statement in any way that evening?

A. I started to; and halfway through it, I got cold feet because I didn't have a lawyer with me. I didn't -- still

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wasn't sure what exactly I should do; so when I came to the portion -- I was being relatively truthful until I came to any type of crimes that I committed; and I just got cold feet and started lying again.

Q. What lies did you tell that evening?

A. What I'm thinking now is I just told them is that I wasn't sure if the weapons were stolen or not.

Q. But you knew they were?

A. Yes, sir.

Q. Following -- or during that meeting after you asked the agents to get you an attorney, were you successful in having an attorney appointed for you?

A. Yes.

Q. And has that attorney remained your attorney throughout this whole process?

A. Yes, he has. His name is Michael Maguire.

Q. Did you have any further contact with the agents or Government attorneys after you had an attorney appointed for you?

A. Yes. In Arizona, the FBI had presented me with something they were calling a "proffer." It was explained to me that I could say anything I wanted and it could not be held against me in the courts; and I had made a decision that it would be best for me to start cooperating, best for myself, best for my family, and best for the people of Oklahoma. And when I talked

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to my lawyer for the first time, I informed him that that's how I wanted to proceed.

Q. Okay. I'm not interested in your disclosing conversations between yourself and your attorney but perhaps the consequences of some of those conversations.

You said that the proffer said -- told you or assured

you said that the proffer said -- told you or assured you that you could say anything you wanted. Is that true?

A. That it would protect me from prosecution of anything that I said.

Q. That was incriminating of you?

A. Yes, but it was also explained to me that whatever leads that was -- the FBI formed from what I said -- say, they went out and they found a particular -- you know, a certain object that tended to incriminate me in any way, that they could use that against me. It was just protecting --

Q. What about truthfulness? Were there any provisions regarding truthfulness?

A. Yes. I would have to be truthful in -- on all accounts.

Q. And if you weren't, could the information be used against you?

A. Yes.

Q. And after the -- the attorney was appointed for you and you indicated that he explained to you the terms of the proffer, you agreed, then, that you should cooperate? Is that correct?

A. Yes, sir.

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Q. So you had meetings with Government agents and attorneys; is that correct?

A. Yes.

Q. Were you truthful then?

A. Yes, sir.

Q. And did you disclose much of the information you've disclosed here today?

A. Yes. I was mostly just answering whatever questions they were asking me in a truthful manner.

Q. Approximately how many times did you meet with Government attorneys between your initial arrival in Oklahoma City and the date that you were indicted?

A. I would approximate six times, and on some of those occasions it would be for more than one day; and on each day it would be for maybe two hours to six hours.

Q. I was involved in a number of those?

A. Yes.

Q. And ultimately, did you reach a plea agreement with the Government?

A. Yes.

Q. Tell us how that came about.

A. I spent the summer answering whatever questions were asked of me.

Q. This was pursuant to the proffer agreement?

A. Pursuant to the proffer. Just a few days before I was

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scheduled to talk before the grand jury, the Government approached me with what they thought I was guilty of.

Q. It's obvious, but the initial grand jury appearance was continued until much later. Is that correct?

A. Yes, sir.

Q. Okay. Tell us again -- before you appeared before the grand jury, what happened?

A. You, Mr. Hartzler, presented me and my lawyer with an agreement that called for those four counts that I recalled earlier. I was in agreement. I did commit those crimes, and I signed off on the agreement.

Q. Other than your involvement with drugs, which, by the way, you disclosed to us. Is that correct?

A. Yes, sir.

Q. And we asked you a number of questions about your use and sources of drugs during those meetings. Is that fair?

A. Yes, sir.

Q. Other than your disclosure of those and some of the other things such as your trip to the National Guard armory and your theft of the oxygen bottle from the airplane, were there any other crimes that you committed?

A. Possibly possession of explosive devices.

Q. Anything else that you can think of?

A. Nothing that I can think of.

Q. And your possession of the explosive devices is something

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you disclosed to us pursuant to the proffer agreement. Is that right?

A. Yes, sir.

Q. And you ultimately, in case I neglected to ask -- you ultimately turned those items over to the FBI agents?

A. Yes, I did.

Q. You took them to your brother's home. Is that right?

A. Yes, sir.

Q. I guess my question is was the agreement that you reached with the Government that the Government would reduce the charges against you, or not bring certain charges?

A. No. That -- we never had that discussion. You presented me with that -- with those four counts, and I agreed with that. I did commit those crimes.

Q. Did the plea agreement contain an escape clause of some sort?

A. Yes, it did.

Q. Are you familiar with that clause?

A. More or less. It says that if there is any information that you find that you could charge me with any bombing of any building that you will do so.

Q. And did the local state's attorney in Oklahoma City also accept that agreement and sign off on it?

A. Yes, he did.

Q. I'd like to show you what's marked Government's Exhibit

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193. And you should have a notebook in front of you, I believe. They're tabbed, so turn to 193.

Are you having difficulty?

A. I have it.

Q. What is Government's Exhibit 193?

A. It's a petition to enter a plea of guilty.

Q. And can you flip through a few pages and see if the letter agreement is attached, included in there?

A. Sir, do you mean the plea agreement?

Q. Correct.

A. Okay.

Q. The plea agreement is in the form of a letter addressed to your attorney signed by myself and Mr. Ryan; is that correct?

A. Yes, sir.

MR. HARTZLER: Your Honor, I move the admission of Government's Exhibit 193.

MR. JONES: No objection.

THE COURT: 193 is received.

BY MR. HARTZLER:

Q. Could you turn to page 7, paragraph 9, of the letter agreement, plea agreement. Is that the escape clause?

A. Yes, sir.

MR. HARTZLER: Your Honor, may we publish that paragraph?

THE COURT: Yes.

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MR. HARTZLER: Thank you.

BY MR. HARTZLER:

Q. Could you just read that paragraph, paragraph 9, on page 7.

A. It says, "Breach of agreement: If further investigation discloses that Mr. Fortier conspired to bomb any federal building or if Mr. Fortier fails to comply with any of the provisions of this agreement or refuses to answer any questions put to him or makes any false or misleading statements to investigators or attorneys of the United States or makes any false or misleading statements or commits any perjury before any grand jury or court or commits any further crimes, then the United States will have the right to characterize such conduct as a substantial breach of this agreement, in which case the obligations of the United States under this agreement will be void and the United States will have the right to prosecute Mr. Fortier for any and all offenses that can be charged against him in any district or state."

Q. Since the date that you signed that plea agreement and entered it in open court, have you cooperated fully?

A. Yes, sir.

Q. Did you testify before the grand jury?

A. Yes, I did.

Q. Did you testify truthfully?

A. Yes, I did.

Q. Have you done so here today?

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Yes, I have

A. Yes, I have.

Q. Have you met repeatedly with me at my request?

A. Yes, sir.

Q. Since you entered your plea of guilty to the indictment, approximately how many times did we meet in Oklahoma City, if you recall, before the case was transferred to Denver? Do you remember?

A. After I was indicted?

Q. Correct.

A. Once.

Q. And after the case was transferred to Denver, did we continue to meet periodically?

A. Yes, sir.

Q. And approximately how many times have we met prior to trial?

A. Between seven and ten times.

Q. During all those meetings, have you told the truth?

A. Yes, sir.

Q. I -- I've already asked you about evidence you turned over to the FBI. You said you turned over the explosives items that you had concealed at your brother's house. Is that right?

A. Yes, sir.

Q. Previously you said you turned over the shovel, pick and axe. Is that right?

A. Yes, sir.

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Q. Under this plea agreement, your sentence -- your maximum sentence could be what?

A. 23 years.

Q. And is there any provision that you know of for a minimum sentence?

A. I know something called the -- the -- excuse me. I don't remember it right now.

Q. Sentencing guidelines?

A. Sentencing guidelines. Yes, sir.

Q. Those provide guidelines for the various offenses that you pled guilty to?

A. Yes.

Q. And I assume you're hopeful your sentence will be far, far, far less than 23 years.

A. Yes.

Q. You understand that the Government has the right to move to reduce your sentence, ask the court to reduce your sentence in return for your cooperation. Is that right?

A. Yes.

Q. And you're hoping that will happen?

A. Yes.

Q. You realize nevertheless that there are a lot of people that hate you for what you did not do, don't you?

A. Yes, sir.

Q. How are you going to deal with that?

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A. I will just accept the consequences of my actions. I understand that it is the sole discretion of the judge to sentence me. He does not have to go by the guidelines. I will accept any just sentence.

Q. Could you look through your book and find Exhibit 176 and 177?

See those?

A. Yes, sir.

Q. What are they?

A. This is the storage unit in Kingman, Arizona, where Tim and Terry stashed the explosives that they stole out of the quarry in Kansas.

Q. Those are photographs of those -- of that place?

A. Yes, sir.

MR. HARTZLER: Move the admission of Government's Exhibits 176 and 177.

MR. JONES: No objection.

THE COURT: Received, 176, 177. You may publish.

MR. HARTZLER: Thank you.

BY MR. HARTZLER:

Q. Showing you first what's marked as 176, this gives us a long -- a sidelong view of the storage facility in Kingman where you went that evening. Is that right?

A. Yes, sir.

Q. And then returned another day by yourself?

Michael Fortier - Direct

A. Yes, sir.

Q. Can you on this photograph point out which door you think it is that was rented and contained the explosives? Do you recall which one it was?

A. Yes. I don't recall the number.

Q. Which one?

A. It's the one on the other side of the light.

Q. You think it's this one here that my finger is on now?

A. No, sir.

Q. Which side? The first?

Well -- let's look at the next photo. That might make it easier. We have a head-on shot.

That's the area you're referring to?

A. Yes, sir.

Q. And do you recall which side of the light was the door that they rented, the unit they rented?

A. Yes. On the left.

Q. So it would be this one?

A. Yes, sir.

Q. The number at the top is?

A. E-10.

Q. Let ask you to look through your book again and find Exhibit 202, please.

MR. HARTZLER: I believe, your Honor, this is already in evidence.

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THE COURT: All right.

So you may publish it.

MR. HARTZLER: Let me proceed with caution here because I know it's been identified. I'm not sure --

THE COURT: Let's look.

MR. HARTZLER: It's admitted.

BY MR. HARTZLER:

Q. You see 202?

MR. HARTZLER: Let's go ahead and put it up. It's been admitted.

THE WITNESS: Yes, sir.

BY MR. HARTZLER:

Q. What is that?

A. This is the Tri-Mart at which I made the phone call to Tim in, I think, November of 1994.

Q. So that's the little service station that you went to when you got the stack of quarters?

A. Yes. I walked into that station and got \$5 worth of quarters.

Q. Following the request to -- or a red-alert request?

A. Yes, sir.

Q. Okay. Let me show -- look through your book and find Exhibit 163, please.

Do you see that?

A. Yes, sir.

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Q. What does that photograph appear to depict?

A. These are blasting caps. The ones on the left with the yellow and green -- or is it blue -- wires -- these appear to be the blasting caps that Tim had in the motel room in December that he was going to sell.

MR. HARTZLER: I move the admission of Government's Exhibit 163.

MR. JONES: No objection.

THE COURT: Received, 163.

BY MR. HARTZLER:

Q. You're referring to the wires in the upper left-hand corner of this?

A. Yes, sir.

Q. What about the ones in -- more in the center, the darker, brownish-looking wires? What are those? Do you know?

A. I believe those are part of the bombing components that I got from Tim in the spring of '94.

Q. Okay. Can you look at Government's Exhibit 159.

Those, by the way, are electric blasting caps -- the ones we just looked at, are they not?

A. Yes, sir.

Q. Did you ever receive any nonelectric blasting caps?

A. Excuse me. Yes, sir.

Q. From whom?

A. From Mr. McVeigh.

Michael Fortier - Direct

Q. When was that?

A. In the spring of 1994.

Q. Okay. I show you what's Exhibit 159. Do you see it?

A. Yes, sir.

MR. HARTZLER: I move the admission of Government's Exhibit 159.

MR. JONES: No objection.

THE COURT: 159 received. May be published.

BY MR. HARTZLER:

Q. And it's the orange coils you're referring to as blasting caps?

A. Yes. I -- those are blasting caps.

Q. Can you say whether these are the ones that you had, or do you know?

A. They look like the same ones that Tim brought over in the middle of the night in late 1995.

Q. Spring of '95; right?

A. Yes, spring of '95.

Q. You had earlier said '94.

A. That was for the other stuff.

Q. But for these, it's '95?

A. Yes.

Q. Look in your folder, if you would, for Exhibit 225. Do you see that?

A. Yes, sir.

Michael Fortier - Direct

Q. What is that?

A. It's an order form which I used to obtain false identification.

Q. In the name Tim Tuttle?

A. Yes, sir.

MR. HARTZLER: I move the admission of Government's Exhibit 225.

MR. JONES: No objection.

THE COURT: 225 received, may be published.

BY MR. HARTZLER:

Q. This is the order form that you used to send in to -- a copy that -- whose advertisement you saw in the back of Soldier=20

of Fortune. Is that right?

A. Yes, sir.

Q. And it looks as though -- well, it's clear that you've used the name "Tim Tuttle." Is that your handwriting, by the way?

A. Yes.

Q. And your address?

A. Yes, sir.

Q. Do you recall how much you sent in?

A. Yes. \$37.

Q. Look in your folder, if you would, for Government's Exhibit

Q. LOOK IN YOUR FOLDER, IF YOU WOULD, FOR GOVERNMENT'S EXHIBIT 200.

A. I have it.

Q. What is that?

Michael Fortier - Direct

A. A map of the lower portion of the United States.

Q. Can you use that to demonstrate the route that you and Mr. McVeigh took to Kansas from Kingman in December of 1994?

A. Yes, sir.

MR. HARTZLER: I move the admission of Government's Exhibit 200.

MR. JONES: No objection.

THE COURT: Received. May be published.

BY MR. HARTZLER:

Q. Okay. This doesn't fit the screen very well, but off on the far left -- well, let me ask to you do this: You see on your left hand there is a little black pen with a wire on it?

A. Yes, sir.

Q. Pick that up if you would, reach underneath the glass onto the screen and use that -- if you touch the screen, it will start your trip, and tell us the route and describe the roads that you took.

A. We traveled from Kingman east on I-40.

Q. Through Albuquerque?

A. Through Albuquerque, through New Mexico, Texas, into Oklahoma. Then we went north on I-35 at Oklahoma City. And then before we got onto the turnpike in Kansas or the tollbooths at the toll road in Kansas, we got off and started using state highways; and we kind of zigzagged up and finally made our way to Junction City.

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Q. Okay. If you click your pen, it will take those lines off.

Thank you. Can you now look for Exhibit 210.

Do you have that?

A. Yes, sir.

Q. What is it?

A. This is a receipt from a motel room that we stayed in, in Amarillo.

Q. Contains your handwriting?

A. Yes, sir.

MR. HARTZLER: I move the admission of Government's Exhibit 210.

MR. JONES: No objection.

THE COURT: 210 received, may be shown.

BY MR. HARTZLER:

Q. What parts of this did you fill out, if any?

A. The address portion.

Q. McVicker, Kingman, Arizona, and the zip code?

A. And my signature, yes.

Q. And your signature. And the license number is a Michigan license; is that right? Is that right?

A. I believe so.
Q. Well, it wasn't your car, I take it.
A. That's right, it wasn't my car.
Q. You were in Mr. McVeigh's car when you got to Amarillo?
A. Yes.

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Q. And you registered for how many guests?
A. Two. Two adults.
Q. The date on this document is reflected, sign-in on 12-15 and departure on 12-16?
A. Yes, sir.
Q. And that's your birthday and the following day?
A. Yes, sir.
Q. Would you please look now for Government's Exhibit 219. Do you see that?
A. Yes, sir.
Q. What is it?
A. This is the rental agreement for the rental car.

MR. HARTZLER: Move the admission of Government's Exhibit 219.

MR. JONES: No objection.

THE COURT: Received. It may be shown.

BY MR. HARTZLER:

Q. Do you see this is Hertz, not Avis; right?
A. Yes, sir.
Q. Okay. So this is the agreement that you signed in Manhattan at the airport. Is that right?
A. Yes, sir.
Q. Bears your name, address; correct?
A. Yes.
Q. Did you pay for the car there, or did you pay for it when

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you turned it in?
A. Paid for it when I turned it in.
Q. How did that work?
A. They just took down my credit card number; and they used that, I guess, as a deposit. And then when I got to Kingman, I paid the man cash.
Q. The signature in the bottom part of the screen is your signature?
A. Yes, sir.
Q. And what's the date of this agreement?
A. It should -- I can't see it right off the bat, but it should be the 17th.
Q. Okay.

MR. HARTZLER: Your Honor, with the Court's permission -- I'm almost finished; but I would like Mr. Fortier to be permitted to demonstrate the route that he took with Mr. McVeigh around the Murrah Building -- is that permissible, using the model?

THE COURT: All right.

MR. HARTZLER: Thank you.

BY MR. HARTZLER:

Q. Mr. Fortier, you're going to have to leave the witness stand. Your voice will not be amplified. There is a model of an area that I'd like you to look at. We'll need some assistance here.

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THE COURT: Mr. Jones, you may move up, if you would like.

MR. JONES: Thank you, your Honor.

MR. HARTZLER: Agent Hersley, I think we placed one of the buildings down. You might have to . . .

THE WITNESS: I think I'll be able to talk loud enough.

BY MR. HARTZLER:

Q. Okay, Mr. Fortier. Could you approach the model. Let's get it set up first.

If you can stand a little bit sideways so you're not blocking the view of any of the jurors.

First of all, can you identify the model of the Murrah Building?

A. Yes, sir.

Q. And can you, using your finger or your hand, show the ladies and gentlemen of the jury and the Court where it was that you and Mr. McVeigh drove when you were in downtown Oklahoma City.

A. This model doesn't really show it, but there is a road that is on this side of the Murrah Building.

Q. Mr. Ryan is about to hand you a pointer.

A. Me and Tim drove this way behind the Murrah Building. I noticed the cement courtyard that was in the back and the trees. Swung around this front, drove past it up to this point

Michael Fortier - Direct

here, where there is an alley; and then we came this way and we exited --

Q. You told us you stopped in the alley, I think, when you testified.

A. Yeah. We slowed down and didn't stop at all.

Q. What was the conversation you had at that point?

A. Tim pointed out this spot right here as where -- as the

parking spot that he wanted for his getaway vehicle.

Q. Okay. And you're talking about a corner, the upper corner of the parking lot. By the way, is that parking lot in similar condition in the model as it was when you saw it?

A. No. It was all dirt. This has too much detail.

Q. And the building that you were next to is which building?

A. The YMCA building.

Q. And when he pointed out the parking space there, the upper portion in the corner of the parking lot, you said something to

portion in the corner of the parking lot, you said something to him. What was that?

A. This is where we were parked, right about here. This is where I observed the alley and asked him why he wouldn't park down the alley.

He replied that he wanted to have this building between him and the blast.

Q. And just so we're clear on the record, you're referring to the alley that would be behind the YMCA building. Is that right?

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A. Yes. This alley here.

Q. Right. When you testified, you said that Mr. McVeigh pointed out a space where he had planned on parking the truck and asked you about it. Can you point that out for us?

A. I was speaking of this indentation right here.

Q. And did he have any other means of delivering the bomb to the building that he described to you?

A. He made the comment that if he had to, he was going to drive the truck down the stairs and crash it through the front doors.

Q. Stairs are not depicted in the model; is that right?

A. No, they're not.

Q. Do you recall seeing stairs there, though?

A. Yes.

Q. Would you please resume the witness stand.

Mr. Fortier, have you explained to your daughter why you're in prison?

MR. JONES: If the Court please, I object to that as irrelevant.

THE COURT: Sustained.

MR. HARTZLER: I have nothing further, your Honor.

THE COURT: All right. We're going to take the noon recess at this point; so, Mr. Fortier, you're going to be excused now until 1:45. We'll resume your testimony then.

You may step down.

Members of the jury, we're going to recess again as usual for the hour-and-a-half lunch period. And I want to reemphasize what I've been saying each time when we recess about the extreme importance here of each of you maintaining an open mind with respect to the case and all aspects of it.

I know that at times that's difficult to do, because you're together and we keep you in a relatively confined area. And naturally, you talk about a lot of things, sometimes lightheartedly, bantering about this and that. And I suppose sometimes it's tempting to talk about the case and where we are in the case, what progress we have or have not made, when it may be given to you for decision.

All of those things are off limits, and I want you to know that. I can't tell you where we are in the case. This isn't a computer program. This is a human event, a trial. We can't tell you how long particular witnesses will be. And you can't at this point -- and nobody else can -- fit the testimony of any one witness into the case as a whole. Remember that we

are hearing witnesses called by the Government. Defense has an opportunity to call witnesses. Some witnesses may seem to you as we go along more important than others. Don't let that happen, even in your own thinking. You have got to, every time we break here, put it at rest.

The reason for these breaks in part, of course, is of course to take lunch but also give you some time to relax. Don't use that time to talk about anything in connection with this case. Don't speculate about it. Don't talk about it. Keep open minds. If you don't, you're violating the oath that you've taken to decide this case based on all of the evidence presented to you.

So even in jest, say nothing about in case among yourselves.

You're excused till 1:45.

(Jury out at 12:15 p.m.)

THE COURT: 1:45.

(Recess at 12:16 p.m.)

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REPORTERS' CERTIFICATE

We certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. Dated at Denver, Colorado, this 12th day of May, 1997.

Paul Zuckerman

Kara Spitler

