

Tuesday, June 10, 1997 (afternoon)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Criminal Action No. 96-CR-68

UNITED STATES OF AMERICA,
Plaintiff,

vs.

TIMOTHY JAMES McVEIGH,
Defendant.

REPORTER'S TRANSCRIPT
(Trial to Jury - Volume 143)

Proceedings before the HONORABLE RICHARD P. MATSCH,
Judge, United States District Court for the District of
Colorado, commencing at 1:31 p.m., on the 10th day of June,
1997, in Courtroom C-204, United States Courthouse, Denver,
Colorado.

Proceeding Recorded by Mechanical Stenography, Transcription
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P.O. Box 3563, Denver, Colorado, 80294, (303) 629-9285

APPEARANCES

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

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

Colorado, 80294, appearing for the plaintiff.

STEPHEN JONES, ROBERT NIGH, JR., ROBERT WYATT,

RICHARD

BURR, RANDALL COYNE, and AMBER McLAUGHLIN, Attorneys at Law,
Jones, Wyatt & Roberts, 999 18th Street, Suite 2460, Denver,
Colorado, 80202; JERALYN MERRITT, 303 East 17th Avenue, Suite
400, Denver, Colorado, 80203; MANDY WELCH, Attorney at Law,
412

Main, Suite 1150, Houston, Texas, 77002; CHERYL A. RAMSEY,
Attorney at Law, Szlichta and Ramsey, 8 Main Place, Post
Office

Box 1206, Stillwater, Oklahoma, 74076, and CHRISTOPHER L.
TRITICO, Attorney at Law, Essmyer, Tritico & Clary, 4300
Scotland, Houston, Texas, 77007, appearing for Defendant
McVeigh.

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PROCEEDINGS

(Reconvened at 1:31 p.m.)

THE COURT: Please be seated.

(Jury in at 1:31 p.m.)

THE COURT: All right. Next witness, please.

MR. NIGH: Michelle Rauch.

THE COURT: Thank you.

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

(Michelle Rauch 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: Michelle Ann Rauch, R-A-U-C-H.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Nigh.

MR. NIGH: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. NIGH:

Q. Good afternoon, Miss Rauch. Please tell us what you
currently do for a living.

A. I'm an anchor and reporter for a television station.

Q. Is that television station in Fort Smith, Arkansas?

A. Yes.

Q. How long have you been a reporter in Fort Smith?

A. Eight months.

Q. Is that a television station there?

A. Yes.

Q. If I could, I'd like to direct your attention back to the

Michelle Rauch - Direct

spring of 1993. Are you familiar with that time period?

A. Yes.

Q. And during that point in your life, you were a student at
Southern Methodist University; is that right?

A. That's correct.

Q. You were studying journalism?

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A. Yes.
Q. Were you a senior at that time in 1993?
A. Yes, I was.
Q. You had grown up in Dallas; is that right?
A. That is correct.
Q. And attended college there at SMU?
A. Uh-huh.
Q. Is that right?
A. Yes.
Q. During the spring of 1993, when you were a journalism student at SMU, did you have occasion to travel to Waco, Texas?
A. Yes, I did, during my spring break.
Q. What caused you to travel to Waco?
A. I was writing for the school paper and had kind of been following the Waco standoff, and I knew there was another angle to the story, and I wanted to find what that angle was. Since it was a school paper, you couldn't take off during school, 'cause we had classes to attend, of course. So I took it upon myself during my spring break to travel to Waco to find what

Michelle Rauch - Direct

other angle to the, quote, "Davidian standoff" there might be.
Q. Did you go by yourself, or did you go with someone else?
A. I went with another girl who went to school there. She was not a journalism student.
Q. Was your purpose in going to write a story?
A. Yes, for the school newspaper.
Q. Did you also have an interest in photography at the time?
A. Yes, as a hobby I do photography.
Q. When you arrived in the area of Mt. Carmel, what did you see?
A. As we were driving in a road, I don't recall what it is -- right near the checkpoint to get into the compound, on the left side there was a hill. And a couple large signs caught my attention, David Koresh, The Great National Diversion, What is the Mark of the Beast, I believe. And I said, Stop the car, this is where my story is, up on this hilltop.
Q. Was that near Mt. Carmel?
A. It was -- I don't recall the exact distance, maybe a half mile from the checkpoint to get into the media compound.
Q. When you say "the checkpoint," what checkpoint are you referring to?
A. ATF checkpoint, and that's where all the media that had set up there had to stop and show identification in order to travel on.
Q. Could ordinary citizens go on in --

Michelle Rauch - Direct

A. No.

Q. -- past that checkpoint?

A. No.

Q. Did you meet Tim McVeigh up on that hill when you said --

A. Yes, I did.

Q. -- you knew that that's where the story was?

A. That was my gut instinct, yes.

Q. Let me show you what's been marked for identification as Defendant's Exhibit PP61.

Do you recognize that photograph?

A. Yes, I do.

Q. Is that a photograph that you took in March of 1993 near Mt. Carmel?

A. I took this photograph, yes.

MR. NIGH: Your Honor, I'd move for the admission of PP61.

MR. GOELMAN: No objection.

THE COURT: Received.

BY MR. NIGH:

Q. Please tell us, Ms. Rauch, what it is that's depicted there.

A. This is how I found Mr. McVeigh, when I walked up on the hill. He was sitting on the hood of his car with some bumper stickers that were for sale.

Q. Did you speak to Mr. McVeigh?

Michelle Rauch - Direct

A. Yes, I did.

Q. At that point in time?

A. Yes, I did.

Q. And did you examine the bumper stickers that he had there?

A. Yes, I did.

Q. Let me show you, if I may, what's been marked for identification as Defendant's Exhibit PP7. It should be on the screen in front of you.

Do you recognize what's depicted there?

A. Yes, this is another photograph that I took of the bumper stickers on the hood of the car.

Q. Did you take them on the same day --

A. Yes.

Q. -- that you saw Mr. McVeigh?

A. Yes.

MR. NIGH: Your Honor, I'd move for the admission of PP7.

MR. GOELMAN: No objection.

THE COURT: Received. May be published.

BY MR. NIGH:

Q. And if you will, tell us what those bumper stickers say.

A. One of them I recall -- I can't see them clearly in this picture -- but Fear the Government that Fears Your Gun, Politicians Love Gun Control. And then the other one I can't

see quite clearly here, but Ban Guns. I can't quite make

Michelle Rauch - Direct

out --

Q. Can I help you? Does it say, Make the Streets Safe for a Government Takeover?

A. That sounds familiar, yes.

Q. Let me show you, if I may, what's been marked for identification as Defendant's Exhibit PP8, which should depict -- and let me ask you, does that depict a bumper sticker

on the far left?

A. Yes.

MR. NIGH: Your Honor, I'd move for the admission of PP8.

MR. GOELMAN: No objection.

THE COURT: All right. Received. May be published.

BY MR. NIGH:

Q. And does the one on the far left say, A Man With a Gun is a Citizen, A Man Without a Gun is a Subject?

A. Yes.

Q. And are those the types of bumper stickers that Mr. McVeigh

had there on his car for sale?

A. Yes, they are.

Q. Let me show you, if I may, what's been marked for identification as Defendant's Exhibit PP5.

Do you recognize what's depicted there?

A. Yes, that is me taking my notes during the interview of Mr. McVeigh.

Michelle Rauch - Direct

MR. NIGH: Your Honor, I'd move for the admission of PP5.

MR. GOELMAN: No objection.

THE COURT: Received. May be shown.

BY MR. NIGH:

Q. Now, the young lady there on the right is you; is that correct?

A. Yes, it is.

Q. So this is not a photograph that you yourself took?

A. No, it is not. It is one that I asked my friend at the time to take while I was interviewing. I turned around and said, Get a picture of me interviewing this person.

Q. And that's what happened?

A. Yes.

Q. And so it shows you there visiting with Mr. McVeigh --

A. Yes.

Q. -- while he was seated on the hood of his car?

A. Uh-huh.

Q. Did you also while you were there get an opportunity to

look at Mt. Carmel?

A. Yes.

Q. And did you take a photograph of Mt. Carmel and where the Branch Davidians were?

A. Yes, I did.

Q. Let me show you, if I may, what's been marked for

Michelle Rauch - Direct

identification as Defendant's Exhibit PP6 (sic).

Do you recognize that?

A. Yes, I do.

Q. Is that a photograph that you took of Mt. Carmel?

A. Yes, it is.

MR. NIGH: Your Honor, I'd move to the admission of PP66. '66, I'm sorry. It's PP66.

MR. GOELMAN: Objection, there's no evidence that the defendant saw what's depicted in this picture.

THE COURT: Overruled; received.

BY MR. NIGH:

Q. Would you tell us what you -- what is depicted in that photograph you took that day.

A. That is Mt. Carmel where David Koresh and the rest of the people out at Mt. Carmel lived, and that's where they were all holed up.

Q. How far was that -- were you from Mr. McVeigh's location when you took that photograph?

A. Oh, a few miles. I mean it certainly was not visible from the hilltop.

Q. Where you were standing when you took the photograph, how far was that?

A. A few miles. You could barely see it with the naked eye.

Q. All right. Let me show you -- first of all, let me ask you: You said that there was an ATF checkpoint?

Michelle Rauch - Direct

A. Yes, there was.

Q. How far was that from where Mr. McVeigh was?

A. Half a mile, perhaps.

Q. If you were standing on the road there, could you see it?

A. Maybe faintly. I don't recall for sure. It was just a short ways down the road by car.

Q. All right. Let me show you what's been marked for identification as Defendant's Exhibit PP62.

Do you recognize that?

A. Yes, I do. This is another photograph I took.

Q. Is that a photograph that you took on the same day that you

visited with Mr. McVeigh?

A. Yes, it is.

MR. NIGH: Your Honor, I'd move for the admission of PP62.

MR. GOELMAN: Same objection.

MR. GOELMAN: Same objection.

THE COURT: Received. Display it.

BY MR. NIGH:

Q. Please tell us what we see there in that photograph.

A. This is the ATF checkpoint where all the media had to stop and show identification before they could travel in.

Q. And does this photograph depict three separate ATF agents?

A. Yes, it does.

Q. And what are they wearing?

A. Camouflage pants. Some of them had matching tops on, and

Michelle Rauch - Direct

then they all had black T-shirts identifying themselves as ATF agents.

Q. Let me show you what I've marked as Defendant's Exhibit PP63. Do you recognize that?

A. Yes, I do.

Q. Is that a photograph of the same scene from a slightly different viewpoint?

A. Yes, it is.

MR. NIGH: I'd move for the admission of PP63.

MR. GOELMAN: Same objection.

THE COURT: Overruled. Admitted.

BY MR. NIGH:

Q. And please tell us what we see there, Ms. Rauch.

A. Basically the same scene, the checkpoint where all media or

officers had to stop at to get -- show identification.

Q. Do you know if those ATF agents were armed?

A. I believe they were.

Q. Let me show you, if I might, what's been marked for identification as Defendant's Exhibit PP64.

Do you recognize that?

A. Yes, this is another photograph I took.

Q. Is that near the checkpoint?

A. Yes, it is. This is the checkpoint.

MR. NIGH: Your Honor, I'd move for the admission of PP64.

Michelle Rauch - Direct

MR. GOELMAN: May I have a continuing objection to -

-

THE COURT: Yes, you may.

Received, and may be shown.

BY MR. NIGH:

Q. Please tell us what you saw there that's depicted in the photograph, Miss Rauch.

A. This appeared to be some sort of government truck. I don't

know who was in it, perhaps ATF officers, going through the checkpoint.

Q. Was it a military truck?

A. Yes.

Q. And was that at the checkpoint where the ATF was stopping --

A. Same checkpoint, uh-huh.

Q. Let me show you, if I may, what's been marked for identification as Defendant's Exhibit PP65.

Do you recognize what's depicted there?

A. Yes, another photograph I took at -- this is a car actually being stopped at the checkpoint.

MR. NIGH: I'd move for admission of PP65.

THE COURT: Continuing objection is overruled.

Received.

BY MR. NIGH:

Q. Please tell us what is displayed in this photograph, Miss Rauch.

Michelle Rauch - Direct

A. This is just a car that has stopped at the checkpoint, and this is what I saw them doing with every vehicle that stopped there. They would go up to the car and ask for identification.

Q. And there are two ATF agents standing on the passenger side of that car?

A. Yes.

Q. And one of them appears to be wearing full camouflage; is that right?

A. That's correct.

Q. Now, Ms. Rauch, when you were up on top of that hill, you had a conversation with Mr. McVeigh?

A. Yes, I did.

Q. What did you talk about with Mr. McVeigh?

A. I told him who I was and I was doing a story for my school paper and asked him why he was there.

Q. Did he tell you why he was there?

A. Yes.

Q. What did he say?

A. He said he just come in response to the standoff and that he -- he went on to say that he was opposed to how they handled the initial raid, that he thought it would be more appropriate had just the local sheriff gone down and issued an arrest warrant.

Q. What was his demeanor or how did he behave when he was talking to you?

Michelle Rauch - Direct

A. Just as was depicted in that picture. He was just sitting on the hood of his car. He was willing to talk to me.

Q. Was he calm or agitated, or how would you describe him?

A. He appeared calm.

Q. Did you enjoy speaking with him, or did you find it useful

to the story you were writing?

A. I found it very useful. He had a lot of views that he shared with me, which is -- as a writer and a journalist, I enjoyed speaking with him to write about his views in my article.

Q. You said that you intended to write an article. Did you eventually go ahead and write an article?

A. Yes, I did.

Q. Let me show you what should be in front of you marked as PP60. Do you recognize that?

A. Yes. This is a photocopy of the newspaper article that was published.

Q. And was that published in the SMU newspaper on Tuesday, March 30 of 1993?

A. Yes, it was.

Q. And did it relate what Mr. McVeigh had said to you during your interview with him?

A. Yes, it did.

MR. NIGH: Your Honor, I'd move for the admission of PP60.

Michelle Rauch - Direct

MR. GOELMAN: No objection.

THE COURT: Received.

BY MR. NIGH:

Q. Ms. Rauch, I've put in front of us the article -- it also depicts the same photograph of Mr. McVeigh sitting on the hood of his car; is that right?

A. Yes, it does.

Q. And in the article, did you reference a number of direct quotes from Mr. McVeigh?

A. Yes, I did.

Q. And could you locate those for us and tell us what he said to you.

A. Would you like me to just go in order?

Q. Sure, the order that they appear in the article.

A. Okay. The first quote: I think if the sheriff served the warrant, it would all be okay.

Q. All right.

A. Second quote: They're not tactical at all. They're government employees. This was in reference to the ATF.

Next one: It seems like the ATF just wants a chance to play with their toys, paid for by government money.

The next direct quote: The government is afraid of the guns people have because they have to have control of the people at all times. Once you take away the guns, you can do anything to the people.

Michelle Rauch - Direct

You give them an inch and they take a mile.

I believe we are slowly turning into a socialist

government.

He said, The government is continually growing bigger and more powerful, and the people need to prepare to defend themselves against government control.

That's it.

Q. Did you also summarize some of the things that Mr. McVeigh told you --

A. Yes.

Q. -- but put them in a summary fashion?

A. Yes.

Q. What did you say about that?

A. McVeigh said a sheriff should have served the warrant to Koresh without involving the ATF. Although McVeigh said he is sorry for those killed and injured, he said the ATF had no business being there in the first place.

McVeigh said those in the ATF were merely pawns working under the control of government orders.

The government thinks it has to spend taxpayer dollars

on something, McVeigh said, adding that they saw this as an opportunity and seized it.

McVeigh said he believes the government is greatly at fault in Waco and has broken constitutional laws. He quoted the U.S. Constitution and said U.S. armed forces should not be

Michelle Rauch - Direct

used against civilians, yet they were used against Koresh and his followers.

McVeigh said he does not believe the Brady Bill is a solution or an adequate attempt at a compromise.

McVeigh said the Koresh standoff is only the

beginning

and that people should watch the government's role and heed any

warning signs.

Q. When he made these statements about the ATF and the action against Koresh, did he make reference to the checkpoint or the ATF agents that were stationed down there?

A. At the checkpoint, no.

Q. But he made reference to the ATF?

A. Yes.

Q. When he talked to you about these things, what was his mannerism at the time?

A. As I said, he appeared calm, very articulate, and he appeared well-versed on what his beliefs were.

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

THE COURT: Mr. Goelman, do you have some questions?

MR. GOELMAN: No questions, your Honor.

THE COURT: All right. Is the witness to be excused?

MR. NIGH: Yes, your Honor.

THE COURT: You may step down and leave.

THE WITNESS: Thank you.

THE WITNESS: Thank you.

THE COURT: Next, please.

Next witness.

MS. WELCH: Your Honor, it's a video now, I'm sorry.

THE COURT: All right. And which one is it?

MS. WELCH: We would ask to play "Day 51," which is identified as VV4. I don't believe it's been admitted, your Honor. It is referenced in the affidavit, and we would move its admission.

THE COURT: All right. How is it labeled as an exhibit?

MS. WELCH: VV4.

THE COURT: I don't have that in the affidavit. I have '5A.

MS. WELCH: It was labeled that way in the original affidavit, your Honor, and I haven't seen the second one.

MR. JONES: VV4.

MR. BURR: Your Honor, I believe it's at the top of the second page.

THE COURTROOM DEPUTY: Top of the second.

MR. BURR: Second item.

THE COURT: I beg your pardon. I was looking at an earlier version.

All right.

MS. WELCH: This is a video which was identified in the affidavit as one that Mr. McVeigh was familiar with and distributed, I believe.

THE COURT: All right.

Just remind the jury again that we're hearing this -- or seeing it not for the truth of it but for what Mr. McVeigh received.

(Exhibit VV4 was played.)

THE COURT: Turn down the volume, please.

(Exhibit VV4 was played.)

THE COURT: All right. Next witness.

MS. WELCH: Yes, Dick Reavis.

THE COURT: Okay.

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

(Dick Reavis 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: Dick Johnson Reavis, R-E-A-V, like in victory, I-S.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Ms. Welch.

MS. WELCH: Thank you, your Honor.

DIRECT EXAMINATION

BY MS. WELCH:

Q. Good afternoon, Mr. Reavis.

A. Good afternoon.

Q. Where are you from?
A. I live in Dallas. I'm from Texas.
Q. And you're a journalist, are you not?
A. Yes, ma'am.
Q. And how long have you been a journalist?
A. 25 years.
Q. Could you give us your employment history as a journalist.
A. Well, I started at my father's newspaper in Dumas, Texas. I worked about 10 years for Texas Monthly magazine as a associate editor and a senior editor. Afterwards, I was a correspondent in Mexico, worked for a weekly in Dallas, along the way. I've done four books.
Q. What was the weekly in Dallas?
A. The Dallas Observer.
Q. And what kind of publication is that?
A. It's like Westword here. It's a weekly, a local news weekly.
Q. Could you identify for us some of your -- some of the major articles that you've had published, the subject of them?
A. I did a lot of work about Mexico. Since the Waco incident, I've done a lot of work on that subject.
Q. What are some of the other articles that you published during your career as a journalist?
A. Oh, I did a lot of work about Texas. I drove every highway on the state map. I've done a guidebook. What was your

Dick Reavis - Direct

question?
Q. Have you published books?
A. Yes, ma'am. Four of them.
Q. What are the books that you've published?
A. The first one is about undocumented Mexican immigration. The second one's about Mexico. Third one's a guidebook, coffee table guidebook to the state of Texas. And the last one is about Waco.
Q. What is the name of the last one?
A. The Ashes of Waco.
Q. When was it published?
A. 1995.
Q. And who published it?
A. Simon & Schuster.
Q. Have you received honors or other recognitions as a journalist?
A. Yes, ma'am.
Q. Would you tell us what those are.
A. Been a member of the Texas Institute of Letters since about 1984. And in 1990 I was a Neiman Fellow.
Q. With respect to your book Ashes -- well, tell us first,

what was the book Ashes of Waco about?

A. It's about what happened in -- at Mt. Carmel involving David Koresh and this incident most people know in 1993 and

Dick Reavis - Direct

about the trial of the survivors in San Antonio in 1994.

Q. How long did you work on that book?

A. About 18 months.

Q. What period of time would that have covered?

A. Roughly from July of '93 until April of '95.

Q. Can you tell us how you gathered your information.

A. Well, about any way I could. First of all, I talked to the

survivors. I went through the court records. I went through 14,000 pages of transcripts of the conversations between Mt. Carmel and the FBI during the siege.

I covered just about all there was.

Q. Were you familiar with or aware of other investigations and

reports that were being issued during that period of time?

A. Yes, ma'am.

Q. And was that one source of your information?

A. Yes, ma'am, it had to be.

Q. Have you been called on as a result of the publication of your book to provide information as an expert about Waco?

A. Yes, ma'am. I was the lead witness in the congressional hearings about Waco that were held in June of 1995.

Q. I want to go back to the reports and investigations that were going on during the period of time you were working on your book. Would you identify some of them.

A. There were -- there was a stream of stuff. There was a lot

of information in the news weeklies, like Time and Newsweek and

Dick Reavis - Direct

the daily newspapers, for a while. Most of it stopped by the time I started.

By the summer of '93 --

Q. But were you following that and were you familiar with it?

A. I was following it all.

What you began to get, say, from the summer of '93 on

were videos like "The Big Lie" -- "Waco, The Big Lie."

Afterwards, "Day 51," "The Waco Incident," a couple whose names

I don't know. Soldier of Fortune was the most reliable, meaning the most continual, did the most continual coverage during this period.

And different publications that would be identified as

constitutionalist or right wing were always coming up with something. The religious press as well from time to time

something. The religious press as well, from time to time.

Q. You mentioned the constitutionalists or the patriot movement. Are you familiar with that movement?

A. Yes.

Q. Tell me how you became familiar with it.

A. During the siege, I went down to Waco a couple of times, and I ran into those folks. They were having demonstrations. I didn't pay a lot of attention.

But once the building burned down, the survivors didn't have cars, clothes, or housing. And so when I would go down to see the survivors, essentially talked to them about their religion, I would run into people that were providing

Dick Reavis - Direct

them with aid and assistance, helping them restart their lives.

A lot of these people were what I call constitutionalists.

Q. How could you -- how did you learn that they were constitutionalists?

A. They'd tell you pretty quickly.

Q. What do you mean by --

A. They're evangelical. They start telling you about the Constitution.

Q. Are you familiar with the publications that are generally distributed among people who consider themselves patriots and constitutionalists?

A. Yes, ma'am.

Q. Now, Mr. Reavis, you have been asked for -- for your testimony, you have been asked to review some materials, have you not?

A. Yes, ma'am.

Q. And you understand that you will be testifying for the purpose of providing information about the materials that Mr. McVeigh was familiar with and knew about.

A. Yes.

Q. Would you identify the specific materials that you were asked to become familiar with in preparation for your testimony.

A. Ones I was asked to look at: For videos, "Waco, The Big Lie," "Day 51," "The Waco Incident," something that's called

Dick Reavis - Direct

"Day 51 Spliced," which Mr. McVeigh prepared mainly out of "Day 51" and "Waco Incident." Those are the videos.

The written material was the issues of Soldier of Fortune, roughly from February the 28th of '93, through April of 1995, an issue of New American magazine, and a pamphlet called God Rocks.

Q. And you have become familiar with those materials?

A. Yes, ma'am.

Q. Do you know whether or not those materials are generally distributed and well known by the people in the patriot

movement?

A. They either still are or were a year ago.

Q. I'm going to be asking you some specific questions about the events at Waco from February the 28th, 1993, through April the 19th, 1993, as those events are presented and described in the materials that you've reviewed, and I just want to emphasize that these questions will be for the purpose of showing what Mr. McVeigh knew, read, heard about, what information he had; and so unless I specifically say otherwise,

Mr. Reavis, I want you to be sure that you confine your answers

to those materials. And if -- if you add information that is generally known by the public because of -- because it was contained in more mainstream media, it will be necessary and important for you to identify that.

A. Okay.

Dick Reavis - Direct

Q. And I may remind you from time to time, and I will try to frame my questions in a way that it's clear that that's the information that I'm wanting.

And so I'll just -- I know you know that, but I want to emphasize that for you and the jury, that the questions will be limited to those materials.

I want to start out asking you about the people who were living at Mt. Carmel. Now, based on the materials that you have reviewed, tell me what someone reading those materials would have learned about that group. And if there are a variety of stories about them, point that out.

A. I would have learned, first of all, that there had been a religious community living at sites it called Mt. Carmel since 1935; that some of the people who were there on February the 28th had been there as long as 30 years, two and three generations in the group; that David Koresh did not create that organization. Some of the literature follows the mainstream in regarding Koresh and his followers as kooks. Others of it tries to explain them as a split or a denomination of the Seventh-Day Adventist Church, a split-off of the evolution of that.

Q. Now, let me ask you, is there -- are -- is the information that's presented in the three videos about the Branch Davidians and Mr. Koresh somewhat different than the information that is presented in the Soldier of Fortune articles?

Dick Reavis - Direct

A. Yes, ma'am. Soldier of Fortune tended to buy into or

repeat the mainstream media's contention that David Koresh was a kook and his followers were constitutionalists and so on.

The videos especially -- I won't say they took issue with this, but they gave a different explanation. They tried to understand the religion of the people at Mt. Carmel a little bit.

Q. Now, are you familiar with a government agency that's referred to as the BATF?

A. Yes, ma'am.

Q. Would you tell me what that means.

A. I might want to say I'm familiar with it through my readings.

Q. Okay.

A. I've never had any dealings with them personally. The Bureau of Alcohol, Tobacco and Firearms is a subdivision of the Treasury Department whose essential task is to collect taxes on alcohol, tobacco and firearms and to enforce other alcohol, tobacco and firearms laws.

Q. Now, do the materials tell us why the -- and I will be referring to this agency probably as the ATF most of the time -- why the ATF was investigating David Koresh?

A. Yes. Because it believed that people in Mt. Carmel were making -- essentially were making grenades and were converting semiautomatic weapons and turning them into machine guns.

Dick Reavis - Direct

Q. I want to divide -- just for the purposes of the questions that I ask you, I'm going to divide the events at Waco into categories based on time and really take them one at a time, starting with the events on February the 28th, 1993, moving then to the -- what I will refer to as the FBI siege or standoff that took place between March 1 and April the 18th, and then culminating in the events on April the 19th, 1993.

And I'm going to ask you questions about each of those categories starting with the raid.

Would you tell us what happened according to the articles and the videos, and if there's some big differences between the two, point that out, on February the 28th.

A. The -- these materials, the articles and the videos concentrate their attention on the question who fired first.

Q. First let's just describe for the jury what happened.

A. What happened?

Q. Yeah, what happened.

A. Okay. This is fairly undisputed, and I think all sources would say this. On the morning of February the 28th, about 9:30 in the morning, between 75 and a hundred agents of the ATF

came to Mt. Carmel, some of them by air, by helicopter, and some of them in cattle trailers that pulled up on the ground.

They rushed the building intending to enter it and arrest David Koresh and serve a search warrant. As they were

arrest David Koresh and serve a search warrant. As they were rushing the building, gunfire broke out. Four agents of the -

-

Dick Reavis - Direct

a gunfight ensued. It lasted about two hours. Four people from the ATF were killed. Five people who lived in Mt. Carmel were killed by the time that gunfight was over. The ATF then withdrew, and the FBI took over the situation.

Q. Okay. Do the articles and videos provide or address the issue that you started to talk about: How that gun battle or gunfire started?

A. They discuss it in several ways, yes, ma'am.

Q. Tell us what those explanations are.

A. They're generally two -- two forms that the discussion takes in this material, and among anyone who knows much about Waco. The question is who fired first. And the first consideration is was it the helicopters or was it men on the ground.

Q. Would you explain in more detail what the issue about the helicopters is presented as important.

A. This issue was not addressed in the mainstream media. The most that I've seen in the mainstream press is a notation that the helicopters were themselves forced down by gunfire.

Q. Tell us which materials specifically address the fire by the helicopters.

A. The -- I have to look at my notes here -- but the best print source is Soldier of Fortune for October of '93.

Article

called, "What the Feds Don't Want You to Know About Waco."

Q. Is that -- is the article you're referring to marked as

Dick Reavis - Direct

WW15?

A. I assume that it is.

Q. Oh, I'm sorry.

We need to show this to you. I direct your attention --

THE COURT: It is, isn't it?

MS. WELCH: Yes.

THE COURT: There's no dispute about that.

MS. WELCH: And that has been admitted.

BY MS. WELCH:

Q. Mr. Reavis, you'll be able to see the article on the screen.

A. That's it.

Q. Okay. Let's start with that article, and we'll come back to the others. What is this article about?

A. This article is based on an interview with two Texas attorneys, Dick DeGuerin and Jack Zimmermann. These two attorneys represented David Koresh and Steven Schneider, who is

usually identified as a lieutenant of Koresh's. They

represented them during the siege. They went into Mt. Carmel during the siege, examined the building, and interviewed the people inside.

So Soldier of Fortune comes along and talks to them about what they learned from the residents of Mt. Carmel during the siege.

Dick Reavis - Direct

Q. Now, there is a pen up there that you can use to point out places that you're referring to in the article. And I think -

-
and you don't --

A. Is this the pen?

Q. No.

A. Is this the pen?

Q. That's the pen.

THE COURTROOM DEPUTY: Underneath.

BY MS. WELCH:

Q. And don't punch the button. Just touch the screen. We've had some problems with that in the last day or two.

A. Okay.

Q. Let's try it and see if it works. If you would point to the -- there we go. It works.

Okay. Just tell us what that part of the article says.

A. This is a part of Soldier of Fortune's interview with Jack Zimmermann who, as the article points out, in addition to being an attorney, is a Marine reserve colonel and a Vietnam veteran.

Q. Would you summarize that part of the article and point out the passages that are most relevant.

A. Yes, I would like to read from this article. This is where

Zimmermann is saying what he was told inside of Mt. Carmel. Steve Schneider said that the first rounds that were fired at all, the first time that they had any warning that anything was

Dick Reavis - Direct

going to happen, were -- we need to turn the page -- from helicopters. See if I can -- this way I won't forget.

He says: I think the -- was the situation almost happening simultaneously. And then he says there were five people killed inside the building that morning.

If you'll skip a paragraph and go down to the next one

I've marked here. He begins to talk about various individuals who were killed by fire from the helicopters.

He says: There was another fellow who was killed on the top floor, shot through the ceiling, hit while he was

sitting on a bed. Another fellow told us that he was down in the cafeteria and rounds came through the ceiling.

Zimmermann,

whose picture is there, just below that, if you can show it.

Q. Now, how can we remove the -- okay. There we go.

A. Keep on going down. Let's see. All right. That's good enough.

Zimmermann and Dick DeGuerin examined the building -- and in the paragraph I'm circling for you here -- he says: We saw the holes in the ceiling. Dick and I have investigated enough murder cases, and I've fired enough rifles. These were exit holes coming down through the ceiling.

Q. Is there some other print material that talks about the fire from the helicopters?

A. Yes, ma'am.

Q. And what is it?

Dick Reavis - Direct

A. The God Rocks pamphlet, in the chapter called "Day of Infamy."

MS. WELCH: Your Honor, I don't believe this has been admitted. It is marked as WW42, and we move its admission.

MR. RYAN: No objection.

THE COURT: All right. It's received. Again, under the same general concept here that this was material that's identified in Mr. McVeigh's affidavit as something that he saw.

BY MS. WELCH:

Q. Mr. Reavis, this -- who is this pamphlet -- who was this pamphlet prepared by?

A. Young man named Ron Cole, who moved to Waco and lived among the survivors for, I think, five months after this happened.

Q. Now, just before you came in, the jury was shown the video,

"Day 51," and there was a person in that video named Ron Cole. Is that the same person?

A. Same Ron Cole.

Q. Now, would you tell me -- I believe the page that you were referring to is Bates stamped 25970; is that right?

A. That's the page.

Q. Would you point out the passages that talk about the helicopters and that tell us what it says.

A. Paragraph here says that two UH 60L Blackhawks passed overhead so low that Anetta Richards, who was inside Mt. Carmel, thought that one had landed on the roof. These two

Dick Reavis - Direct

helicopters peppered the roof with gunfire and accounted for several casualties. He then mentions some of the casualties:

Peter Gent, who was working in the water tower and Winston Blake was sitting on the bed in his room upstairs eating breakfast when he heard the first shot. Bullets tore through the roof above him and struck him in the head. His body was found later armed only with the piece of still-warm French toast in his right hand.

Q. Now, is there any other print material that specifically talks about fire from helicopters?

A. Yes, ma'am. The June '94 issue of Soldier of Fortune.

Q. And that's previously admitted, WW28.

A. "Judgment Day, Part II" on page 35 and 36, it talks about the testimony of Marjorie Thomas.

Q. Would you summarize the subject of that article.

A. Yes. This article is a report on the trial of the Waco survivors in San Antonio. Marjorie Thomas was a woman who jumped out of the fire on April the 19th. She was so badly burned that her testimony had to be given by videotape. This article quotes her videotape testimony.

Q. Now --

A. She was brought as a witness for the Government.

Q. That's what I was going to ask you. She testified for the Government in the trial of the Branch Davidians; is that right?

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

Dick Reavis - Direct

Q. Would you point out where her testimony is on the page on the screen.

A. Let's see. Can you go to the bottom of that page 35. It begins here. Yeah.

Q. Okay --

A. I think I messed it up where you all can't read it right. I'll read it to you.

Q. Okay.

A. It says: Marjorie -- oh, and it also, this paragraph above

this. It says: Marjorie Thomas, who almost died in the fire, testified that she was in her room with four other women when I

saw my friends looking out the window. The way they were looking out the window was unusual.

And then in the bottom paragraph, as Thomas peered out

to see what had riveted her friends' attention, I saw three helicopters approaching. The one in front had very bright lights shining at us, it was very close. I could see a man leaning out of one side. As it came closer, I heard a sound. It was a bullet coming through the window blinds next to me.

Q. What were the -- and tell me what the article says that the

Branch Davidians were charged with.

A. They were charged with various offenses. The most serious were conspiracy to murder federal agents and the murder of federal agents

federal agencies.

Q. What was the defense, if it's discussed in the article?

Dick Reavis - Direct

A. Essentially that they had been provoked, that it was self-defense, that they didn't fire first.

Q. And were they convicted or -- does this article say whether

or not they were convicted of any of those offences?

A. This article was written before the verdict.

Q. Okay. There are other articles published that you reviewed

that talk about the verdict, are there not?

A. Yes.

Q. And were they convicted of any of those offenses?

A. They were not convicted of murder or of conspiracy to murder. They were convicted of lesser charges, especially using firearms.

Q. Do any of the videos talk about the use by the ATF of helicopters?

A. Yes, ma'am. "Day 51" brings us the testimony of Catherine Matteson and Anetta Richards.

Q. We have played that 51, but there's a very short portion of

it that I would like to play in the context of your testimony. This is VV4, which has previously been admitted.

MR. RYAN: Your Honor, I object. We've just watched an hour-long --

THE COURT: Yes, we've watched the whole thing.

MS. WELCH: Yes, your Honor. We can skip that.

It's

less than a minute.

THE COURT: Well, I'm sure it's well in the mind of

Dick Reavis - Direct

the jury. They just saw it.

BY MS. WELCH:

Q. Would you describe it so they will recall it.

A. Yes. This is the part of the film where Catherine Matteson, probably 74-year-old white lady with sunglasses, talks about seeing the helicopters from her room. And then Anetta Richards, a black lady with a West Indian accent, talks about hearing the helicopters in the roof above -- on the ceiling above her up in the hallway on the second floor, mentions protecting a child.

Q. Now, in addition to the helicopter, in addition to the theory that was presented that the helicopters fired first, you

said the articles and the videos talk about -- present other theories about how the gunfire -- gun battles broke out.

Would

you tell us what those were.

A. When we talk about who fired the first shot on the ground,

and that's the subject, three theories come up.

Q. Would you lean forward, just -- you're getting a little bit

far from the microphone.

A. Oh. One of them was that the first shot was an accidental discharge, that a gun went off, one of the ATF's guns. The other theory is that the first shots were fired by the ATF dog teams at Mt. Carmel's dogs, not at any human beings.

Q. How would that have come about?

A. The ATF had a group of agents assigned to neutralize the

Dick Reavis - Direct

dogs that live at Mt. Carmel.

MR. RYAN: I apologize for interrupting Mr. Reavis, but I can't tell that these were testimony from the materials.

MS. WELCH: I'll rephrase the question.

BY MS. WELCH:

Q. The materials explain that this would have been why the dogs would have been suppressed.

A. Yes.

Q. What do they say?

A. They say that the ATF had a team of agents whose job was to

neutralize the dogs.

Q. Which articles address the first shots on the ground?

A. The article we've just mentioned a minute ago, "What the Feds Don't Want You to Know About Waco."

Q. That's previously admitted WW15.

A. Page 101. There's a continuation of the interview with Jack Zimmermann.

Q. In that article, is Mr. Zimmermann quoted expressing an opinion about how the first shots came about?

A. Yes, ma'am. He says that whenever you conduct an operation

like this, you've got to have a signal to open fire, that sometimes --

Q. But let me -- you say that he's explaining how an operation

like this would have had to take place?

A. That's part of his discussion, yes.

Dick Reavis - Direct

Q. Does the article tell you what his qualifications are that would put him in the position to know?

A. The article says he's a Marine colonel and a Vietnam veteran.

Q. Okay. Continue, please.

A. It says when you've got an operation like this, you've got to have a signal to open fire and that sometimes it's a flare, sometimes it's a whistle, but usually it's somebody fires a shot. And that what the residents of Mt. Carmel told him they thought -- they had heard this apparently from the media, was

that it was an accidental shot from the ATF.

This confirms -- there's a place here -- let's see if

I can mark it -- SOF says this confirms what SOF heard -- SOF being Soldier of Fortune -- within hours of the raid from a source close to the ATF. So this article in effect endorses the accidental discharge theory, that a gun went off, and once that happened, everybody started shooting.

Q. Is there another article that talks about the gunfire on the ground?

A. Yes, ma'am. The "Judgment Day: The Waco Trial," from Soldier of Fortune, May of '94.

Q. That is previously admitted WW27.

A. One of my blue scratches is still on the screen there. Somebody knows how to get rid of it.

Q. We'll get rid of those. This is the article you're talking

Dick Reavis - Direct

about?

A. Yes, ma'am.

Q. Where is the discussion about the gun battle?

A. On page 42.

Q. And where is the information -- where does the information in the article come from?

A. This article is reporting on the testimony that was heard at trial and also in pretrial documents that were discussed at trial. It compares the pretrial reports of two ATF agents with

what they said in court about who fired the first shots.

Q. What do they -- what do they say?

A. It's two agents, Roland Ballesteros and Eric Evers, said in

their statements to the Texas Rangers shortly after the incident that they thought the first shots had come from the dog team. The article points out that in court they said the first shots came from Mt. Carmel. They changed their stories.

Q. Now, who was the first statement reportedly made to?

A. The Texas Rangers, who interviewed the raiders almost as soon as the raid was over.

MS. WELCH: Your Honor, we could break now. It will be a while before --

THE COURT: All right. Well, I was about to ask you.

You're going to go to the next event?

MS. WELCH: We have a video regarding the gunfire on the ground. Would you like for us to finish that before we go

Dick Reavis - Direct

on break?

THE COURT: No, I wouldn't. I'd like to take a recess.

MS. WELCH: Okay.

MS. WELCH: Okay.

THE COURT: You may step down, Mr. Reavis. We're going to take a 20-minute break.

THE WITNESS: Go out this door?

THE COURT: Yes.

Members of the jury, we'll take our afternoon recess at this point for the usual 20-minute period during which, of course, the usual cautions, limitations with respect to what you can and can't do apply.

You're excused. 20 minutes.

(Jury out at 3:25 p.m.)

THE COURT: All right. Recess, 20 minutes.

(Recess at 3:25 p.m.)

(Reconvened at 3:46 p.m.)

THE COURT: Be seated, please.

(Jury in at 3:47 p.m.)

THE COURT: All right. Ms. Welch, you may continue.

MS. WELCH: Thank you, your Honor.

Your Honor, to sort of expedite things, I'd like to move the admission of VV1, which is "Waco, The Big Lie," which was mentioned in Mr. McVeigh's affidavit, so that we won't need to do that when it's referred to in the testimony.

Dick Reavis - Direct

THE COURT: What was it, VV1?

MS. WELCH: 1.

THE COURT: All right.

MS. WELCH: And VV2, "The Waco Incident."

THE COURT: Okay. They're received pursuant to the affidavit.

MS. WELCH: And I have one other video. It's VV6 -- I'm sorry, 5. "Splice, Day 51".

THE COURT: Yes, and that's received, too. As I understand it, that duplicates part of what we've seen, but then there's an addition.

MS. WELCH: Yes. There's an addition at the beginning and at the end of it.

THE COURT: And if you're going to play it --

MS. WELCH: We're not going to play it, your Honor. No, we're not going to play it.

THE COURT: All right. But the witness may be testifying from it; is that it?

MS. WELCH: Yes, your Honor.

THE COURT: All right.

BY MS. WELCH:

Q. Mr. Reavis, just to your right is a list. Do you see that?

A. Yes, ma'am.

Q. It has the articles, the title of the articles, and exhibit numbers.

Dick Reavis - Direct

A. Uh-huh.

Q. And to the extent that you can refer to the exhibit numbers when you, after you've given the article title, it would help. It would help us with the ELMO.

A. Okay.

Q. And it may speed things up and keep me from losing track of where we are.

Now, I believe we were talking about the article's discussion of who fired first on the ground, and I want to direct your attention to WW28, which addresses that subject.

A. Yes, ma'am.

Q. This is an article about the trial, isn't it?

A. Yes, ma'am.

Q. And was testimony given during that trial about the gunfire on the ground?

A. There was.

Q. Would you point out the portion on that article -- in that article that directly discusses the gunfire on the ground.

A. On page 35. Let's see. We'll try to mark it here.

That section there refers to the testimony of Kathryn Schroeder.

Q. And who is Kathryn Schroeder?

A. Kathryn Schroeder was a mother of two children and a resident of Mt. Carmel who turned state's evidence, testified for the Government at the trial.

Dick Reavis - Direct

Q. If you can just summarize it, would you tell us what her testimony was.

A. She says that she was in her bedroom, which was on the first floor, with her two children when she noticed some men jumping out of cattle trailers wearing black or blue uniforms. They came running towards the house shooting. She says at least six rounds came through the window where she was with her children.

Q. Now, the gunfire on the ground's also discussed in the videos; is it not?

A. Yes, ma'am.

Q. And it was discussed, I think, in a couple of places in "Day 51," which was previously played.

Would you just briefly mention the parts in that video where that was discussed.

A. What's discussed in "Day 51" is the report of David Koresh and of a couple of guys who were standing in the hallway and behind him at the front door. Where they say that David told the ATFers, Stop, there are women and children in here, let's

talk, and that shots began coming through the front doors towards David when that happened.

Q. Is there any information in the materials from another source about evidence on the front doors about gunfire?

A. This information in another Soldier of Fortune article, a reference to the front door.

Dick Reavis - Direct

Q. What's it say?

A. It says the front door that Koresh and his people claimed the ATF fired through disappeared, wasn't available at trial.

Q. Is there any discussion in the materials about communications between the Branch Davidians and people on the outside while the raid was going on?

A. Yes, ma'am.

Q. Is that about a 911 call?

A. Yes, ma'am.

Q. Would you tell us where that appears in the materials.

A. The -- it appears several places. This was another major discussion. But this article, "What the Feds Don't Want You to

Know About Waco," talks about it.

Q. Can you tell us what exhibit number. Is that WW15? Okay. It's on the screen?

A. It's on the -- it's the one that's on the screen, I can tell you that.

Q. Okay. That's okay. It's WW15?

A. Let me see what page my notes show. Page 102 should be the

page where. This is Jack Zimmermann, again down towards the bottom of the page. Jack Zimmermann is relating what he was told when he went inside Mt. Carmel. He says, On April the 4th, Wayne Martin told me, I tried to get some help out there. I called 911 while they were shooting at us. I cautioned him to be truthful because these 911 calls are recorded.

Dick Reavis - Direct

So months later, the 911 tape comes up, and guess what, Wayne Martin's on there. And what else do you hear?

I'm in this section now.

Here's Steve Schneider in the background. I recognize

Schneider's voice. He has that Wisconsin accent. And he's saying bigger than life, Here come the helicopters again, they're firing again. That was done in the first two minutes of the attack.

Q. Is the 911 tape talked about in God Rocks?

A. Yes, ma'am.

Q. God Rocks reproduces a part of the 911 call. That's previously admitted '42, VV42 -- I mean WW42.

A. It's the page that's on the screen there: If you look at the first, at the top of the page.

Do you want me to read it?

Q. No, that's okay. Just show it.

Do any of the videos play the 911 tape?

A. Yes, ma'am. "The Waco Incident" plays a section of the 911 tape that's roughly the same as the one that's shown on this page.

Q. We'll play a portion of VV2.

(Excerpt from Exhibit VV2 played.)

BY MS. WELCH:

Q. How long did the raid last?

A. About two hours.

Dick Reavis - Direct

Q. Do the materials say to what extent the ATF trained for the raid?

A. Yes, ma'am.

Q. What do they say?

A. Well, they say that the ATF had about three days of training at Fort Hood at an Army base.

Q. Is there any discussion about whether or not they made any preparation or training for a peaceful raid -- or a peaceful serving of the warrant?

A. The articles say that they did not rehearse any peaceful entry.

Q. Now, is the raid criticized on the basis of the belief that it wasn't necessary?

A. Quite a bit.

Q. What are the reasons given for that criticism?

A. Well, one of them is that there was evidence to support the idea that Koresh had invited the ATF to come look at his guns.

Another is that it was discovered that Koresh was always outside of Mt. Carmel and could have been arrested there

away from the women and children and the other people.

Q. Where do the videos talk about whether or not Koresh could have met with them before the raid?

A. Yes, ma'am.

Q. Could you tell me what video that is?

A. "Waco, The Big Lie" talks about Koresh's invitation to the

Dick Reavis - Direct

ATF to look at his guns.

Q. And we won't play that excerpt, but tell us where in the materials it talks about it.

A. Soldier of Fortune devoted a whole article to this called "Waco: Behind the Cover-Up." November of '93.

Q. WW18. Is this the article?

A. That's the article. On page 36 and 37 gets into the heart

... that's the article. On page 56 and 57 goes into the heart of it. 37 would be the next page.

Q. Can you tell us who McMahon is.

A. This is an article drawn from two days of interview with Henry McMahon and his common-law wife, Karen Kilpatrick, whose pictures are shown here. These people operate something called

Hewitt Handguns. They were Koresh's gun dealers.

Q. And what do those articles say about him?

A. The article says that the ATF came to visit them, two agents, one Jimmy Skinner and the other Davey Aguilera, on July the 30th of 1992. And I will read from a section of this article. Let's see.

Right in here. It says: While Skinner and Aguilera pored through McMahon's records, the dealer excused himself and

telephoned Koresh. I told him there were ATF agents at my house asking a lot of questions about him, McMahon said. He said, If there's a problem, tell them to come out here. If they want to see my guns, they're more than welcome. So I walked back in the room holding the cordless phone and said,

Dick Reavis - Direct

I've got Koresh on the phone. If you'd like to go out there and see those guns, you're more than welcome to. They looked at each other, and Aguilera got real paranoid, shaking his head

and whispering no, no, so I went back to the phone and told David they wouldn't be coming out.

Q. Now, is there any discussion about whether or not David Koresh could have been arrested outside the Branch Davidian residence?

A. Yes, ma'am.

Q. Would you tell me where that appears.

A. In an article, June, 1993, in Soldier of Fortune called "Gun Gestapo's Day of Infamy".

Q. WW6, is that the article --

A. That's the article.

Q. -- on the screen?

A. Yes, ma'am.

Q. Who were the "Gun Gestapos"?

A. That's a reference to the ATF.

Q. Okay. Tell us what this article says.

A. On page 63, Soldier of Fortune reproduces the findings of the local newspaper, the Waco Tribune-Herald. Waco Tribune-Herald, this is all in this section of the article in here.

Q. You could point it out, but would you summarize it.

A. Yes, ma'am. The Waco Tribune-Herald found a businessman

Dick Reavis - Direct

who showed that Koresh had been in his business on January the

5th. He had found the owners of Chelsea Street Pub, club there in Waco, who said that Koresh had been coming in twice a month through February and had found an auto parts dealer who showed a receipt saying that Koresh had been in his auto parts shop on the 22d of February, six days before the raid.

Q. Now, does the video -- I'm sorry, go ahead.

A. The article also quotes the ATF as saying that Koresh wasn't leaving Mt. Carmel's. The ATF's report, on one hand; the report of the Waco Tribune-Herald, on the other.

Q. Does the Waco incident, VV3, report that David Koresh could have been arrested jogging before the raid was commenced?

A. There's a section of that film that shows the undercover house where the ATF was watching Koresh, about 300 yards from Koresh's front door. The video says that Koresh went jogging three times a week and that he ran past the undercover house when he did.

Q. Now, I want to turn briefly to the military assistance that was provided the ATF, according to this material. What does it say that they got from the military?

A. Two things: Training at Fort Hood and the helicopters used in the raid.

Q. Do the articles criticize that?

A. Yeah, quite a bit.

Q. Can you tell us why.

Dick Reavis - Direct

A. For two reasons: One, the general position of Soldier of Fortune is that the military should not be used against civilians. Secondly, the ATF claimed that it was making a drug raid in order to get military assistance, and there was no grounds for saying that it was making a drug raid. It's a fraudulent claim.

Q. We'll play a portion of "The Big Lie," VV1, which discusses this, and it's a very short excerpt.

MS. WELCH: It's VV1 -- I'm sorry, it's VV2. "The Waco Incident."

(Excerpt of Exhibit VV2 played.)

BY MS. WELCH:

Q. Was there any evidence at all at the Branch Davidian trial, based on what you read in these trials, that there was drug activity at Mt. Carmel?

A. No, ma'am. The articles point out that there was never any testimony about drugs at Mt. Carmel during the trials and that the toxicology reports performed on the people that died at

Mt. Carmel didn't turn up a trace of drugs in any of them.

Q. I want you to look at WW26, which is on your screen, which is the May 1994 article.

A. Yes, ma'am.

Q. And tell me what this article says. Summarize it, if you would.

A. This article talks about the sorts of training that was

Dick Reavis - Direct

provided to the ATF by Green Berets and other Army personnel at Fort Hood and talks about the basis of it. It says that Soldier of Fortune, the New York Times, and other people ask in the press conferences if there was a drug connection at Mt. Carmel, and they were told no and no, and then the ATF changed its story and says, Well, we think there's a methamphetamine lab. And then down in this corner of the article here, if I'm looking at it right -- can you go to the bottom of the article?

Yeah.

In this paragraph here, it says that Soldier of Fortune was told by a source close to the ATF that the whole idea of drug labs at Mt. Carmel was made up out of whole cloth.

Q. In the general mainstream media, is there any discussion or information that was presented during this period of time to show that there was a drug lab?

A. There had been a drug lab at Mt. Carmel in 1987, and this was mentioned time and again in the mainstream media. Also it was mentioned, I think, mostly -- quite often in the mainstream

media that when Koresh had found out about that, he had called the county sheriff's office.

Q. Now I want to turn to the period of time from March 1 through April the 18th, which I'll be referring to as the standoff or the siege that took place after the FBI replaced the ATF. And I'd like for you -- well, first, is it accurate

Dick Reavis - Direct

to say that the articles criticize the FBI because they chose military tactics over negotiation tactics?

A. Yes, ma'am.

Q. Now, would you tell us what the articles and the videos describe as military tactics.

A. They talk a lot about the destruction of property, about tanks running over the vehicles at Mt. Carmel and over the children's bicycles, for that matter. They also talk about the

use of stadium lights to -- what's the word -- prevent darkness

at Mt. Carmel and of the use of big speakers to play the

at Mt. Carmel and of the use of big speakers to play the sounds of rabbits being slaughtered and Tibetan chants and Nancy Sinatra songs to keep the people at Mt. Carmel from sleeping. This was called psychological warfare.

Q. How long did this go on?

A. This went on all through the month of -- most of the month of March and until April 19.

Q. Do you know from the articles when the electricity was turned off?

A. I believe they will say it was turned off March 9 or 10 for the first time.

Q. We'll play a portion of VV1, "The Big Lie," that talks about the use of -- is the term "psychological warfare," the term that's used in the literature?

A. Almost in a -- yes, ma'am, that's the term used.

Q. Does that come from the FBI, or is that -- does that term

Dick Reavis - Direct

come from the authors of the article?

A. It comes from the press, the mainstream press.

Q. Okay. I believe this tape will describe the tactics that you have just described from the articles.

MS. WELCH: It is a very brief excerpt.

(Excerpt of Exhibit VV1 played.)

BY MS. WELCH:

Q. Now, is that same information reported in God Rocks?

A. Yes, ma'am.

Q. I want to call your attention now to WW23, the article entitled "Executions or Mercy Killings." And wait till we get it on the screen, and then I will ask you to tell us what it is.

Okay. Just summarize the article for us and tell us -- tell us what's included in it.

A. This is an article that tries to cover two subjects. The first one was the Department of Justice's report issued in the fall of 1993 about what happened at Waco. The second is a report by an independent reviewer whom the Department of Justice engaged, Dr. Alan Stone -- that's his picture there -- who sits on the law -- both the law and the medicine faculties at Harvard.

Q. And what -- what is the -- summarize the content of the article.

A. Dr. Stone says that when he went to determine what happened

Dick Reavis - Direct

at Mt. Carmel, he wound up talking to the FBI's behavioral specialist, its psychologist. And they told him, Look, Alan, we tried to tell the tactical people, the guys in the tanks, we

tried to tell our commanders that you have to negotiate your

way out of this. Nobody would listen, and they made us
rewrite

our memos so that it looked as if we favored the use of
military tactics.

Q. Direct your attention to page 87.

A. Yes, ma'am.

Q. Would you point out the part -- the part of that page that
directly addresses the use of the psychological warfare.

A. I'm having a hard time seeing on this screen. I think
it's

right -- right here. It's a paragraph where quoting Stone or
quoting Stone's report, What went wrong at Waco was not that
the FBI lacked expertise in behavioral science or in the
understanding of unconventional religion groups, rather the
commander on the ground and others committed to tactical,
aggressive, traditional law enforcement practices disregarded
those experts and tried to assert control and demonstrate to
Koresh that they were in charge.

Q. Who were the experts that he was talking about that were
disregarded?

A. Well, he mentions two of them in this article. Dr.
Smerick

is, I suppose, the best known of the -- the best known one,
Peter Smerick; the other one is Mark Young. They're two

Dick Reavis - Direct

psychologists who worked for the FBI.

Q. What were their recommendations, according to the article?

A. Their recommendations were that you should not be using
psychological warfare, closing the perimeters, destroying the
vehicles of the Davidians and so on, that that was not
conducive to bringing about a peaceful resolution.

Q. Now, does the article say -- give the date of that
recommendation?

A. Yes, ma'am. On page 63 it talks about a March 5 memo in
which the psychologists made this recommendation and urging
several techniques that would help negotiations. And then on
the opposite page, right above this photo, yeah, right in
here,

it says that they were told to rewrite their memo. I think by
Dick Rogers, by Richard Rogers, the article says, who had been
in charge of the FBI's operation at Ruby Ridge.

Q. Let's turn now to April the 19th, which is the end of the
siege and the day of the fire in 1993 at Waco. Would you
summarize for us the events that took place on April the 19th,
1993.

A. Yes, ma'am. About 6:00 in the morning the FBI began
gassing Mt. Carmel.

Q. What do you mean?

A. Its procedure was to use CEV vehicles, which are modified
tanks, to knock holes in the wall and to shoot a mixture of
CS,
methylene chloride, and carbon dioxide into the walls, into
the

Dick Reavis - Direct

building. This went on for about 10 minutes, a little less than 10 minutes --

Q. How were they knocking the holes in the wall?

A. They had booms built on the front of those tanks, like an A-frame boom, and they'd poke that boom inside the --

Q. Where is this reported?

A. It's reported in many places. In the videos, in "The Big Lie." It's reported in "Day 51" -- no, in "The Waco Incident."

And it's reported in various Soldier of Fortune articles.

Q. Is it fair to say that they're pretty critical of the FBI's

actions on April the 19th?

A. Oh, yes.

Q. Would you list the major criticisms?

A. Well, first of all, that CS should not have been used at all in a building where there were -- inside a building (a) and

inside a building where there were children; that the Government should not have knocked holes in the building by driving tanks into the building as it did, and that the Government probably either through negligence or malfeasance started the fire in the building.

MS. WELCH: We will play a short segment from VV1. This will discuss the injection of CS gas and the effect of CS gas on soldiers in training.

(Excerpt of Exhibit VV1 played.)

BY MS. WELCH:

Dick Reavis - Direct

Q. Mr. Reavis, the next segment from a video will come from "The Waco Incident." It's labeled on your list as "segment."

MR. RYAN: Your Honor, I object. Just, you know, summarize the article, then we read the articles, then --

THE COURT: Objection overruled. Go ahead.

BY MS. WELCH:

Q. Does this tape we're about to play talk about risks that were posed for the children who were inside Mt. Carmel?

A. Yes, ma'am. This question of the tear gas is fairly complex. It talks about the probable effects of the gas on the

children. It talks about the Ferret rounds, which is escalation of the tear gas plan. Once they poked the holes and

that didn't work, they began shooting rockets full of CS and methylene chloride through the window of Mt. Carmel.

Q. Can you tell us what a Ferret round is?

A. It's a little plastic rocket about 6 inches long filled with CS and methylene chloride, an ingredient in paint thinners; and when you shoot it into something, it breaks and disperses that fluid that CS, you know, to the surroundings

disperses that fluid, that CS, you know, to the surroundings.

Q. Do we know from the video or the articles how the Ferret rounds were shot about the building?

A. Yes, with a grenade launcher, with grenade launchers from the Bradley tanks.

Q. Okay. We'll play that segment from "Waco Incident," and it's very short.

Dick Reavis - Direct

A. I think this also talks about a child welfare worker named Joyce Sparks, who was supposed to process the children once they came out.

(Excerpt of Exhibit VV2 played.)

BY MS. WELCH:

Q. Mr. Reavis, I direct your attention to WW23, which is -- which discusses Dr. Stone's report. Does his report also refer

to the use of CS gas by the FBI?

A. Yes, ma'am.

Q. And what does he say about it?

A. On page 86 and 87, there's this, there's a long quote from Stone. Here's the part of it that's on 86. It says: "The FBI

agents did not adequately consider the effects of these tactical actions on the children. I can testify from personal experience to the power of CS gas. Ironically, while the most compelling factor used to justify the Waco plan was the safety of the children --" and you have to turn the page here "-- the insertion of the CS, in my opinion, actually threatened the safety of the children. I find it hard to accept a deliberate plan to insert CS gas for 48 hours in a building with so many children. It certainly makes it more difficult to believe that

the health and safety of the children was our primary concern. As a physician, I have concluded there are serious unanswered questions about the basis for the decision to deploy toxic CS gas."

Dick Reavis - Direct

Q. Now, you mentioned another criticism in the articles concerning the FBI's use of tanks to knock down and destroy the

residence and the church. Could you tell us what they say about how that took place.

A. "After no one came out of the building, first from the holes where the CEVs poked in shooting gas and secondly from the Ferret rounds, at about 11:00 in the morning, the government began to run tanks into the building. The tanks just drove in. When they did this, they collapsed stairways, pushed debris -- filled hallways with debris, knocked down the gymnasium, and covered up a trap door that people could have used to escape from."

So the literature says that the FBI was deliberately

trying to prevent escapes, trap those people in there.

MS. WELCH: We will now play a portion from "Waco Incident" that deals with the destruction of the building by the tanks. This is Exhibit VV2, or a portion of it.

(Excerpt of Exhibit VV2 played.)

BY MS. WELCH:

Q. Mr. Reavis, I'm going to direct your attention to WW22, and it will appear on the screen in a minute.

A. Uh-huh. Yes, ma'am.

Q. Tell me what that is and summarize the information in this article.

A. This is an article called, "Waco Whitewash Continues," in

Dick Reavis - Direct

which Soldier of Fortune deals with the Department of Justice's account of the destruction of the building and the fire in some sense. And also talks about what we call the "cops' video," a rendition of the -- of an infrared tape made of Mt. Carmel. This is getting technical. But it's discussing the destruction of the building and the fire.

Q. Okay, well, summarize for us and describe for us the information in this article and refer to the pictures.

A. If you'll look -- if you can move the page where we're not -- that page is off and on, but we're not looking at Texas, but we're looking at the pictures beneath it. There you go.

On the left, there is a photo of Mt. Carmel with the gym poking out. That's what you see poking out right here on the left, which is shot at 11:55. After the tanks had finished driving in and out of that gym, you get the photo on the right shot at 11:59; and as you can see, the gym is gone. It's collapsed. Its roof is right down here.

Q. Does the article make any point about that or say that it's significant for any reason?

A. Yes, ma'am. If you will turn to page 58, there will be some -- even some photos to help explain this.

Here is the collapsed gym at Point C, B and C right in here. And if you'll look at the next photo, there's a little flash right there. That flash appeared on an infrared film right after the roof collapsed. The photo on the right is

Dick Reavis - Direct

12:04. The photo on the left is 11:59. What the article says is that that flash -- the allegation is that that's the start of the fire that burned down Mt. Carmel and that that fire

started in an area that the tanks controlled, because they'd just made it impossible for any human beings to be in that gym.

The article also refers to the Department of Justice's own admissions about the destruction of the building. DOJ admitted that falling debris posed a hazard to those people, though it doesn't say, as the literature does, that it killed some of those people. The Department of Justice admitted that their tanks knocked down stairways and admitted that they knocked down the gym.

Q. You mentioned the fire, and I think that was another criticism that you had listed, how the fire was started. I want to refer you to "The Big Lie." I'm not going to play it. But I want to refer you to the video, "The Big Lie," which is VV1. Is there a theory in that video about how the fire started?

A. Yes, ma'am.

Q. And what is it?

A. "Waco: The Big Lie," says that flame-throwing tanks started that fire.

Q. Now, the theory that you just mentioned: Is that the same theory as the --

A. No, ma'am. In fact, this article deals with the theory of

Dick Reavis - Direct

Linda Thompson that flame-throwing tanks started the fire; and it says that that's not true.

Q. What is the general perception among people in the patriot and constitutionalist movement concerning the theory in "Day 51" and the flame-throwing tanks?

A. The theory in "Waco: The Big Lie," or flame --

Q. Yes.

A. It's discredited today. When that tape first came out, a lot of people looked at it and believed it; but as Soldier of Fortune and other people investigated the causes of the fire, they discredited that theory.

Q. Now, do the other videos talk about how the fire started from other perspectives?

A. Yes, ma'am. This business of the fire is the most complex discussion in the whole Waco scenario.

Q. Would it help if we turned first to WW10, which is an article from the July 1993 Soldier of Fortune.

A. Yes, ma'am. I think it would.

Q. And why don't you explain to us what this article says.

A. Well, this is Soldier of Fortune's attempt to account for the end of Mt. Carmel, for the fire of April the 19th. If you'll look on page 39 -- and I'll just summarize this. But this section here talks about the history of fires in law enforcement. And what it says is that there's a long history of buildings that have been gassed, all of a sudden catching

Dick Reavis - Direct

fire.

It mentions the Symbionese Liberation Army house in LA in the '70s and the Move house in the '80s in Philadelphia. Then it goes back on page 41 and asked why the FBI wouldn't let fire trucks come to Mt. Carmel and then proposes a, I suppose you would say -- an answer in this section here. Soldier of Fortune says a man came to them and told them the following thing; this is what their source said. "The FBI strikes again. I've taught their sniper teams, I've taught their S.W.A.T. teams. I'm flat here to tell you every time they really want to hurt somebody, they use tear gas. They use pyrotechnic burning devices, they do it intentionally. I've been there when they did this."

Q. What are pyrotechnic devices?

A. Flash grenades are a common form of that, and those were used by both the ATF and FBI at Mt. Carmel. They start fires.

Q. Okay, now we'll play the portion of the video, of "Waco Incident" that you referred to. Is there anything else that you need to tell us before we do that?

A. Yes. I think the whole discussion of the fire is highly technical. It involves whether or not methylene chloride set up an atmosphere that made -- conducive to combustion; whether or not CS gas produces cyanide that kills people when it's burned. How do I say this? It all gets very technical real quick.

Dick Reavis - Direct

Q. So we're only going to play a small portion of a very long discussion.

This is from "The Waco Incident." This is Gordon Novell discussing CS gas. Would you explain what we're getting ready to see.

A. Gordon Novell is a private investigator talking about the involvement of C -- talking about what happens when CS gas is burned or when CS is burned because CS is a powder.

Q. It's from the Waco incident?

A. Yes, ma'am.

(Excerpt of Exhibit VV2 played.)

BY MS. WELCH:

Q. What -- is there any other material that talks about the combination of CS gas and the fire?

A. I think that "The Waco Incident" gives the best account of that. It gives more than 10 minutes, which is just like what you've seen. It's like being in a college classroom.

Q. Okay. We'll play another portion of Gordon Novell's lecture. This is from "The Waco Incident."

(Excerpt of Exhibit VV2 played.)

BY MS. WELCH:

Q. Do the articles discuss whether or not anyone tried to escape from the fire?

escape from the fire.

A. Yes, ma'am.

Q. Would you tell us what they say?

Dick Reavis - Direct

A. They say that nine people escaped from Mt. Carmel but that no one came out alive from the back or black side, because FBI agents were shooting on that side, which was not visible to the

TV cameras.

Q. Where is that discussed?

A. It's discussed by Ron Cole in "Day 51."

Q. Would you summarize for us what that shows.

A. Ron Cole is reporting on what he was told by the survivors,

some of whom told him that some people tried to get out on the black or back side, and that when they did, they were fired upon by the FBI.

Q. Does it appear anywhere else in the print material?

A. It appears also in Ron Cole's pamphlet, in the chapter called "The Day Liberty Died."

Q. Mr. Reavis, do the articles or the videos talk about and criticize anything concerning the attitude of the FBI or the ATF both during and following the siege, the raid, the fire?

A. Yes, ma'am.

Q. Can you give me some examples of the things that are mentioned?

A. They mentioned in one of the videos, for example, "Day 51" or "The Waco Incident," that the FBI agents were mooning the people at Mt. Carmel just for fun. Soldier of Fortune reproduces what are called "trophy pictures," pictures of FBI agents -- how do you say? -- posed while Mt. Carmel was burning

Dick Reavis - Direct

in the background. And all of the sources talk about the ATF raising its flag over Mt. Carmel once the fire was put out, before the bodies were removed.

Q. Direct your attention to WW13. And explain -- would you -

-

can you see this? And describe it.

A. This is a picture of the ATF flag right here, which was raised over Mt. Carmel as soon as they could get in there, on -- about 2:00 on the afternoon of April the 19th. And the caption says that these men that you see here in the front -- they're carrying a body bag. They're removing bodies from Mt. Carmel. These are agents. And it says: "The ATF banner waves below colors of the Lone Star State; but where is the glory?" This raising of the flag was inflammatory.

Q. We're going to play a portion of "The Big Lie," which also addresses this same subject.

(Excerpt of Exhibit VV1 played.)

BY MS. WELCH:

Q. The Department of Justice issued a report that's discussed in the article by Dr. Stone, didn't they?

A. Yes, ma'am.

Q. And in that article, it's been mentioned in testimony earlier, it discusses the appointment of independent investigators, one of whom was Dr. Stone. Did those people ever have a time to confront and question the FBI officials regarding what happened?

Dick Reavis - Direct

A. Yes, ma'am. The article says Dr. Stone says -- the article quotes him: "We asked them to tell us what they thought they'd done wrong. They went around the table one by one. They said they didn't think they had done anything wrong."

MS. WELCH: Your Honor, may I have just a moment?

THE COURT: Yes.

BY MS. WELCH:

Q. Mr. Reavis, you have --

MS. WELCH: Excuse me just a minute, your Honor.

Could you make sure that the video is only on the local.

THE COURTROOM DEPUTY: Yes.

MS. WELCH: And remove the audio.

THE COURTROOM DEPUTY: Okay.

BY MS. WELCH:

Q. Mr. Reavis, have you watched the video splice in "Day 51"?

A. Yes, ma'am.

Q. And portions are added to "Day 51", are they not, at both the beginning of the tape and the end of the tape?

A. Yes, ma'am.

Q. And do you recall what appears at the beginning of the tape that was spliced onto it?

A. It seems to me it's a discussion of military involvement.

Q. And is there something that appears both at the beginning of that tape and at the end? Do you recall a song?

Dick Reavis - Direct

A. A song.

Q. And what does it discuss?

A. The song is called "17 Little Children." It's about the children who died at Mt. Carmel.

Q. And it appears both at the beginning and at the end?

A. I think it does.

Q. And that's from "The Waco Incident"?

A. It's from "Splice."

Q. But, I mean, the song is taken -- the song on "Splice" is taken from the end of "Waco Incident"?

A. Yes, it is, "Waco Incident."

MS. WELCH: We'll play that portion of the tape,

your
Honor.

(Excerpt of Exhibit VV2 played.)

MS. WELCH: No other questions, your Honor.

THE COURT: Mr. Ryan, do you have some questions?

MR. RYAN: Yes, your Honor.

THE COURT: All right.

CROSS-EXAMINATION

BY MR. RYAN:

Q. Mr. Reavis, my name is Pat Ryan. I'm the United States Attorney in Oklahoma City.

A. Howdy.

Q. We've never met. Is that so?

A. I'm not sure.

Dick Reavis - Cross

Q. Have you ever written for any kind of a major newspaper?

A. Yes, sir.

Q. Have you been employed by a major newspaper?

A. Yes, sir.

Q. What major newspaper were you employed by?

A. San Antonio Light.

Q. When were you employed there?

A. 1990 to 1992. It was a correspondent in Monterey in Mexico. I've written for the New York Times, Los Angeles Times, Chicago Tribune, so on.

Q. My question was employment, sir.

A. Sir?

Q. My question was about employment.

A. Before that, you asked me if I'd ever written for a major newspaper.

Q. Your work has been largely critical of law enforcement, hasn't it, the last few years?

A. On the issue of Waco, yes.

Q. Some would say you have a bias.

A. Well, yes.

Q. Excuse me?

A. Some people would say that. The ATF would say that.

Q. Well, law review articles would say that, too, wouldn't they? Law review articles would say that as well, wouldn't they?

Dick Reavis - Cross

A. To my knowledge, no.

Q. Are you familiar with the fact that the Military Law Review

stated that the reader must contend with your antigovernment bias, a task that they found insurmountable?

A. Hadn't read that review.

Q. How about the Washington Post describing your work as a loosely woven and often loosely documented account of events containing thousands of details, many quirky and insightful, others ridiculous?

OTHERS RIDICULOUS:

A. I would like to -- could you introduce that?

Q. Excuse me?

A. Could you introduce that review?

Q. I certainly could.

A. Please do. Then I would like to see it.

Q. Mr. Reavis, you're the witness here.

A. Yes, sir.

Q. I'm going to ask you questions, okay?

A. Well, what I'm saying is you're asking me about a review that I think was favorable for me, and I think you may be quoting some section that wasn't, so I would like to -- as I say, I'd like to see the document that you're referring to.

Q. Tell you what, Mr. Reavis, I will provide it to your

defense counsel and they can show it to you after court today.

A. Okay.

Q. Now, you were asked to come in here today and summarize

Dick Reavis - Cross

some information for us, weren't you?

A. Yes, sir.

Q. Summarize some articles, summarize your videos?

A. Yes, sir.

Q. And you realize I can't cross-examine videos, can I?

A. No, sir.

Q. And I can't cross-examine a written article.

A. I guess not.

Q. I have to rely on you to be fair in your presentations.

A. I'm pretty fair.

Q. You haven't done that, have you?

A. I have been.

Q. When you talked about the article about the Justice Department review, you left out the fact that nine of the ten reviewers found no fault with the actions of the FBI, didn't you?

A. I think that would be eight.

Q. All right. Eight, you left that out. You talked about one, the findings of one man, didn't you?

A. I talked about what the articles reported on.

Q. Well, that was in the article.

A. If you would like me to discuss the Justice Department report, I will, but these articles --

THE COURT: Mr. Reavis.

THE WITNESS: -- focus on Mr. Stone.

Dick Reavis - Cross

THE COURT: Mr. Reavis.

THE WITNESS: Yes, sir.

THE COURT: Please answer the question.

BY MR. RYAN:

Q. The article that referenced Dr. Stone reported on the fact that all the other members that were consultants did not find

fault in the FBI report.

A. Yes, sir.

Q. And you didn't tell us about that, did you?

A. No, sir.

Q. And you didn't tell us about the fact that even Dr. Stone himself felt the fires were not started by the FBI?

A. At that point -- no, sir, I did not.

Q. And there were court findings that are reported in these Soldier of Fortune magazine articles from the Waco trial, aren't there?

A. Yes, sir.

Q. In fact, you wrote one of the articles and reported in some detail about the findings of the federal judge that presided over the Waco trial, what he said at the conclusion of all the evidence.

A. I did.

Q. And that -- the things that that federal judge concluded after listening to the evidence are quite different than the things that you've talked about this afternoon.

Dick Reavis - Cross

A. Absolutely.

Q. And you didn't tell us about that when you were summarizing these materials, did you?

A. No, sir.

Q. Now, we heard or we saw this afternoon repeated excerpts from "The Big Lie." Do you recall that?

A. Yes, sir.

Q. We probably saw seven or eight different -- different excerpts from that video. And you know that Linda Thompson is the producer of that video, don't you?

A. I do.

Q. And you know that Linda Thompson is a lawyer that operates out of a shopping center mall next to a Domino's Pizza, don't you?

A. I do not know that she was next to Domino's Pizza.

Q. You knew that she really didn't practice law, rather that she operated the American Justice Federation?

A. I knew that she operated the American Justice Federation.

Q. And you knew that her main product was selling antigovernment tapes?

A. I do not know that that's her main product, though I know she sold her tapes.

Q. Are you aware of the fact she believes that the United States is being taken over by a world government?

A. I would not be surprised by what she preaches.

Dick Reavis - Cross

Q. Would you agree with her?

A. No, sir.

Q. Are you aware of the fact that she believes that Waco was a conspiracy of the New World Order?

A. I wouldn't be a bit surprised.

Q. Have you not heard that?

A. About Linda Thompson?

Q. Yes.

A. Probably I've heard that.

Q. That black helicopters follow her and her family everywhere?

A. I've heard that.

Q. One of the -- have you watched "The Big Lie" throughout?

A. Oh, yes, sir.

Q. And one of the -- what's at the end of "The Big Lie"? What does it say?

A. It gives the address of the American Justice Federation, I think.

Q. What does it do before that?

A. I don't know. I don't recall.

Q. See if this refreshes your recollection. Does it say that if you believe a truly thorough and independent investigation should be conducted, contact your representative or senator?

A. It does say that, yeah.

Q. Nothing said in there about taking violence?

Dick Reavis - Cross

A. No.

Q. Now, I understand you have -- have you spoken to Mr. McVeigh?

A. Yes, sir.

Q. And when did you do that?

A. December of '95.

Q. Have you spoken to him just the one time?

A. No, I spoke to him -- I guess you could say I spoke to him, sometime this spring. Maybe April.

Q. April '97?

A. Yes, sir.

Q. And where -- what was the occasion for you to speak to him in December of '95?

A. I was trying to interest him in me doing a book about Oklahoma City.

Q. What about in April of '97?

A. No, I was showing him a video.

Q. What video were you showing Mr. McVeigh?

A. A Waco video, "The Rules of Engagement."

Q. What was the purpose for you showing him that?

A. I wanted to know what -- what he thought of it.

Q. What else did you show him?

A. That's it.

Q. Did you talk about the materials that he had reviewed?

A. No, sir.

Dick Reavis - Cross

MR. RYAN: Excuse me, Mr. Mackey.

I'll come back to it later.

BY MR. RYAN:

Q. Are you aware of the fact that a pleading was filed in this case that referred to the fact that you had a discussion with Mr. McVeigh concerning the materials that he had read or reviewed?

A. I'm not sure I understand the question.

Q. Do you know what a pleading is, a court paper?

A. It's a legal paper.

Q. Court paper.

A. Uh-huh.

Q. Are you knowledgeable about the fact that a court paper has been filed in this case talking about the fact that certain matters were talked about --

MS. WELCH: Your Honor.

BY MR. RYAN:

Q. -- regarding you and Mr. McVeigh?

THE COURT: Sustained.

BY MR. RYAN:

Q. Were you in court yesterday --

A. No, sir.

Q. -- to hear the testimony of any of the witnesses?

A. No, sir.

Q. If a person was truly wanting to find out information and

Dick Reavis - Cross

factual information about what occurred at Waco, what kind of source material would they have at their disposal?

A. My book would be the best thing.

Q. Other than your book, Mr. Reavis, where might one look?

A. There's a book by James Tabor and a man named Gallagher, and there's a new book by David Kopel and a man named Blackman called No More Wacos.

Q. Have there been some documentary information that was published back in '93?

A. You're probably referring to the Department of Justice report and the Treasury report.

Q. You were wanting to obtain information on this matter of Waco, were you not?

A. Yes, sir.

Q. And in connection with your wanting to seek out that information, did you obtain a copy of the Justice Department report?

A. Yes, sir.

Q. How about the Treasury report?

A. Yes, sir.

Q. And were those both -- both of those documents were reported on in Soldier of Fortune, were they not?

A. Yes, sir.

... 100, 511.

Q. And have you written articles about those documents?

A. I don't think I've written any articles about those

Dick Reavis - Cross

documents. I dealt with them in my book.

Q. Are you still interested in writing another book about this?

A. No, sir.

Q. Are you going to write another book -- are you going to write a book about Tim McVeigh?

A. I don't think so.

Q. Have you ever stated that?

A. Yes, sir.

Q. Excuse me?

A. Yes, sir.

Q. Tell us about that.

A. Stated that I wasn't going to write a book?

Q. That you were going to.

A. Oh, yes, sir. Early on I had wanted to.

Q. Now, you repeatedly, I take it from what you testified, have watched the various videos, "The Big Lie" and "The Waco Incident" and "Day 51."

A. Yes, sir.

Q. And as a journalist, you know that things can be done, if someone has an agenda, to have a video like that turn out pretty much any way they want.

A. Yes, sir.

Q. Dramatic music, for example, can be played at times when law enforcement officers appear on the video, to give the

Dick Reavis - Cross

special effect of that.

A. Happens on TV all the time.

Q. Happens on videos about Waco, too, doesn't it?

A. It does there, too.

Q. That people can be selected to talk about a certain viewpoint on that video and others excluded.

A. Happens. And those videos and on television every day.

Q. And in "Day 51," the video that we watched today, does that

very thing, does it not? It interviews and basically presents a story through 11 Davidians.

A. It presents a story through the survivors, yes.

Q. Three of whom were convicted -- are now convicted felons?

A. Let's see, Ruth Riddle. Who else is convicted?

Q. Branch and Fanta.

A. That's right.

Q. One line can be selected from a report and the rest excluded.

A. Yes, sir, that's the practice of journalism.

Q. And the same is true with an interview, a person can be interviewed for several hours, and a video such as these

videos

such as we've seen, one line can be selected from that interview and be shown on that videotape.

A. Absolutely.

THE COURT: We're at 5:00, so we're going to recess. Mr. Reavis, you can step down. We'll return at 9.

THE WITNESS: Okay.

THE COURT: Members of the jury, you also will be again excused of course consistent with our normal work hours; and again also consistent with our normal work practices and your normal work practices, please continue to be open-minded, remembering that now we're close to getting this matter to you, it hasn't happened yet. And in addition to some additional testimony, there will be of course the arguments and the instructions. So we're not there yet. Please bear with us, be patient, be open-minded, avoid discussion with anyone concerning this matter, and also of course continue to be careful and selective in what you read, see, and hear so that you don't come into contact with anything that could influence you, recognizing under your oath it's your duty to decide based on what's presented to you in this room.

You're excused till 9:00 tomorrow morning.

(Jury out at 5:03 p.m.)

THE COURT: All right. This hearing's in recess until 9:00 tomorrow morning.

(Recess at 5:04 p.m.)

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INDEX

Item

Page

WITNESSES

Michelle Rauch

Direct Examination by Mr. Nigh

Dick Reavis

Direct Examination by Ms. Welch

Cross-examination by Mr. Ryan

DEFENDANT'S EXHIBITS

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
PP5	12917	12917			
PP60	12923	12924			
PP61	12914	12914			
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PP62	12919	12919
PP63	12920	12920
PP64	12920	12921
PP65	12921	12921
PP66	12918	12918
PP7	12915	12915
PP8	12916	12916
VV1	12950	12951
VV2	12951	12951
VV4	12927	12927
VV6	12951	12951
WW42	12942	12942

REPORTER'S CERTIFICATE

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. Dated at Denver, Colorado, this 10th day of June, 1997.

Kara Spitler