

early for this bench conference and the jury is here, we'll start a little early.

(Jury in at 8:47 a.m.)

THE COURT: Members of the jury, good morning.

JURY: Good morning.

THE COURT: I guess this is a surprise starting time. We're not trying to surprise you. The fact of the matter is that I had a conference here with counsel on some procedural matters, and since -- that was accomplished a little faster than I expected and we're a few minutes ahead of the starting time. Since you're all here, we might as well start, so that's why we brought you into the courtroom before 9:00.

So we are ready for the next witness?

MR. MACKEY: Your Honor, the United States will call Trooper Charlie Hanger.

THE COURT: All right.

MR. MACKEY: Mr. Goelman will present.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Charles Hanger affirmed.)

THE COURTROOM DEPUTY: Have a seat, please.

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

THE WITNESS: Charles J. Hanger, H-A-N-G-E-R.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Goelman.

MR. GOELMAN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. GOELMAN:

Q. Good morning.

A. Good morning.

Q. I think they can all probably guess by your uniform, but can you tell the jury and the Court what you do for a living.

A. I'm a state trooper for the Oklahoma Highway Patrol.

Q. How long have you been a state trooper in Oklahoma?

A. Since September of 1976.

Q. Are you married?

A. Yes.

Q. Do you have any children?

A. Yes.

Q. What are their names and ages?

A. I have -- oldest, 25 years of age, is Jennifer. Lisa is an 18-year-old, and Mindy is 16 years old.

Q. Officer Hanger, how much longer do you have until retirement?

A. I plan on retiring in seven more years.

Q. Could you retire now?

A. Yes.

Q. And why don't you?

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A. I want to try to get my kids out of college first.

Q. I want to talk about what your job responsibilities were in April 1995. Where did you patrol at that time?

A. At that time I was assigned to a dual detachment area.

part of it was the interstate system near the -- which began on the south end of my detachment at the 165-and-a-half mile marker on Interstate 35 and continued north to near the 208-mile marker. I also had responsibilities for all the two-lane roads in Noble County. The interstate detachment covered two counties which was Payne and Noble County.

Q. And where in Oklahoma were you patrolling at that time?

A. That's the northern part of the state. I'm within 35 miles of the Kansas border and just about 60 to 65 miles north of Oklahoma City.

Q. What were your duties?

A. Primarily traffic, sworn to uphold all the traffic and criminal laws in the state, investigate accidents, enforce traffic laws, assist the motoring public in any way.

Q. Officer Hanger, in April, 1995, was it legal to drive in Oklahoma without a license plate?

A. No, it was not.

Q. And in April, 1995, was it legal to transport a loaded firearm?

A. No, it was not.

Q. Do you recall when you first heard about the bombing in

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Oklahoma City?

A. Yes. It was shortly after 9:00 a.m. on that morning of April the 19th. I was at the turnpike headquarters of the Cimarron Turnpike in eastern Noble County.

Q. What did you do when you heard about the bombing?

A. We turned on the television there at headquarters and began watching the coverage on the TV.

Q. Did you receive any orders related to the bombing, Officer Hanger?

A. Yes, I did.

Q. And what were they?

A. Pawnee headquarters gave me a radio call to report to the Oklahoma City area, to the command post there and assist as needed.

Q. Did your orders say anything about radio traffic?

A. They had told me that the radio net was what we would call as 1063. That's restricting the radio net to a specific area, and this instance it was restricted to units working the Oklahoma City area. Unless you had an emergency, then anyone could use it.

Q. And what did you do after you got your orders to go to Oklahoma City?

A. I got in my unit and proceeded west on the Cimarron Turnpike west to the first exit, which is the U.S. 64 exit. I got off there and went west on U.S. 64 through the city of

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Perry, Oklahoma; and then on the west edge of Perry, I got on Interstate 35 and began traveling south.

Q. And how fast were you going during this trip?

Q. And how fast were you going during this trip?

A. Speeds upward of a hundred mile per hour.

Q. Were your sirens on?

A. Yes.

Q. Were your emergency lights flashing?

A. Yes.

Q. How far is the headquarters where you were when you heard about the bombing from Oklahoma City?

A. That's approximately 80 to 85 miles.

Q. Did you get to Oklahoma City that day, Officer Hanger?

A. No, I did not.

Q. Why not?

A. As I had just gotten on the interstate there on the west edge of Perry and began traveling south, I received a radio call from my headquarters advising me to disregard that assignment and to remain in my area.

Q. Officer Hanger, are you familiar with the roads in northern Oklahoma from your service on the highway patrol?

A. Yes.

Q. Could you please take a look inside that folder there and see if you can find Government Exhibit 410.

A. I have it.

Q. Do you recognize that?

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A. Yes. That's a map of part of the northern part of Oklahoma from Oklahoma City north.

Q. Is that a fair and accurate map of northern Oklahoma?

A. Yes.

MR. GOELMAN: Move to admit Government Exhibit 410, your Honor.

MR. WOODS: No objection, your Honor.

THE COURT: 410 received.

MR. GOELMAN: May I publish?

THE COURT: Yes.

BY MR. GOELMAN:

Q. Using that map and the light pen that should be there at your side, Officer Hanger, could you indicate for the ladies and gentlemen of the jury where you were when you first heard about the bombing.

A. I was in this area right here on the Cimarron Turnpike.

Q. And can you circle Oklahoma City on that map.

Okay. Now, would you trace the path where you went when you got your orders to report to Oklahoma City, Officer Hanger.

A. Yes. I was on the turnpike. I went west to this exit right here, which is U.S. 64, continued west through the city of Perry. Upon reaching Interstate 35, then I started south on Interstate 35.

MR. GOELMAN: Your Honor, is there any way we can get

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a different color than white for Officer Hanger's -- wrong

person to ask.

BY MR. GOELMAN:

Q. Officer Hanger, could you experiment a little bit and draw a line on that map.

Okay. Thanks.

Thank you.

And indicate on the map where you were when you got your orders not to proceed to Oklahoma City.

A. I was between these two exits right here.

Q. Okay. And what did you do when you got those orders?

A. I turned around and began traveling north on Interstate 35.

Q. Is that from Oklahoma City or away from Oklahoma City?

A. That'd be going away from Oklahoma City.

Q. And towards Kansas or from Kansas?

A. Towards Kansas.

Q. Where in particular were you headed?

A. Prior to receiving the call, the initial call to go to Oklahoma City, I had received a call of a motorist broken down north of Perry, so I was going to continue up to that location to see if that motorist was still there.

Q. And did you reach that motorist?

A. Before reaching that call, I drove up on another vehicle that was broken down just north of the north Perry exit. And I stopped and assisted that motorist.

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Q. How long were you at that stop?

A. Oh, 5 or 10 minutes.

Q. And what did you do after that?

A. Then I continued north on Interstate 35.

Q. As you are traveling north on Interstate 35, Officer Hanger, was your attention drawn to a particular car?

A. Yes.

Q. And tell us about that, please.

A. I was northbound on the interstate in the left-hand lane when I came upon a vehicle which was a yellow 1977 Mercury Marquis, four-door. It had a primer spot on the left rear quarter panel. And I started around that vehicle in the left lane, it was in the right lane traveling north, I observed that it was not displaying a tag on the rear bumper.

Q. What did you do after you noticed that the Mercury wasn't displaying a tag?

A. I slowed down, fell in behind the vehicle, got in the same lane it was in. Initiated my emergency lights and signaled for it to pull over.

Q. What did the Mercury do when you turned your lights on?

A. It began slowing down and pulling over to the east side of the roadway, the shoulder.

Q. Where did you pull the Mercury over on April 19?

A. It was between Mile Marker 202 and 203, about a mile south of the Billings exit.

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Q. How long did the Mercury take to pull over?

A. Oh, less than a quarter of a mile.

Q. Is that a normal distance for pulling cars over?

A. It is for the highway speeds on interstate.

Q. Did you find it necessary to turn on your sirens or anything?

A. No.

Q. And in the course of this traffic stop, Officer Hanger, did you get a good chance to examine the car? Did you get a good look at it?

A. Yes.

Q. I want you to turn to Government Exhibit 414 in your folder.

A. I have it.

Q. What is that?

A. That is the car that I stopped that morning.

Q. And is that what it looked like when you pulled it over on April 19, 1995?

A. Yes.

MR. GOELMAN: Your Honor, move to admit Government Exhibit 414.

MR. WOODS: No objection.

THE COURT: 414 is received; may be shown.

BY MR. GOELMAN:

Q. Officer Hanger, can you click your pen to -- thank you.

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Now, could you please indicate where the primer spot is that you were talking about.

What happened after you pulled that car over, Officer Hanger?

A. As I was pulling behind it and approaching the car, I was observing the inside of the car to see how many people were in it, and I could only see one, which was the driver. I pulled up within about 20 feet of the car and stopped. I was offset to the car a little bit, as you can see in the photograph, which is partially in the grass and partially on the shoulder. I was entirely on the shoulder and 3 to 4-foot to left of the left-hand side of the car.

Q. What did you do after you came to a stop?

A. I took my seat belt off and opened my car door, and as I was getting out of the car, I observed that the door of the Mercury was already open. Just shortly thereafter, the driver's feet came out, placed down on the asphalt. There was a short hesitation, and then the driver stood up and got out of the car.

Q. What did you do when the driver got out of the Mercury?

A. I looked at him. I could see both of his hands. He began walking toward me, so I stepped out from behind my car door and began walking toward him.

Q. What happened next?

A. We met behind his car. About 3 or 4 feet south of the left

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rear corner of his car and off to the west 3 or 4 feet. And I told him why I'd stopped him.

Q. Can you describe the driver of the Mercury?

A. Yes. He was a young man, in his mid 20's, about 6' 2", 175 pounds, thin-faced. He had light blond, brownish hair, and a thin face.

Q. Can you look inside your folder and see if you can find Government Exhibit 318.

A. Yes, I have it.

Q. Do you recognize that, Officer Hanger?

A. That's the gentleman that I stopped that morning.

MR. GOELMAN: Move to admit Government Exhibit 318.

MR. WOODS: No objection, your Honor.

THE COURT: 318 is received; may be displayed.

BY MR. GOELMAN:

Q. Since you first saw this man depicted in Government Exhibit 318 on April 19, have you come to know his identity, Officer Hanger?

A. Yes, I have.

Q. Who is that?

A. That's Timothy James McVeigh.

Q. And what happened when you and Mr. McVeigh met in between your two cars?

A. Like I'd said, I informed him why I had stopped him. I told him, "The reason I stopped you is because you're not

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displaying a tag on the back of your car."

Q. What was Mr. McVeigh's response?

A. He turned and looked toward the bumper area of his car.

Q. Did he say something then?

A. He said, "I haven't had the car very long and I don't have a tag yet."

Q. And what did you say?

A. I said, "Could you provide me a bill of sale."

Q. Did he do that?

A. He said that "The man that I bought the car from is still filling out the bill of sale."

Q. And what was your response?

A. I said, "How long does it take to fill out a bill of sale?"

Q. Did he give you an answer to that?

A. He said, "I don't have one with me."

Q. What did you do at that point, Officer Hanger?

A. Then I asked him for his driver's license.

Q. And at that point was there any cause for special concern on your part?

A. No.

Q. What had Mr. McVeigh's demeanor been up to that point?

A. Very calm, polite.

Q. Had he been unhelpful or disrespectful in any way?

A. No.

Q. What happened after you asked Mr. McVeigh for his driver's

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license?

A. He took his right hand and went back to his right rear pocket, produced a camouflage billfold and removed his driver's license from that billfold and handed it to me.

Q. What happened after that?

A. As he was going to his right rear pocket to retrieve his billfold, he had on a blue windbreaker-type jacket that was just slightly zipped, and when he went to his pocket, it tightened this jacket up somewhat; and I could see a bulge under his left arm, and I thought that that was a weapon under his arm.

Q. What did you do at that point?

A. I looked at the driver's license and looked at him. Then I instructed him to take both hands, unzip his jacket, and to very slowly move his jacket back.

Q. What was Mr. McVeigh's response when you told him to do that?

A. He took both hands, he unzipped his jacket, and started slowly pulling it back; and just as he started doing that, he said, "I have a gun."

Q. When Mr. McVeigh told you that he had a gun, what did you do?

A. I grabbed for the bulge, and I said, "Put your hands up and turn around."

Q. Did he comply with your instructions?

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A. He did.

Q. What happened then?

A. I removed my pistol from my holster and stuck it to the back of his head.

Q. What did you do after that?

A. I instructed him to walk to the trunk of his automobile.

Q. Where was your gun at that point?

A. It was stuck at the back of his head.

Q. Okay. Did Mr. McVeigh say anything to you as he walked to the back of the automobile?

A. Yes.

Q. What did he say?

A. He said, "My weapon is loaded."

Q. What was your response?

A. I said, "So is mine."

Q. What did you do when you got Mr. McVeigh to the back of his car?

A. I instructed him to put his hands on the trunk and to spread his feet.

Q. Did he comply?

A. Yes, he did.

Q. What did you do then?

A. I then pulled back the jacket, removed the pistol from the

holster it was in, and threw it on the shoulder of the roadway.

Q. Did Mr. McVeigh say something to you at this point?

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A. Yes, he did.

Q. What?

A. He informed me that he also had another clip and a pouch on his belt.

Q. What is a clip, Officer Hanger?

A. That is a magazine that holds ammunition that fits in the bottom of a automatic weapon which feeds ammunition to the chamber.

Q. And did you find this clip that Mr. McVeigh told you about?

A. Yes.

Q. What did you do with it?

A. I removed it from the pouch and threw it on the shoulder of the road near the weapon.

Q. Did Mr. McVeigh say anything further to you at that time?

A. Yes.

Q. What did he say?

A. He told me that he also had a knife on his belt.

Q. And did you relieve Mr. McVeigh of his knife as well?

A. Yes, I did.

Q. What did you do with that?

A. I also threw it on the shoulder near the other items I had thrown down there.

Q. What did you do next, Officer Hanger?

A. I then patted him down and handcuffed him.

Q. Did you find any other weapons?

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A. No.

Q. At that point in the encounter, did you ask Mr. McVeigh anything?

A. I asked him why he would be carrying a weapon on his person.

Q. What was his response?

A. He said he felt like he had the right to do that for his own protection.

Q. Did you have any reaction to that?

A. I told him that a wrong move on his part could have gotten him shot.

Q. And what did Mr. McVeigh say to that?

A. Possible.

Q. After you disarmed Mr. McVeigh and handcuffed him, what did you do?

A. I took him to the right front passenger seat of my unit, placed him in there and seat-belted him in.

Q. What did you do with the weapons that you had dropped at the side of the road?

A. I went back and retrieved those and took them to the trunk of my unit.

Q. What did you do then?

Q. What did you do then?

A. I placed them in the trunk of my unit. Also checked the weapon to see if it was loaded. Removed the clip from the bottom of the weapon, then I checked the chamber of the weapon

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and removed a round from that chamber.

Q. Okay. What is a chamber of a gun?

A. That's where the bullet goes while it's in the firing position. That's the bullet that's ready to fire.

Q. That's the bullet that would come out if the gun were fired?

A. Yes.

Q. And did you notice anything about this bullet when you removed it from the chamber?

A. Yes. It was a Black Talon round, .45 caliber round.

Q. What's a Black Talon round?

A. My understanding, a Black Talon round is designed, when it impacts something or a human being, it mushrooms, it produces tentacles as it goes into the body, it does a much greater damage to the human body because of these tentacles.

Q. What about the other bullets that Mr. McVeigh had on him?

A. They were what I considered just regular round ball ammunition. They were just smooth, rounded, pointed ammunition.

Q. They were not Black Talons?

A. No.

Q. What did you do with the gun?

A. After unloading it, I took it to my unit, to the driver's side.

Q. And did you get in your unit at that time?

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A. Yes.

Q. What did you do then?

A. I made a call to my dispatcher on the cell phone, since I couldn't use the radio, and informed my dispatcher where I was at and that I had a individual in custody that had been armed, and I asked the dispatcher to run some checks on this individual.

Q. Mr. Hanger, why couldn't you use your radio?

A. The radio was restricted due to the ongoing tragedy in Oklahoma City.

Q. What kind of checks did you ask your dispatcher to run?

A. I asked her to run a check for wanted on this individual, to see if he was wanted and to also see if he had a prior criminal history.

Q. Did you get a response from your dispatcher?

A. Yes.

Q. What was that response?

A. The dispatcher advised that the individual was not entered as being wanted, and he had no prior criminal history.

Q. What did you do with the gun at that point?

A. I was -- I told her -- when I was talking to her on the phone, I wanted to run a check on the gun to see if it was stolen. I was turning it around looking for the serial number and told her, it would be just a minute, I'd have to get the serial number. While I was doing that, Mr. McVeigh spoke up.

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Q. What did he say to you?

A. He said, "The serial number is VM769."

Q. What was your response to that information?

A. At about that same time, I had located it, and I said "Well, you're close, it's VW769."

Q. What did he say?

A. He said, "Well, I knew it was an M or a W."

Q. Did you have any further conversation with Mr. McVeigh about his gun?

A. I said, "Well, most people wouldn't know the serial number of their weapon."

Q. What did he say?

A. He said, "Well, I do."

Q. When you got the serial number of the weapon, what did you do?

A. I gave the information to the dispatcher, and she ran a check to see if it was stolen.

Q. Was it stolen?

A. It was not.

Q. What did you do after determining that the gun wasn't stolen and Mr. McVeigh wasn't wanted?

A. I took the gun and put it back in the trunk where the other evidence was at, the trunk of my unit.

Q. And did you decide to speak to Mr. McVeigh at the point?

A. Yes, I shut the trunk and went up and got in my car. And I

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attempted to initiate my video camera which would have an audio recording capabilities. However, I hit the wrong two buttons, and I only got video; I didn't get the audio.

Q. How did you begin to speak to Mr. McVeigh?

A. I read him his Miranda warning.

Q. What are they?

A. That is a card that informs the individual of his right to remain silent or to have counsel present before speaking to me.

Q. Did Mr. McVeigh agree to speak to you?

A. Yes, he did.

Q. Did you go ahead and ask him some questions at that point?

A. Yes.

Q. What did you say?

A. I again asked him why he didn't have a tag. And he said he hadn't had the car very long and he hadn't got one. I then asked him where he purchased the car. And he told me he had purchased it in Junction City, Kansas, from a Firestone dealer and the name of the salesman that he purchased it from was Tom.

Q. Did Mr. McVeigh volunteer any other information about the purchase of this car?

A. He told me that he gave around \$250 for it and had traded in another car that had broken down on him.

Q. Officer Hanger, do you know how to get to Junction City, Kansas, from where you pulled Mr. McVeigh over?

A. Yes.

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Q. How do you?

A. You go north on Interstate 35 into Kansas, get off on Highway 77 and go north.

Q. Do you know whether or not that route would take you through Herington, Kansas, before you get to Junction City?

A. Yes, it would.

Q. Did Mr. McVeigh say anything else about the purchase of the car, or why he was driving without a license plate?

A. He had told me that he hadn't had time to get a tag. That he had a tag that was on his car that had broken down, but he felt like it was better to drive without a tag than to put the wrong tag on it.

Q. Did he tell you anything about the tag that he had on the car that had broken down?

A. He told me it was an Arizona tag and he quoted the number.

Q. Do you remember what that number was?

A. No, I do not.

Q. Did Mr. McVeigh tell you where that license plate was at that point?

A. No.

Q. Did you ask Mr. McVeigh for his permission to do anything else, Officer Hanger?

A. Yes, I asked him if I could search his car.

Q. And what was his response?

A. Yes.

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Q. He agreed?

A. Yes.

Q. What did you do then?

A. Then I got out of my unit and went up to the car, but before I began searching it, I went to the left front area of windshield, the front windshield, and I recorded the vehicle identification number from that plate that is located there.

Q. What is the vehicle identification number, Officer Hanger?

A. That's a number that's assigned to each and every vehicle, no two vehicles have the same number, and it will specifically identify that particular vehicle.

Q. And why did you take that number from the front part of the Mercury?

A. I wanted to run a check for stolen on that number since it didn't have a tag to check, and I also wanted to attempt to locate a registered owner from the vehicle by using that

number.

Q. After copying down the VIN number, what did you do?

A. I then entered the front seat area of car, the door was still open. I got in the front seat, looked around in the front seat, under the front seat, in the glove box, and I looked into the back seat.

Q. What did you see in the front seat?

A. There was a blue ball cap laying on the front seat; a piece of white, lined writing paper with some writing on it; and an

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envelope, legal-sized envelope, white, sealed, and about a quarter to half inch thick.

Q. Can you take a look at Government Exhibit 468, please.

A. I have it.

Q. And to the best of your recollection, is that the way the content of the front seat of the Mercury looked on April 19?

A. Yes.

MR. GOELMAN: Move to admit Government Exhibit 468, your Honor.

MR. WOODS: No objection.

THE COURT: 468 received.

BY MR. GOELMAN:

Q. Describe what we're seeing in that picture, Officer Hanger.

A. Looking into the front seat area of the Mercury from the opened right-hand passenger door.

Q. Okay. And what items are we looking at in this photograph?

A. You can see the ball cap, the lined writing paper, and just a corner of the envelope.

Q. Did you see whether the lined writing paper had anything written on it?

A. I can't --

Q. Not in that picture. At the time that you were in the car?

A. Yes, at the time that I was in the car, I recognized it had some writing on it.

Q. Do you remember what that writing was?

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A. No, I do not.

Q. I want to show you another picture now; it's Government Exhibit 466. Just a different angle.

Did you find 466?

A. Do you want one in here, also?

Q. Yeah.

A. I have it.

Q. And is that a -- also a depiction of the contents of the front seat from the other side?

A. Yes.

Q. Is that the way it looked when you first saw the interior of the car on April 19?

A. Yes.

MR. GOELMAN: Move to admit Government 466, your Honor

RECORD.

MR. WOODS: No objection.

THE COURT: 466 received and may be shown.

BY MR. GOELMAN:

Q. And do you see the envelope that you saw in the front seat of the Mercury in this picture?

A. Yes, I do.

Q. Would you please circle it.

You said the envelope was sealed. Was there any writing at all on the outside of the envelope?

A. No.

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Q. What did you do after you searched the interior of Mr. McVeigh's car?

A. I went back to my unit.

Q. What did you do there?

A. I again called the dispatcher and asked her to run a check on the vehicle identification number that I had obtained and to check for stolen and also to check the state of Kansas and Oklahoma for a registration check.

Q. Was that vehicle stolen?

A. No.

Q. And did she find a registration in Kansas or Oklahoma?

A. No, she did not.

Q. Why did you pick those two states, Kansas and Oklahoma, to run your check?

A. Well, we were in Oklahoma, so I always check Oklahoma. And he had -- Mr. McVeigh had informed me that he had bought it in Kansas.

Q. What did you do when the dispatcher couldn't find the registration in either of those two states?

A. Well, I asked her -- there was a safety sticker on the front windshield; I thought it was the state of Missouri, and I asked her to check with the state of Missouri also.

Q. Did Mr. McVeigh say anything to you also?

A. Yes, he did.

Q. What?

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A. He spoke up and said, "That's an Arkansas safety sticker."

Q. What did you do with that information?

A. I told the dispatcher to run it through the state of Arkansas.

Q. While you wait for a reply from the registration check, did you have any further conversation with Mr. McVeigh?

A. Yes. I asked Mr. McVeigh where he was coming from.

Q. And what did he say?

A. He said that he'd recently moved to Arkansas and had taken a load of his belongings down there and was on his way back to get more of his belongings.

Q. Did he say where he was on his way back to?

A. No, he didn't.

Q. Was it clear to you from the previous conversation and from the direction that Mr. McVeigh was headed when you pulled him over where he was going back to?

A. It was my opinion he was going back to Junction City, Kansas.

Q. And why was that your opinion?

A. That's where he had bought the car and that's where he had traded in the car that had broken down.

Q. Did you ask Mr. McVeigh anything else at that point?

A. Yes, I did.

Q. What's that?

A. I had also asked him how to get into his car, into the

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trunk.

Q. Did you ask him whether or not he wanted you to leave his car there?

A. Yes, I did.

Q. And why did you ask him that?

A. I asked him if he wanted me to tow the car or leave it at the roadside. And I explained to him the difference, that if I impound the car, I'll make a inventory of it and list his property for his protection, and if he leaves it at the roadside, it will be left at his own risk.

Q. What did Mr. McVeigh want you to do?

A. He said, "Just leave it."

Q. Did you ask him anything further then?

A. I asked him if he wanted anything out of it.

Q. What did he say?

A. He said no.

Q. Did you ask him if he wanted anything in particular out of the car?

A. Yes. I said, "What about the sealed envelope that's on the seat?"

Q. And what was his response?

A. He said, "No, leave it there."

Q. Did Mr. McVeigh seem to know what envelope you were talking about?

A. Yes.

Charles Hanger - Direct

Q. He didn't ask what are you talking or what envelope or anything?

A. No. He just replied to the question.

Q. And you mentioned that you asked Mr. McVeigh something about his trunk also during that period of time?

A. Yes. When I'd searched it earlier, I didn't see a trunk key on the keys that were in the ignition, so I asked him how to get into his trunk.

Q. And did he tell you how to get into his trunk?

A. Yes.

Q. What did he tell you?

A. He told me that I'd have to push a release button that was in the glove box.

Q. Did you do that?

A. Yes, I went to the right-hand side of the car to do that and the door was locked and so I went back around to the driver's side and got in and hit the button and opened the trunk.

Q. What was in Mr. McVeigh's trunk?

A. Not much of anything. There was a little toolbox in there with some hand tools, some rags, some of them were soiled, some leaves and twigs, that's it.

Q. What did you do after conducting the search of Mr. McVeigh's trunk, Officer Hanger?

A. I shut the trunk and I locked the automobile. And came

Charles Hanger - Direct

back to my unit.

Q. And what did you do then?

A. I backed my unit up. We waited for traffic to clear, I crossed the center median and we went south on Interstate 35 en route to the Noble County Jail.

Q. Where is the Noble County Jail?

A. That's in Perry, Oklahoma, located in the courthouse.

Q. How long did the ride to the jail take from where you pulled over and ultimately arrested Mr. McVeigh?

A. No more than 20 minutes.

Q. What was the ride like in terms of atmosphere or conversation that you and Mr. McVeigh had?

A. There wasn't much conversation. He was concerned about how he could get his weapon back.

Q. What did you tell him?

A. I told him that he'd have to contact the court or have an attorney to contact the court and see how that could be done.

Q. Did Mr. McVeigh show any signs of being upset?

A. No.

Q. Did he display any signs of panic?

A. No.

Q. Did he show any signs of being the least bit excited?

A. No.

Q. Or scared?

A. No.

Charles Hanger - Direct

Q. Officer Hanger, where was Tim McVeigh during the ride to the Noble County Jail on April 19?

A. He's still sitting in the same seat that I'd put him in initially in the right front passenger seat.

Q. And did you later find something on the floor of your patrol car behind where Mr. McVeigh had been sitting?

A. Yes, I did.

Q. Can you describe that for the jury, please.

A. On the morning of the 22d, which would be the next shift that I worked after completing my shift on the 19th. I'd went

that I worked after completing my shift on the 19th, I did go to work that day, and I made a search of the, visual search of the area of my car. I always look at the floorboards and the seats to see if anything that might have been left in there that could be used as a weapon. And while I was doing that, I looked in the right rear floorboard and there was a crumpled-up white business card laying in the floorboard.

Q. Had you ever seen that business card before, Officer Hanger?

A. No.

Q. Who was the last prisoner you had transported before finding that business card?

A. Mr. McVeigh.

Q. Would you please take a look at Government Exhibit 418 which should also be in your folder.

A. Is this 418A?

Charles Hanger - Direct

Q. Yeah, there should be 418, the original as well, 418A. But keep 418A out. You're going to be looking at that in a second.

A. I have both of them.

Q. Okay. And is Government Exhibit 418 that business card that you found on the floor of your patrol car?

A. Yes.

MR. GOELMAN: Your Honor, we move to admit Government Exhibit 418.

MR. WOODS: No objection.

THE COURT: 418 received.

BY MR. GOELMAN:

Q. Would you take a look at Government Exhibit 418A, please.

A. Yes.

Q. And is that nothing more than a clearer copy of Government Exhibit 418?

A. Yes.

MR. GOELMAN: Move to admit Government Exhibit 418A, your Honor.

MR. WOODS: No objection.

THE COURT: It's received, also.

MR. GOELMAN: May I publish?

THE COURT: Yes.

BY MR. GOELMAN:

Q. Could you read the big writing on the front of that business card, please.

Charles Hanger - Direct

A. It says, "Paulsen's Military Supply."

Q. Okay. I want to show you the back of the card and have you read that as well.

A. In big capital letters it says, "Dave," and then in parentheses, it says "(TNT @ \$5 a stick. Need more.)" Below that is a telephone number that says, "708-288-0128." Below that in printing it says, "Call after 1 May see if I can get some more."

MR. GOELMAN: Your Honor, at this time I would ask the Court to read a stipulation reached by the parties to Mr. McVeigh's handwriting.

MR. WOODS: We do stipulate to that handwriting, your Honor.

THE COURT: All right. You want the whole thing?

MR. GOELMAN: It's page 4 of the table of contents of the McVeigh handwriting stipulation. Nothing more than the writing on the back of the card.

THE COURT: 418. All right.

Well, let me again remind you, members of the jury:

A stipulation means an agreement with respect to certain facts; and of course when facts are agreed upon, we accept them as true without the necessity of proof by other evidence, and in this matter it has been agreed by both sides that the document, 418, which you've just seen -- 418A, a copy of it, was written by Timothy James McVeigh.

Charles Hanger - Direct

MR. GOELMAN: Thank you, your Honor.

BY MR. GOELMAN:

Q. What did you do when you got to the Noble County Jail, Officer?

THE COURT: I should make it clear, the handwriting on it is written by Timothy McVeigh, rather than the printing.

MR. WOODS: Thank you, your Honor.

MR. GOELMAN: Thank you, your Honor.

BY MR. GOELMAN:

Q. Officer Hanger, what did you do when you got to the Noble County Jail in Perry, Oklahoma?

A. Upon arriving at the jail, I took Mr. McVeigh out of the unit and we went back to the trunk of my area -- my unit, the trunk area, and I removed the evidence that I had placed in there earlier.

Q. Where did you take Mr. McVeigh then?

A. Then I took him into the courthouse and up to the fourth floor which is the jail area.

Q. Did you take him to a particular area in the jail?

A. Yes, to the booking room.

Q. What's the booking room?

A. That's where all prisoners are processed, their personal information is recorded, their personal property is taken from them and recorded, they're photographed, fingerprinted, before they're placed in a cell.

Charles Hanger - Direct

Q. What is in the booking room?

A. In the booking room there's a large counter which is the booking counter, covers about three-quarters of the width of the room. Also a computer, desk that it sits on, and another

desk that has a TV on it.

Q. Do you remember if the television was on when you brought Mr. McVeigh in on April 19?

A. Yes, it was.

Q. Do you remember what it was showing?

A. They were showing coverage of the bombing in Oklahoma City.

Q. What was the nature of that television coverage?

A. They were showing pictures of the building that had been bombed and also pictures of the parking lot and destroyed cars in the area of the building.

Q. Was there anyone else in the booking room at that time besides you and Mr. McVeigh?

A. The jailer was there, Mrs. Marsha Moritz.

Q. And did you and Mrs. Moritz discuss the bombing in any way?

A. Yes.

Q. What was the nature of your conversation?

A. We were talking about how tragic it was and how no doubt that many people had been killed and many injured.

Q. What was Mr. McVeigh doing during this time when you and Mrs. Moritz were discussing the bombing?

A. At times he was looking at the TV and at times he was just

Charles Hanger - Direct

looking away.

Q. Did he join in your discussion of the bombing?

A. No.

Q. Did he make any comments whatsoever?

A. No.

Q. What was his reaction to the devastation being shown on the television screen?

A. There was no reaction.

Q. What did you do after bringing Mr. McVeigh to the booking room?

A. I then went to the desk behind, to the north of the booking area, where the computer's located and began working on a probable cause affidavit.

Q. And how far is the desk that you were working at from the booking area?

A. 5 or 6 feet.

Q. Do you remember what charges you filed against Mr. McVeigh?

A. Yes.

Q. What were they?

A. Transporting a loaded firearm in a motor vehicle, unlawfully carrying a weapon, failure to display a current number plate, which is a tag, on a motor vehicle and failure to maintain proof of security, which is liability insurance.

Q. Officer Hanger, earlier you described how you got Mr. McVeigh's driver license from him. Did you ever give that

Charles Hanger - Direct

back to Mr. McVeigh during the traffic stop?

A. No.

Q. What did you do with the

Q. What did you do with it?

A. I stuck it in my left rear pocket, pant pocket.

Q. And what did you do with it when you brought Mr. McVeigh to the Noble County Jail in the booking area?

A. I gave it to the jailer.

Q. Why did you give it to the jailer?

A. They use that as a -- recording information off that to put on the booking card.

Q. And what is a booking card?

A. A booking card has the name of the prisoner that you're booking in with some other information, their occupation, date of birth, Social Security number. I think they list tattoos, scars, or marks.

Q. Does the jail fill one of those out for every prisoner that it takes in?

A. Yes.

Q. And does the booking card also include place for listing someone as the prisoner's next of kin?

A. Yes.

Q. When Mr. McVeigh was being booked in and you were on the computer, were you listening to any conversation between him and Mrs. Moritz?

A. Yes.

Charles Hanger - Direct

Q. Why were you doing that?

A. I pay attention to what's going on. I don't listen in on every word, but I try to listen to the demeanor of the prisoner, make sure that the jailer's not having any problems.

Q. What was Mr. McVeigh's demeanor when he started talking to Mrs. Moritz?

A. He was very calm and cooperative.

Q. Did you hear anything unusual while you were at the computer?

A. Yes.

Q. Tell us about that.

A. I had heard Mrs. Moritz ask him who he wanted to list as next of kin. And he didn't say anything. And I heard her ask that same question again. He still didn't say anything. So I --

Q. Mr. McVeigh just didn't have any response to those questions?

A. No, he didn't respond at all.

Q. What did you do at that time?

A. So I got up from the chair that I was sitting in at the computer and walked up to the booking counter.

Q. Why did you do that?

A. I didn't know whether she was going to have problems or what. He had been cooperative up to that point, and I just wanted to be there in case there was a problem.

Charles Hanger - Direct

Q. Okay. What happened when you got to the booking counter?

Q. Okay. What happened when you got to the booking center?

A. I asked him, I said, "Well, what about this address listed on the driver's license?" She was trying to explain to him that the only reason that she wanted that information was in case he would get sick or something, they weren't going to call and tell his next of kin that he was in jail, but they wanted someone to contact in case of an emergency.

And I said, "Well, what about the address listed on the license?" I said, "Who lives there?"

Q. When Mrs. Moritz was explaining to Mr. McVeigh that the only reason she wanted name of next of kin was in case he got sick or something, did he give her a name at that point?

A. Not initially, no.

Q. Okay. Did Mr. McVeigh eventually provide a name?

A. Yes.

Q. And when was this?

A. That was after I'd asked him who lived at that address.

Q. What did he say?

A. He said that was a place that he had stayed; it was a -- belonged to a brother of a friend that he was in the military with.

Q. And did Mrs. Moritz say anything at that point?

A. She said, "Well, do you want to use that?" And he said yes.

Q. What name did Mr. McVeigh give for next of kin?

Charles Hanger - Direct

A. The last name was Nichols. At that particular time I couldn't remember what the first name was.

Q. Could you take a look again inside your folder and find Government Exhibit 427.

A. This isn't clearly marked. I'm not sure if that's it or not.

Q. Officer, Exhibit 427 is -- it looks a lot like a driver's license.

A. I see the license, but I don't see a number.

Q. Okay. Can you look on your screen and see if anything's depicted there.

A. Yes.

Q. What is that?

A. That's the driver's license that Mr. McVeigh handed to me that morning.

MR. GOELMAN: Your Honor, Government moves to admit Exhibit 427.

MR. WOODS: No objection, your Honor.

THE COURT: 427 received.

MR. GOELMAN: May I publish?

THE COURT: Yes.

BY MR. GOELMAN:

Q. Is that the driver's license that you got from Mr. McVeigh April 19, Officer Hanger?

A. Yes.

Charles Hanger - Direct

Q. Would you please read the street address listed on that license into the record.

A. That is 3616 North Van Dyke Road in Decker, Michigan. ZIP 48426.

Q. Thank you. And now could you look -- I hope these are labeled a little bit better -- inside the folder for Government's Exhibits 420, 422, and 423.

A. I have 420 and 422, and this other one doesn't have a number on it.

Q. Officer Hanger, is there a number on the back of that

exhibit, maybe?

A. Yes, 423.

Q. So you've found all of them?

A. Yes.

Q. And are they all records that are made for prisoners when they check into the Noble County Jail?

A. Two of them are. One of them is a document that I fill out.

Q. What is the document that you fill out?

A. It's a confiscated property report.

Q. And are all three documents related to Mr. McVeigh's arrest?

A. Yes.

MR. GOELMAN: Move to admit 420, 422, 423, your Honor.

MR. WOODS: No objection.

Charles Hanger - Direct

THE COURT: They are received.

MR. GOELMAN: May I publish 420?

BY MR. GOELMAN:

Q. Officer Hanger, do you see the exhibit that is displayed on the screen below you?

A. Yes, I do.

Q. Can you read the name listed there?

A. At the top.

Q. Yeah.

A. It's Timothy James McVeigh.

Q. And what's the address?

A. 3616 North Van Dyke Road in Decker, Michigan.

Q. Where does Mrs. Moritz get the addresses that she puts on booking cards?

A. Normally from the driver's license.

Q. Okay. And can you go down to where it says next of kin?

A. Yes.

Q. What does it say there?

A. James Nichols.

Q. Does it give a phone number?

A. Yes.

Q. What's that number?

A. I can't make out the second letter. It's either 507 or 517. And then it says 882-4018.

Q. Okay. Are you sure the second number of the number itself

Charles Hanger - Direct

is a 8 and not a 7?

A. Looking at the actual exhibit, not on the screen, it's clearer it shows 512. 872-4018.

Q. 512?

A. Yes.

Q. Where does Mrs. Moritz --

MR. WOODS: Your Honor, we'll stipulate it's 517. 512 is Austin, Texas, ZIP code.

MR. GOELMAN: Thank you.

Your Honor, we'll accept that stipulation.

THE COURT: All right.

BY MR. GOELMAN:

Q. Did Mr. McVeigh explain to you why he had been so hesitant to give you the name Nichols?

A. No.

Q. Did he explain why he hadn't answered the question about the next of kin the first three times it was asked?

A. No.

Q. Let's turn to another part of the booking process, Officer Hanger. Are prisoners that are booked into the Noble County Jail photographed?

A. Yes, they are.

Q. Does that happen to all prisoners as part of intake?

A. Yes.

Q. How is this done?

Charles Hanger - Direct

A. Prior to his photographing, we ask him to remove his jacket that he'd had on. It was taken off, and also the holster that he had on. Then he is asked to go to a corner -- the southwest corner of the jail where there is a height chart. He's asked to stand in front of that height chart. He's holding a sign that has his booking number, the date, and it says "Noble County Jail" on the sign.

Q. Do you remember asking Mr. McVeigh to take his jacket off that morning?

A. Yes.

Q. Did he comply?

A. Yes, sir, he did.

Q. What did you see when he took his jacket off?

A. He had on a light-colored T-shirt and on the front of it was a picture of Abe Lincoln and some writing below that.

Q. Did you see what that writing said?

A. I saw the writing was there, but I didn't read it.

Q. Did you see Mr. McVeigh's photograph taken?

A. Yes.

Q. Who took it?

A. The jailer, Marsha Moritz.

Q. And where were you at the time?

A. I was standing there in the area watching her photograph

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Q. After Mr. McVeigh was photographed, what happened?

Charles Hanger - Direct

A. Then he is asked to change his clothes, and the jailer handed him a paper sack and some jail clothes and asked if I would go with him to observe him changing his clothes.

Q. And why did you have to go with him to observe him changing into jail clothes?

A. The people that are changed out are always supervised, but since we had a male prisoner and a female jailer, it wouldn't have been appropriate for her to go, so I went.

Q. Where did Mr. McVeigh change into jail clothes?

A. It's a little room across the hallway to the south of the booking room.

Q. During that process, did you get a chance to see the back of the T-shirt that he was wearing?

A. Yes.

Q. Would you describe that, please.

A. It had a large tree on it with some writing.

Q. Do you remember what the writing was?

A. No.

Q. Did you see what Mr. McVeigh did with the T-shirt after he took off his civilian clothes?

A. He put it in the paper sack that had been provided to him.

Q. Do you know whether Mrs. Moritz also noticed the T-shirt that Mr. McVeigh was wearing on that day?

A. Yes.

Q. How do you know that?

Charles Hanger - Direct

A. After Mr. McVeigh had been placed in a cell, she had made the comment to me, "Wasn't that a strange T-shirt that he had on?"

I said, "What do you mean?"

She said, "Well, it had a strange saying on it."

And I said, "Well, I didn't read it."

And she didn't recall exactly what it said, but she thought it was odd.

Q. Can you take a look and see if you can find Government Exhibit 421.

A. I have it.

Q. What is that?

A. That is a booking photo of Mr. McVeigh the day he was booked into the county jail.

Q. Is that what he looked like when he was booked into the Noble County Jail on April 19?

A. Yes.

MR. GOELMAN: Move to admit Government Exhibit 421, your Honor.

MR. WOODS: No objection.

THE COURT: Received, 421.

BY MR. GOELMAN:

Q. Can you see any of the part of the T-shirt that you saw on that day, Officer Hanger?

A. Yes, I can see the front of it. The sign is partially

Charles Hanger - Direct

covering up Abraham Lincoln's face, but you can see from about his forehead up.

Q. Okay. Thank you.

MR. GOELMAN: Your Honor, may I approach?

BY MR. GOELMAN:

Q. Do you have Government Exhibit 429 up there?

A. Yes.

Q. Okay. And without showing it to the jury because it's not in evidence yet, Officer Hanger, could you see if you recognize this exhibit?

A. May I take it out?

Q. Sure.

A. Yes, that's the same T-shirt that Mr. McVeigh had on that morning.

Q. How do you know that that's the same T-shirt?

A. It has the same picture of Abe Lincoln with some writing below it and the picture of the tree on the back with writing on it.

Q. Had you ever seen a shirt like that before April 19?

A. No.

MR. GOELMAN: Your Honor, I move to admit Government Exhibit 429.

MR. WOODS: No objection.

THE COURT: 429 is received.

MR. GOELMAN: May I publish, your Honor?

Charles Hanger - Direct

THE COURT: Yes.

BY MR. GOELMAN:

Q. Could you please read what the back of the shirt says.

A. It says: "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants." And below that it says, "T. Jefferson."

Q. And is there a picture on the back of the shirt?

A. Yes. It's a large tree, and it has red blood droplets.

Q. Can you please hold that up and show the back of the shirt to the jury.

THE COURT: You may do that.

BY MR. GOELMAN:

Q. Thank you, Officer Hanger.

After you booked Timothy McVeigh into the Noble County

Jail that day, Officer Hanger, did you have any more contact with him?

A. No.

Q. So all your contact with Mr. McVeigh was on April 19?

A. Yes.

Q. How long did you spend with him that morning?
A. About a hour and a half.
Q. And how would you describe his demeanor during that hour and a half you spent together?
A. For the most part, except during the time he didn't answer the question on next of kin, it was very calm and polite,

Charles Hanger - Direct

cooperative.

Q. And except for the questions about next of kin, did his demeanor change at all throughout the course of the time that you spent together?
A. No.
Q. Was there anything about the way that Timothy McVeigh looked, acted, or spoke on the morning of April 19, 1995, that led you to suspect that he had just detonated the bomb that destroyed the Murrah Building?
A. No.
Q. Let's turn to April 21, 1995, Officer Hanger. Two days after the bombing, did you learn that federal investigators suspected the man who you had arrested as being involved in the bombing?
A. Yes.
Q. And did you accompany agents on that day back up to where you had left Mr. McVeigh's car on the highway?
A. Yes, I met them at the location of where the car had been left.
Q. You met them there?
A. Yes.
Q. What did you find there?
A. The car that Mr. McVeigh was driving at the time that I arrested him was still sitting where it had been left.
Q. And did it look like anything had changed with that car?

Charles Hanger - Direct

A. No.
Q. Did you look inside the car?
A. Yes. I looked through the windows, into the car, and everything looked the same as I had left it.
Q. Had you locked the car before you left on April 19?
A. Yes.
Q. And do you know whether it was still locked on April 21 when you met federal agents up there?
A. Yes, it was.
Q. One final area of questioning, Officer Hanger. When you arrested Tim McVeigh and searched his car, did you see if he had a suitcase or duffel bag or any kind of bag of clothing in there?
A. He didn't have.
Q. Did you see if he had a change of clothes?
A. There was none.
Q. I want you to look again at Government Exhibit 410 which

Q. I want you to look again at Government Exhibit 410 which you previously identified, and has been introduced into evidence.

A. I have it.

Q. And again, using the light pen, point out where Mr. McVeigh was when you first pulled him over.

A. Right there in that area.

Q. About how far is that from the Kansas border?

A. About 35 miles.

Charles Hanger - Direct

Q. And can you point out Oklahoma City on this map, please.

Officer Hanger, if you were in Oklahoma City and you wanted to get to Arkansas, how would you get there?

A. I would go east on Interstate 40.

Q. Officer Hanger, do you know where Kingman, Arizona, is?

A. Yes.

Q. And if you were in Oklahoma City and you wanted to get to Kingman, Arizona, how would you get there?

A. I would go west on Interstate 40.

Q. Is there any reason if you were in Oklahoma City and you wanted to get to one of those two places, to travel 80 miles north on Interstate 35?

A. I don't see any reason.

Q. Officer Hanger, were you asked by the FBI to drive from where the Murrah Building stood before the bombing to the point where you pulled Mr. McVeigh over?

A. Yes.

Q. What route did you take to do that?

A. Took city streets over the Interstate 235, up to Interstate 44, and then Interstate 35 north.

Q. And how far is it from the site of the Murrah Building to where you first noticed Mr. McVeigh on the morning of April 19?

A. It was 77.9/10 miles.

Q. What speeds were you traveling at when you took that route?

A. At the posted speeds that were posted on April the 19th,

Charles Hanger - Direct

1995.

Q. And how long did it take you?

A. 75 minutes and 15 seconds.

Q. How much longer would it have taken you to reach the Kansas border if you continued at that speed on I-35?

A. Oh, around 30 minutes.

Q. And driving at the speed that was posted in April, 1995, what time would you have arrived at that mile marker where you arrested Tim McVeigh if you left at 9:02 in the morning?

A. Shortly after 10:17 a.m.

Q. About what time did you pull Mr. McVeigh over, Officer Hanger?

A. A little before 10:20 a.m.

MR. GOELMAN: Nothing further.

THE COURT: Mr. Woods.

MR. WOODS: Yes, your Honor, thank you.

CROSS-EXAMINATION

BY MR. WOODS:

Q. Good morning, Trooper Hanger.

A. Good morning.

Q. My name is Ron Woods. I'm one of lawyers that's appointed to help Terry Nichols. You and I have never had a chance to talk about this case, have we?

A. No, sir.

Q. Okay. That morning when you turned around and you got a

Charles Hanger - Cross

dispatch to not go to Oklahoma City but to turn and just patrol your area; is that correct?

A. Yes.

Q. How fast were you going when you passed the car that Mr. McVeigh was in?

A. I was running 90 to a hundred miles an hour.

Q. What was the reason you were going so fast?

A. On Sunday, Sunday just prior to the 19th, it would have been Easter Sunday, I had investigated an accident east of the community of Billings, Oklahoma, on State Highway 15, which is just west of Interstate 35. And I wanted to go up there and view that area to see if there was any physical evidence that I had missed because the accident had occurred during hours of darkness, and I was afraid I was going to be sent back to Oklahoma City, and I wanted to get this complete before that might have happened, so I was rushing up there.

Q. And so you passed Mr. McVeigh how fast, approximately, would you estimate that he was going?

A. I couldn't even estimate it. I don't know.

Q. Did you have your lights and siren going as you were driving a hundred miles an hour?

A. No, I did not.

Q. And you just happened to look over and see the license plate was not there?

A. Yes.

Charles Hanger - Cross

Q. Could you see if there was any other car near Mr. McVeigh, either in front or the rear?

A. I didn't take any note of other traffic that was around him. The interstate is usually busy. There very well could have been, but I didn't take note of it.

Q. And when you stopped him, can you tell the jury about how long it was before you turned on your camera?

A. It was after I had had him arrested, placed the evidence in the trunk, ran the checks, went back, took the gun back to the trunk, and then came back that I turned on the camera, but I don't recall the exact time. A few minutes.

Q. Can you give us an approximation of how long it was before you turned that on?

A. From the time of the stop until that point, less than 10 minutes.

Q. Okay. Isn't it your practice usually to have the camera going as you get out of the car and go up to talk to the individual?

A. If it's something that you think that you're going to need to document. If you're stopping a vehicle that's driving erratically and you think you have a DUI, well, then, yes, you would turn it on and record that information because that would be pertinent to your case, but I didn't feel like it was necessary in this instance.

Q. Okay. So you felt that you should turn it on once you

Charles Hanger - Cross

started talking to Mr. McVeigh in the car; is that correct?

A. Yes. I wanted to be able to document the conversation. I knew that I was going to read him his Miranda warning. I wanted that documented, and I wanted to document the entire conversation.

Q. Okay. And is that a practice that is taught there in Oklahoma; that when you're talking with a suspect, you normally try to record the conversation?

A. I wouldn't say that it's a practice that is taught. But a lot of times I do do that.

Q. Well, you've gone to all the police schools in Oklahoma, I take it, haven't you, to become a trooper and to maintain your certification?

A. I attended the training academy in Oklahoma City and then receive additional training each year.

Q. During that training, haven't they taught you to tape-record the interviews of suspects?

A. It's -- I've never had a school where they said that was a mandate. I know of no patrol policy that mandates that.

Q. How familiar are you with that camera? How long had it been in your car that you had been operating it?

A. I don't recall exactly how long I'd had that. It had been a few months. I hadn't had it a long time.

Q. Was this a new installation? You hadn't had a camera before?

Charles Hanger - Cross

A. This was the first camera I'd ever had.

Q. So you'd had it for how many months?

A. I'd just have to give you a wild guess; I really don't recall.

Q. Give us a wild guess.

A. Six months.

Q. Okay. And you told the jury that you punched the wrong button, and you only got video rather than audio?

A. Yes. That camera has the capabilities of recording the information inside the car as you're recording video outside the car, and I just pushed the wrong two buttons.

Q. Okay. Now, have you reviewed that video from start to finish -- do you recall -- Let's start with when did you turn it off.

A. I believe I turned it off just prior to getting off the interstate at the Perry exit while we were en route to the Noble County Jail.

Q. Okay. Have you reviewed that video from start to finish?

A. No.

Q. Did the FBI ever ask you to review it?

A. We looked at parts of it, but we didn't look at it from start to finish.

Q. When you looked at it, did you see a brown pickup that had stopped in front of McVeigh some distance up?

A. No.

Charles Hanger - Cross

Q. Do you recall the media reports at that time that your video camera showed a brown pickup that had stopped --

MR. GOELMAN: Objection.

BY MR. WOODS:

Q. -- in front of McVeigh?

THE COURT: Sustained.

BY MR. WOODS:

Q. Did you ever have any information that you were asked to look at concerning a brown pickup that was stopped in front of the Mercury Marquis some distance up?

MR. GOELMAN: Same objection, your Honor.

THE COURT: Overruled.

THE WITNESS: Could you repeat the question, please.

BY MR. WOODS:

Q. Yes. Did you ever have any information that there was a brown pickup that was stopped in front of McVeigh's vehicle some distance up the road at the time of your stop?

A. I had been asked if I had seen such a pickup.

Q. And did you look at your video in detail from start to finish to see if it was on there?

A. Not from start to finish.

Q. Did the FBI take it and look at it, to your knowledge?

A. They took the video. I don't know what they -- how extensive they looked at it.

Q. Did you ever get it back?

Charles Hanger - Cross

A. No.

Q. When did they take it?

A. I turned it over to them, I believe, on the 27th of April.

Q. Is that the first time they requested it?

A. Yes.

Q. Did they have a subpoena for it, or they just come get it, or what?

A. They asked for it, and I turned it over to an agent in Oklahoma City.

Q. Did you drive down there and give it to them?

Q. Did you drive down there and give it to them?

A. I had to be down there for a court hearing that day, and I took it with me.

Q. Okay. Now, you told the jury that when you stopped Mr. McVeigh and he came back and you all met there behind the car that you told him that you were stopping him for no license plate; is that correct?

A. Yes, for not displaying a tag.

Q. And you said that he turned and looked at where the tag should be.

A. Yes.

Q. Okay. Why did he do that?

MR. GOELMAN: Objection, your Honor.

THE COURT: Sustained.

BY MR. WOODS:

Q. Do you know what reaction he gave when he turned and looked

Charles Hanger - Cross

at the space?

A. I know what he said.

Q. What kind of reaction did you observe before he said anything?

A. I don't recall any reaction. His demeanor never changed. He looked at -- but he did turn and look at the bumper.

Q. Okay. And then he started telling you a reason why he didn't have the license plate; is that correct?

A. Yes.

Q. How much -- how many seconds passed there before he started telling you a version or a reason why he didn't have a plate?

A. Oh, just almost immediately.

Q. Now, do you have that driver's license in front of you, sir? And that's going to be Exhibit No. 427.

A. Yes.

Q. Does that driver's license reflect a date of issuance?

A. There's something that says "issued" up there, but I can't read it through this plastic.

Q. Do you need glasses for reading?

A. I'm just getting to that point in my life where I --

Q. I know that feeling.

THE COURT: Maybe it's on the display one. Is it?

MR. WOODS: Well, I'm sure the Government's got a computer hookup. Let me see if I can.

THE COURTROOM DEPUTY: There it is.

Charles Hanger - Cross

MR. WOODS: Here we go. Thank you, very much.

THE WITNESS: Much clearer there.

BY MR. WOODS:

Q. This is a Michigan driver's license; is that correct?

A. Yes.

Q. And on the top line, does it show a date of issue? It says "issued"?

A. It says "issue," but it really doesn't look like a date.

It looks like it says D242294.

Q. It's hard to come up with a date in there.

A. I don't know what that is. I'm not familiar with the Michigan driver's license process.

Q. Okay. And then the next blank on the right, it expires on "Birthday '97"?

A. Yes.

Q. Okay, thanks.

Now, Trooper Hanger, you have never seen Terry Nichols; is that correct? You certainly didn't see him there that day.

A. I've never seen him in person, until today.

Q. You didn't see him that day for certain.

A. No.

Q. Do you know what the reason was why the lawyers in your department wouldn't let you talk to us?

A. You'd have to ask them.

Charles Hanger - Cross

MR. GOELMAN: Objection, your Honor.

THE COURT: He already answered, "You'd have to ask them."

MR. WOODS: Thank you, very much, Trooper. I appreciate this opportunity to talk to you finally.

THE COURT: Mr. Goelman, do you have any follow-up?

MR. GOELMAN: Just one question, your Honor.

THE COURT: Okay.

REDIRECT EXAMINATION

BY MR. GOELMAN:

Q. Officer Hanger, you told Mr. Woods that you weren't paying much attention to the other traffic when you initially pulled Mr. McVeigh over?

A. Yes.

Q. You also told him that you don't remember seeing any brown pickup truck.

A. Yes.

Q. If there had been a brown pickup truck stopped on the shoulder of I-35 ahead of Mr. McVeigh when you pulled him over, would you have noticed that?

A. Possibly. Possibly not. I wasn't focusing right down the road. If it would have been close, I would have noticed it.

Q. If it was within 20 feet, would you have noticed it?

A. Oh, yes.

MR. GOELMAN: Nothing further.

Charles Hanger - Redirect

MR. WOODS: Your Honor, just a couple more questions.

THE COURT: All right.

REXCROSS-EXAMINATION

BY MR. WOODS:

Q. Trooper Hanger, do you recall testifying at the bond hearing for Mr. McVeigh?

A. Was that at the hearing in El Reno?

Q. Pardon me?

A. Was that at the hearing in El Reno?

Q. I believe it is, sir.

A. On the 27th of April?

MR. TIGAR: Excuse me.

MR. WOODS: May I have one second, your Honor?

THE COURT: Yes.

BY MR. WOODS:

Q. No, sir, I'm sorry. This was at the initial hearing that Friday on April the 21st, there in Noble County, in front of -- you were being asked questions by Mark Gibson, the assistant district attorney. It was in front of Judge Danny Allen.

A. I didn't attend that hearing.

Q. Okay. You were not present when Mr. Gibbons was explaining to the Court about Mr. McVeigh?

A. Mr. who?

Q. About Mr. McVeigh?

A. I didn't understand -- you said Mr. someone, and I didn't

Charles Hanger - Recross

understand who you said.

Q. Mr. Gibson, who is the assistant district attorney.

A. On the 21st of April, I was off that day. I didn't attend any hearing that day.

MR. WOODS: Okay. Thank you.

MR. GOELMAN: May be excused, your Honor.

THE COURT: Is that agreed?

MR. WOODS: Yes, your Honor. No further questions.

THE COURT: You may step down. You're excused.

Next, please.

MR. MACKEY: Your Honor, United States will call FBI Agent William Eppright. Mr. Goelman will present.

THE COURT: All right.

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

(William Eppright affirmed.)

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

THE WITNESS: Yes, ma'am.

THE COURTROOM DEPUTY: Would you state your full name for the record and spell your last name.

THE WITNESS: William Eppright, E-P-P-R-I-G-H-T, III.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Proceed.

DIRECT EXAMINATION

BY MR. GOELMAN:

William Eppright - Direct

Q. Mr. Eppright, what do you do for a living?

A. I'm a special agent with the Federal Bureau of Investigation.

Q. Please briefly describe your education for the Court and the jury.

the July.

A. I have a bachelor of arts degree in mathematics and law and justice from Glassboro State College, now known as Rowan University, in New Jersey, and a master's of forensic science from George Washington University.

Q. What did you do after graduating from college?

A. I immediately took a support position with the FBI in Washington, D.C., at our headquarters.

Q. What's a support position?

A. I worked in various units at our headquarters. I worked in our identification division, which handled fingerprint matters; I worked in our budget and accounting section; I worked in our laboratory; and I briefly worked in our computer division.

Q. How long have you been a special agent?

A. Approximately 12 years, going on 13.

Q. And have all those years been spent in one office?

A. Yes, sir. I've been in Dallas, Texas, for my entire tour as an FBI agent.

Q. Are you a member of the Dallas FBI office Evidence Response Team?

A. Yes, sir, I am.

William Eppright - Direct

Q. Will you explain what that is.

A. An Evidence Response Team is a group, a team of special agents and support personnel who are specially trained in the recognition, recovery, preservation, and documentation of evidence which may be located at complex crime scenes.

Q. And how long have you been a member of the Dallas ERT?

A. I've been a member since its inception in 1991.

Q. How many complex crime scenes have you worked as a member of the ERT?

A. I would estimate approximately two dozen.

Q. In April 1995, were you serving as a special agent and ERT team member in Dallas?

A. Yes, sir, I was.

Q. And on April 19, were you sent to Oklahoma City to participate in the investigation of the bombing?

A. Yes, sir, I was.

Q. How did you get to Oklahoma City?

A. I drove my FBI vehicle.

Q. And about what time did you get there?

A. I arrived sometime in the midafternoon.

Q. Were you still in Oklahoma City two days later, on April 21, 1995?

A. Yes, sir, I was.

Q. And that afternoon, did you become aware that the FBI had arrested a suspect in the bombing?

William Eppright - Direct

A. Yes, sir. Sometime that day, I became aware of that fact.

Q. And who was that suspect?

A. That suspect was Timothy McVeigh.

Q. Were you given an assignment related to the arrest of

Mr. McVeigh?

A. Yes, sir, I was.

Q. What was that?

A. I was told that a vehicle that the suspect was arrested in was going to arrive at our Evidence Control Center, and I was instructed to go to the Evidence Control Center and coordinate and oversee a search that was going to be conducted of the vehicle.

Q. Did you go to the Evidence Control Center on April 21?

A. Yes, sir, I did.

Q. What time did you get there?

A. I arrived there sometime in the midafternoon, I believe.

Q. And was this vehicle that you'd been assigned to search already there?

A. No, sir, it was not.

Q. When did you first see this vehicle?

A. I first saw the vehicle when it arrived at the Evidence Control Center sometime in the late afternoon.

Q. How did it arrive?

A. It arrived on a flatbed trailer that was being towed by a tow-truck driver.

William Eppright - Direct

Q. Can you describe the vehicle on the flatbed?

A. Yes, sir. It was older. It was a yellowish, brownish; and it contained a good amount of primer or rust, discoloration on the rear quarter panel of the driver's side.

Q. And what did you do when the car was delivered to the warehouse?

A. At that point, I instructed that the vehicle be located in the rear of the warehouse.

Q. Please take a look at the exhibit on your screen, Government's Exhibit 414. And it's already in evidence. Do you recognize the car depicted in that picture, not the surroundings, necessarily?

A. Yes, sir, I do.

Q. Agent Eppright, could you please click your pen a couple times to remove the marks.

What happened after the Mercury was delivered to Oklahoma City?

A. After the Mercury was delivered, again I instructed that the car be located at the rear of the Evidence Control Center; and I immediately erected a perimeter around the vehicle.

Q. What do you mean "a perimeter"?

A. Well, I set up -- I instructed that no one go anywhere close to the vehicle. And I prepared a work space, tables and chairs, awaiting to conduct or initiate the search of the vehicle.

William Eppright - Direct

Q. And did you and other agents start the search of the car at approximately 6:40 that evening?

A. Yes, sir, we did.

Q. What was your understanding of the authority that you had to search that car?

A. I understood that we had a search warrant authorizing us to search the vehicle.

Q. Was the car locked, or unlocked, when it arrived in Oklahoma City?

A. The vehicle was locked.

Q. And how did you gain entry?

A. We gained entry with the use of a Slim Jim or car-opening device.

Q. Once you got into the car, what was done?

A. The very first thing that was done upon entering the vehicle were air samples were taken from the inside of the vehicle.

Q. Okay. Were you present when these tests were conducted?

A. Yes, sir, I was.

Q. Do you know what specific scientific tests were conducted?

A. No, sir, I do not.

Q. Are you an expert in that field?

A. No, sir, I am not.

Q. Did you see whether any of those tests involved moving around the contents of the Mercury?

William Eppright - Direct

A. Yes, I did see that. The test did not entail moving any of the contents.

Q. Did you instruct that something be done with the car after those scientific tests were conducted?

A. Yes, sir, I did.

Q. What's that?

A. I instructed that photographs be taken of the -- the interior of the vehicle from both the driver's side and the passenger's side.

Q. Agent Eppright, would you please look at Government Exhibit 468.

Is that a fair and accurate depiction of the front seat from the passenger side of the car?

A. Yes, sir, it is.

Q. Okay, and do you recognize the items that we can see in this picture?

A. Yes, sir, I do.

Q. What are they?

A. The items I can see in the picture are a baseball hat, an 8-1/2-by-11 sheet of paper, a clipboard, and you can barely make out the end of an envelope.

Q. Okay. I want to take a little bit closer look and zoom in. Can you see the 8-1/2-by-11 sheet of paper that you just described there?

A. Yes, sir, you can.

William Eppright - Direct

Q. And did you get a chance to see that paper up close a little bit later?

A. Yes, I did.

Q. Did you get a chance to see if there was anything written on it?

A. Yes, I did.

Q. Can you please look in your folder and see if you can find Government Exhibit 447.

A. I have that in front of me.

Q. Do you recognize that?

A. Yes, sir, I do.

Q. What is it?

A. It is the 8-1/2-by-11 sheet of paper which I directed to be removed from the front seat of the vehicle.

Q. How do you know that's the same sheet of paper that you first saw on April 21, 1995?

A. I recognize it, and it contains my initials and date.

MR. GOELMAN: Your Honor, we move to admit Government Exhibit 447.

MR. WOODS: No objection.

THE COURT: Received.

MR. GOELMAN: Publish?

THE COURT: Yes.

BY MR. GOELMAN:

Q. Please read what this sheet of paper said into the record,

William Eppright - Direct

Agent Eppright.

A. The sheet of paper reads: "Not abandoned," and that is underlined, "please do not tow. Will move by April 23." And then in parentheses, it reads: "(Needs battery and cable)," end of parentheses.

MR. GOELMAN: Your Honor, the parties have reached a stipulation that I would ask the Court to read, if it pleases, page 5.

MR. WOODS: Your Honor, we stipulated to that handwriting.

THE COURT: All right. Again, there's an agreement here that the handwriting on this exhibit, 447, is that of Timothy James McVeigh.

MR. GOELMAN: Thank you, your Honor.

BY MR. GOELMAN:

Q. Agent Eppright, do you know whether there was at that time or had been anything at all wrong with the battery in that Mercury Marquis?

A. No, I do not.

Q. Do you know if there's anything wrong or had been anything wrong with the cable or cables in that car?

A. No, I do not.

Q. You identified several items that we can see on the front seat from the passenger side. Did you also cause a picture to be taken of the front seat from the driver's side?

William Eppright - Direct

A. Yes, sir, I did.

Q. And can you take a look at Government Exhibit 466, already in evidence, I believe.

A. I have that on the screen.

Q. Okay. Do you recognize that?

A. Yes, I do.

Q. What is it?

A. That is a picture taken of the interior from the driver's side of the vehicle.

Q. And is the envelope that you could kind of see from the other side more visible in this -- from this angle?

A. Yes, sir, it is.

Q. Okay. I want to zoom in on that. Can you describe this envelope that you first saw when you started the search of Mr. McVeigh's car on April 21?

A. Yes, sir. The envelope was sealed. It was a business-size envelope, and it had a thickness to it. It appeared to be an inch or two in thickness.

Q. Did it have any writing on the outside of the envelope?

A. No, sir, it did not.

Q. Did it have a stamp?

A. No, sir, it did not.

Q. Did you later get a chance to see what was inside the envelope?

A. Yes, sir, I did.

William Eppright - Direct

Q. Will you tell the jury about that, please.

A. The inside of the envelope contained two separate stacks of various-sized documents; each stack was folded into thirds.

Q. Agent Eppright, how did you open the envelope?

A. I opened the envelope by tearing it along one end.

Q. Why did you do it that way?

A. I did not want to insert any foreign object into the envelope.

Q. Okay. You said you noticed two stacks of paper folded into thirds?

A. Yes, sir, two separate stacks of papers.

Q. Did you notice if either of the stacks had any writing on them?

A. Yes, sir, there was a handwritten notation on the outside of one of the stacks.

Q. Agent Eppright, when you first opened this envelope and took out the two stacks of paper that you described, did you cause a picture to be taken of this?

A. Yes, sir, I did.

Q. Would you look at -- see if you can find Government Exhibit 448A?

A. I have that.

Q. What is that?

A. This is a picture that I had directed to be taken of the

contents of the envelope as they appeared when they -- when I

William Eppright - Direct

removed them from the envelope with the handwritten notation on the outside.

MR. GOELMAN: Your Honor, I would move to admit Government Exhibit 448A.

MR. WOODS: No objection.

THE COURT: Received, 448A.

MR. GOELMAN: Publish?

THE COURT: Yes.

BY MR. GOELMAN:

Q. Are those the two stacks of paper that were inside the envelope, Agent Eppright, that front pile there?

A. Yes, sir.

Q. Let's take a closer look at what the pile says. Would you please read that into the record.

A. Yes, sir. It reads: "Obey the Constitution of the United States and we won't shoot you."

Q. Did you later get a chance to see if there was anything written on the other side of this paper?

A. Yes, sir, I did.

Q. And what was on the other side of this paper?

A. The other side of the paper was the Declaration of Independence.

Q. Could you please look inside your folder and see if you can find Government Exhibit 462.

A. I have that.

William Eppright - Direct

Q. And do you recognize that?

A. Yes, sir, I do.

Q. What is it?

A. That is the sheet of paper which was removed from the envelope that contains the handwritten notation: "Obey the Constitution of the United States and we won't shoot you," and on the reverse side, the Declaration of Independence.

Q. How do you know that that's the same sheet of paper that you saw on April 21?

A. I recognize it, and it contains my initials and date.

MR. GOELMAN: Your Honor, we move to admit Government Exhibit 462 at this time.

MR. WOODS: No objection, your Honor.

THE COURT: Received.

MR. GOELMAN: Also ask the Court to publish another part of the stipulation about this being Mr. McVeigh's writing.

MR. WOODS: Yes, your Honor, we stipulate to the writing on these documents as that being of Mr. McVeigh.

THE COURT: Yes, this refers to highlight, but it's the whole thing; right?

MR. WOODS: Where it's handwritten. As I understand, there's printed material, but it's handwritten, yes.

THE COURT: Yes, the particular part of it, the "Obey the Constitution of the United States and we won't shoot," is stipulated, agreed to be the writing of Timothy James McVeigh.

William Eppright - Direct

MR. GOELMAN: Thank you, your Honor.

BY MR. GOELMAN:

Q. Agent Eppright, how many different groups of papers were in the envelope?

A. There were two separate, distinct groups of papers.

Q. And upon conducting a full examination, did you discover whether there was anything inside these two groups of papers?

A. Yes, sir, I did.

Q. What was in there?

A. There were numerous documents of various sizes and also smaller clippings and some documents that appeared to be Xeroxed and some documents that were cut and pasted together.

Q. And did you examine each of those documents, smaller ones and the ones that were the same size, individually?

A. Yes, sir, I did.

Q. I want to show you a series of exhibits that reflect some, but not all, the documents that were in that envelope. Would you please see if you can find Government Exhibit 453.

A. I have that.

Q. Do you recognize it?

A. Yes, sir, I do.

Q. Do you remember the first time that you saw that?

A. Yes, sir, I do.

Q. And when was that?

A. That was when I examined the contents of the envelope on

William Eppright - Direct

April 21, 1995.

Q. And how do you know that you saw that very same piece of paper inside the envelope on April 21?

A. I recognize it, and it contains my initials and date.

Q. Is the appearance of this document any different now than it was when you first saw it?

A. Yes, sir, it is.

Q. How is it different?

A. It is darker in color, and it also contains additional notations.

Q. Do you know why it's darker in color and contains additional notations?

A. Yes, sir, I do.

Q. Why is that?

A. It is darker in color from the latent fingerprint processing, and it contains additional notations from FBI Laboratory personnel.

Q. Is there any other difference in the way the document appears?

A. Yes, sir. The document contained yellow highlighting on April 21, 1995 which does not appear today.

April 21, 1999, which does not appear today.

Q. And do you know why the yellow highlighting does not appear today?

A. Yes, sir, I do.

Q. Why is that?

William Eppright - Direct

A. The highlighting does not appear -- the highlighting has been removed by the latent fingerprint processing.

MR. GOELMAN: Your Honor, Government moves to admit Exhibit 453.

MR. WOODS: No objection.

THE COURT: 453 is received.

BY MR. GOELMAN:

Q. Agent Eppright, can you find 453A there as well.

A. Yes, sir, I have that.

Q. What's that?

A. That's a photograph that I directed to be taken of the document as it appeared in the contents of the top stack of papers.

Q. And is that actually how it appeared to you when you first opened up the stack?

A. I -- the way it first appeared, it was on the other side.

Q. What do you mean "on the other side"?

A. It was -- this is a two-sided clipping, and as it first appeared, it laid on the opposite side.

Q. And did you turn it over?

A. Yes, sir, I did.

Q. Do you recognize this as the other side?

A. Yes, sir.

MR. GOELMAN: Move to admit 453A, your Honor.

MR. WOODS: No objection, your Honor.

William Eppright - Direct

THE COURT: 453A is received.

MR. GOELMAN: May I publish, your Honor?

THE COURT: Yes.

BY MR. GOELMAN:

Q. What are we looking at here, Agent Eppright?

A. That's the photograph I directed to be taken of the clipping as it appeared in the contents of the document.

Q. What do we see in the lower left-hand corner of the screen?

A. That's my hand in a white cotton glove.

Q. Why was your hand in a white cotton glove at the time?

A. I handled all the documents and all the evidence from the vehicle with white cotton gloves to protect the evidence.

Q. Okay. I want to turn this particular picture around and see if you can read the highlight and the unhighlighted portions of this particular document. Can you read from the top, please, into the record, Agent Eppright.

A. Yes, sir. The document reads: "Staffers" -- and the highlighting begins -- "but the real value of our attacks today lies in the psychological impact, not in the immediate

casualties," period. End of paragraph.

And then it continues, but is not highlighting. "For one thing our efforts against the system gained immeasurably in credibility," period. And then backing up, "credibility" is highlighted.

The clipping continues, and this is also highlighted:

William Eppright - Direct

"More important, though, is what we taught the politicians and the bureaucrats. They learned this afternoon that not one of them is beyond our reach. They can huddle behind barbed wire and tanks in the city, or they can hide behind the concrete

walls and alarm systems of their country estates, but we can still find them and kill them."

Then the highlighting stops and the clipping continues: "All the armed guards and bulletproof limousines in America cannot guarantee their safety."

Then the highlighting begins again. And the article continues: "That is a lesson they will not forget."

Q. Agent Eppright, does any part of this passage appear to be double highlighted?

A. Yes, sir, it does.

Q. Which part?

A. The part that reads: "But we can still find them and kill them," appears to be highlighted twice or twice highlighted double.

Q. Had you ever seen this passage before April 21, 1995?

A. No, sir, I had not.

Q. Have you since determine the source of this passage?

A. Yes, sir, I have.

Q. And what is it?

A. It's a passage from page 62 of The Turner Diaries.

Q. What is The Turner Diaries?

William Eppright - Direct

A. The Turner Diaries is a novel written by Andrew Macdonald.

Q. Do you see the document underneath the passage from The Turner Diaries?

A. Yes, sir, I do.

Q. Did you later get a chance to see this up close?

A. Yes, sir, I did.

THE COURT: I think we'll take the recess before we go to this next document.

MR. GOELMAN: Thank you, your Honor.

THE COURT: You may step down now --

THE WITNESS: Yes, your Honor.

THE COURT: -- and we'll have you back at the end of the recess.

It's about midmorning, so I thought it would be a time

to break. And of course you know that I'm going to tell you not to discuss the case or anything about it during the time of this recess and maintain open minds and avoid anything outside the evidence which would influence you in any way.

You're excused now, 20 minutes.

(Jury out at 10:19 a.m.)

THE COURT: Mr. Tigar.

MR. TIGAR: Your Honor, sometime today we may get to the offering of evidence that is the fruit of the searches that were the subject of the hearing we had before your Honor in the spring of this year.

William Eppright - Direct

THE COURT: Yes.

MR. TIGAR: And rather than object each time, I'd like the Court's -- if the Court would -- give me a continuing objection to all of the items that we challenged at that time on the many grounds that we raised in our papers, Fourth Amendment, Fifth Amendment, Sixth Amendment, scope of the warrant and so on.

THE COURT: Sure. That will help us to stipulate. The Government agrees to that procedural step?

MR. MACKEY: Yes, your Honor.

THE COURT: Stipulate to a continuing objection to those items that were addressed in the motion to suppress which I denied.

MR. TIGAR: Thank you, your Honor, and that way we won't make any objection or noise, they will just come --

THE COURT: I appreciate it.

MR. TIGAR: Thank you, your Honor.

THE COURT: Court's in recess, 20 minutes.

(Recess at 10:20 a.m.)

(Reconvened at 10:40 a.m.)

THE COURT: Be seated, please.

(Jury in at 10:41 a.m.)

THE COURT: Please resume the stand.

You may continue.

MR. GOELMAN: Thank you your Honor.

William Eppright - Direct

BY MR. GOELMAN:

Q. Agent Eppright, will you take a look inside that folder, please, and see if you can find the following Government's Exhibits: 454, 456, 459, and 460.

A. I have those.

Q. Do you recognize each of those as documents that you first saw in the envelope out of Mr. McVeigh's car?

A. Yes, sir, I do.

Q. And are your initials on each of those documents?

A. Yes, sir. My initials and date are on each of those documents.

MR. GOELMAN: Your Honor, the Government moves to admit Exhibits 454, 456, 459, and 460.

ADMIT EXHIBITS 454, 456, 459 AND 460.

MR. WOODS: No objection.

THE COURT: They are received.

MR. GOELMAN: I also ask the Court to publish the stipulation that any and all handwriting on these documents belongs to Mr. McVeigh.

MR. WOODS: Yes, your Honor, that is our stipulation.

THE COURT: All right. And again, members of the jury, it is agreed that the handwritten -- handwriting on these documents as opposed to printing is -- that is, you know, printing not done by hand -- is that of Timothy James McVeigh.

MR. GOELMAN: Thank you, your Honor. I have nothing further.

William Eppright - Direct

THE COURT: All right. Mr. Woods?

MR. WOODS: Yes, your Honor. Thank you.

CROSS-EXAMINATION

BY MR. WOODS:

Q. Good morning, Agent Eppright. My name is Ron Woods. I represent Terry Nichols.

A. Yes, sir.

Q. You and I have never had a chance to talk about this, have we?

A. No, sir, we have not.

Q. Now, you told the jury that you became an agent -- what year was it?

A. I became an agent in 1986.

Q. Okay. And you've been in Dallas all the time?

A. Yes, sir.

Q. And prior to that, were you working in Washington?

A. Yes, sir. I was working at our headquarters in Washington, D.C.

Q. In some support position?

A. Yes, sir, various support capacities.

Q. Okay. And you graduated from Glassboro State College, which has since been renamed; is that correct?

A. That's correct.

Q. Was it an accredited school before it was renamed?

A. Yes, sir, it was.

William Eppright - Cross

Q. And what's the new name of it?

A. The new name is Rowan University.

Q. How do you spell that?

A. R-O-W-A-N.

Q. And what type of work did you do in Washington?

A. I initially started in the identification division, and I worked there for one year. Then I was assigned to the budget and accounting division. Then I worked in the FBI Laboratory, and I ended in the computer division.

Q. Okay. And you got your master's in forensic evidence?

A. Yes, sir.

--- ---, ---

Q. At George Washington?

A. Forensic science.

Q. Forensic science. And a lot of agents do that, don't they?
Were you in classes with other agents?

A. At -- yes, sir, I was.

Q. And how many hours is that program?

A. It is 36 hours -- credit hours, I believe.

Q. Okay. Now, when you were at the Evidence Control Center,
is that the warehouse?

A. Yes, sir.

Q. At 4th and Classen in Oklahoma City?

A. I believe that's the correct address.

Q. Okay. Was that the first time you had gone there that
Friday, the 21st?

William Eppright - Cross

A. Yes, sir.

Q. Can you give the jury a general description of that
warehouse at that time when you got there?

A. Yes, sir. When I arrived at the warehouse, the warehouse
contained rooms on the one side and an entry, a doorway and
then a -- attached to that as part of the warehouse was a
garage-type area with garage doors that could open and close.

Q. Okay. You had a large garage door that vehicles drove in
and out. That was one entry. Right?

A. Yes, sir.

Q. And next to it was a door that people could go in and out;
is that correct?

A. Yes, sir.

Q. Did you see a lot of evidence on the floors that was
separated by duct tape?

A. No, sir, I did not.

Q. Okay. What else did you see in there?

A. I can't be certain, but I believe there might have been
another vehicle on the far side of the warehouse from where the
administrative office is and other individual rooms were
located. I believe there were boxes and things of that nature
again on the far side of that warehouse.

Q. Individual rooms: What are you referring to that are
inside that warehouse?

A. When you first entered the warehouse, the first room was --

William Eppright - Cross

I'll call it an administrative office, where --

Q. That's the one on the right?

A. Yes, sir. And the -- the additional rooms along that
wall --

Q. Were those really rooms, or was that just a big, plastic
curtain separating that area?

A. I was never in that area, and I can just recall that -- I
can't tell you whether there was one door or more than one door
but --

Q. Okay. Let's stick with what you can recall. On the 21st, you see the vehicle Mercury Marquis brought in by a flatbed trailer. Is that correct?

A. Yes, sir.

Q. And how do you get it off of the trailer?

A. The operator of the tow truck placed the vehicle in the warehouse and placed the vehicle at the rear of the warehouse.

Q. Just lower the flatbed and it rolls off, or what?

A. No, sir. He manipulated, operated. I believe he took it off the flatbed trailer and then with the tow truck got it back into the rear of the warehouse.

Q. Because it was still locked up at that time, I take it. You weren't driving it off the trailer and putting it someplace in the warehouse?

A. No, sir. It was put at the rear of the warehouse by the operator of the tow truck.

William Eppright - Cross

Q. So you had a truck and a flatbed trailer in there with the car?

A. I believe just the -- no, they were both not in there. They would have been too large. I believe that just the tow truck placed the vehicle in the rear of the garage.

Q. Okay. Now, you were there when the car was opened up with a Slim Jim?

A. Yes, sir, I was.

Q. And can you describe for the jury what a Slim Jim is?

A. Yes, sir. A Slim Jim is a flat -- basically just a flat tool and has a hook on one end. And it slides down between the windows, and you attempt to grab the lock and unlock the car in that fashion.

Q. Okay. Who did that?

A. That was done by personnel on the Chemical Residue Recovery Team.

Q. And what was his name?

A. Special Agent Steve Burmeister was in charge of the Chemical Residue Recovery Team.

Q. And you stood there and watched this operation, didn't you?

A. Yes, sir, I did.

Q. And didn't you write up a memorandum of everything that happened there?

A. Yes, I created documents of what occurred that day.

Q. Okay. And did Burmeister open up the door himself -- Agent

William Eppright - Cross

Burmeister? Let me phrase it that way.

A. I believe he was assisted with other members of his team. I don't know if Agent Burmeister himself was the specific individual that open the door, but it was members of his team.

Q. How many members were there?

A. I recall there was five or six.

Q. Okay. And then you told the jury that an air sample was

taken of the interior of the vehicle. Is that correct?

A. Yes, sir, it is.

Q. I assume that had to be done right away as soon as the doors opened before the air escapes and new air comes in?

A. I witnessed that as soon as the door opened they as quickly as they could took air samples inside, yes, sir.

Q. What did they take air samples with?

A. I really wouldn't know.

Q. You observed it. Is that correct?

A. Yes, sir, I did.

Q. And you have a master's degree in forensic science?

A. Yes, sir, I do.

Q. What does "forensic" mean?

A. "Forensic" is the scientific study of evidence in a laboratory setting; and it's also the collection of evidence which will in the future be studied in a scientific setting.

Q. And this was collection of evidence to be put -- to be studied in the future; is that correct?

William Eppright - Cross

A. I am not an expert in their field of study and their field of expertise, and I can only go by what they told me they were doing.

Q. What did you observe them doing? What kind -- can you just describe to the jury in general what kind of machines or equipment they were using to take an air sample inside?

A. I recall they had evidence vacuum-cleaner-type equipment, and I really don't recall what the equipment looked like that they were using to take the air sample. I believe it was some type of vacuum cleaner device, but I really don't recall. They had a number of other pieces of equipment set up that they were using.

Q. Have you reviewed your memorandum that you prepared that explained that process?

A. Yes, sir, I have.

Q. Okay. Well, you told the jury that you retrieved the envelope there. Is that correct?

A. I retrieved it from an agent of the Chemical Residue Recovery Team, yes, sir.

Q. Okay. Okay. Now, there was no name written on the front of the envelope; is that right? Or no address, name and address to whom it was being made?

A. That's correct.

Q. Okay. And you opened it up and you mentioned to the jury that it was in stacks, it was folded in thirds. Is that

William Eppright - Cross

correct? Like a letter, a business letter is folded to put in an envelope?

A. Yes, sir. There were two distinct stacks, and each stack was folded into thirds; and then there were papers in each individual stack.

Q. Now, the way those were folded -- would that be appropriate

Q. Now, the way those were folded would that be appropriate for placing an envelope for mailing, the way it was folded?

A. I don't know. I guess it could be. It seemed to contain the different documents.

Q. Okay. You certainly took it out of a regular business envelope; right?

A. Yes, sir, I did.

Q. It was somewhat thick. Two stacks?

A. Yes, sir.

Q. And if you separated the stacks and you still had it folded that way, it could be made in another envelope, same size. Is that correct?

A. I guess it could be.

Q. Okay. And you pointed out to the jury that there were numerous parts highlighted and you've only read one part there -- is that correct -- a quotation from Turner Diaries?

A. That's correct.

Q. And there is some handwriting in there by Mr. McVeigh. You've heard the stipulation as to whose handwriting that was.

A. Yes, sir.

William Eppright - Cross

Q. In that handwriting, did Mr. McVeigh ever mention Terry Nichols?

A. No, sir, he did not.

Q. Did he ever say that he and Terry Nichols were going to do anything violent, in the handwriting?

A. No, sir, it did not.

MR. WOODS: Thank you very much.

THE COURT: Do you have any further questions?

MR. GOELMAN: Just one, your Honor.

REDIRECT EXAMINATION

BY MR. GOELMAN:

Q. In those documents that were in Mr. McVeigh's handwriting, did he ever mention that he and anyone was going to do any act of violence?

A. No, sir, he did not.

MR. GOELMAN: Nothing further, your Honor.

MR. WOODS: Nothing further.

THE COURT: You may step down.

THE WITNESS: Thank you, your Honor.

MR. MACKEY: United States would call FBI Agent

William West. Ms. Wilkinson will question.

THE COURTROOM DEPUTY: Raise your right hand, please.

(William West affirmed.)

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

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

THE WITNESS: William K. West, W-E-S-T.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Ms. Wilkinson?

MS. WILKINSON: Thank you, your Honor.

DIRECT EXAMINATION

BY MS. WILKINSON:

Q. Good morning, Mr. West. How are you doing?
A. Fine.
Q. Could you tell the ladies and gentlemen of the jury how you're employed?
A. I'm a special agent with the FBI.
Q. How long have you been an agent with the FBI?
A. 21 years. 22 years next month.
Q. Where do you work currently?
A. In the Kansas City office of the FBI.
Q. And how long have you been assigned to the Kansas City office?
A. Approximately seven years.
Q. Can you tell us briefly about your educational background? Where did you go to undergraduate university?
A. I went to college at the University of Missouri, in Columbia, Missouri.

Q. What year did you graduate?
A. In 1971.

William West - Direct

Q. Did you attain -- did you also attend law school?
A. Yes, I did.
Q. When did you do that?
A. I attended law school at the University of Missouri at Kansas City and graduated from law school in 1975.
Q. Do you have any other special skills or training that you use as an agent with the FBI?
A. Yes. I've been trained as a police instructor with the FBI, and I also have received training as an airplane pilot, Bureau pilot with the FBI.
Q. Have you also served in the capacity as a lawyer for the FBI at times in your career?
A. Yes, I have.
Q. Now, did you participate as one of the investigators after the bombing in April 19, 1995?
A. Yes, I did.
Q. Were you participating in the investigation on April 22, 1995?
A. Yes, I was.
Q. Where were you that morning?
A. I was in Herington, Kansas.
Q. Did you participate in the search of Terry Nichols' house that evening?
A. Yes, I did.
Q. Did you have a court-authorized search warrant to do so?

William West - Direct

A. Yes, we had a search warrant.
Q. Did you review that search warrant before you participated?
A. Yes, I did.
Q. When did you start working on the search of Mr. Nichols'

residence?

A. I entered the residence at approximately 8:00 in the evening, 8:00 p.m.

Q. Do you recall where the first place was that you went to search?

A. I searched primarily the store -- what we referred to as the storage area of the house. It was one room, a 10-by-10 room in the house.

Q. Where was that located in Mr. Nichols' house?

A. It was on the southwest corner of the house.

Q. Now, did you find any documents in Mr. Nichols' storage room?

A. Yes, I did.

Q. Let me show you what's been marked as Government's Exhibit 17 -- 1773, Photo 12. Do you see that in front of you?

A. Yes, I do.

Q. Do you recognize that document?

A. Yes, ma'am.

Q. Or that photograph. Excuse me.

A. Yes, ma'am.

Q. What does it depict?

William West - Direct

A. It -- one of the boxes of the box (sic) is the box where I retrieved the documents I retrieved from Terry Nichols' residence.

Q. This is a fair and accurate depiction of the boxes when you saw them as you entered the storage room?

A. Yes, it is.

MS. WILKINSON: Your Honor, we offer Government's Exhibit 1773, Photograph No. 12 of 15.

MR. TIGAR: No objection, your Honor.

THE COURT: All right. It's received, may be shown.

BY MS. WILKINSON:

Q. Mr. West, tell the ladies and gentlemen of the jury what they're seeing.

A. Well, the box on the bottom of the picture that's the green Quaker State box is a box that was located in the storage room on the floor against the north wall. And that green Quaker State box is the box that I took the documents from.

Q. Now, you told us you took some documents. Were you the only agent that was searching that room?

A. No, ma'am. There were primarily three of us, Bob Meredith, who was designated team leader for our team; Cullen Scott, another agent, and myself.

Q. And did you also have a photographer assisting you at times?

A. From time to time, a photographer came in the room, also.

William West - Direct

Q. Now, can you tell the jury what procedures you followed -- first of all, let me go back. You said you see some documents from Mr. Nichols -- is that right -- or from this box depicted in

FROM MR. NICHOLS, IS THAT LIGHT -- OR FROM THIS BOX DEPICTED IN
the picture?

A. That's correct.

Q. Did all the documents you took that day come from this
Quaker State box depicted in Government's Exhibit 1773,
Photograph 12?

A. Yes, ma'am.

Q. And when you took all those documents out, what did you do
with them?

A. I took the -- removed the documents from the box, placed
them in a plastic bag, in the plastic baggy also placed an
evidence card, which generally described the documents or the
items. I initialed that card, dated it; and it also had the
file number on it.

Q. What did you do with that card?

A. I put that card also in the plastic bag with the documents.
Then I sealed the bag and -- or closed the bag and sealed it
with evidence tape.

Q. What did you do once you sealed the bag with evidence tape?

A. We also had a log, a written log; and we entered on the log
the items, a brief description -- general description of items
that were in that bag.

Q. Did you initial the tape on the bag after you sealed it?

William West - Direct

A. Yes, I did.

Q. All right. Now, when you took the glove -- when you
took -- excuse me -- when you took the documents out of the
box, what were you wearing?

A. Well, I was wearing gloves.

Q. Why were you doing that?

A. To preserve the evidence. Everyone in the search team was
wearing gloves.

Q. Now, we're going to talk about a series of documents that
you seized from Mr. Nichols' house. Were all of those
documents placed in the same plastic bag that you just
described for the jury?

A. Yes, ma'am.

Q. Could you look in the envelope in front of you and look for
Government's Exhibit 1707A, the plastic bag you just described.

A. I have it.

Q. Do you recognize that?

A. Yes, ma'am. This is the plastic bag that I used to put the
documents that I retrieved from that cardboard box, put the
documents in this bag.

Q. How do you recognize it?

A. Well, it has the evidence tag in the bag and also has my
initials, W.K.W., on the evidence tape that I used to seal the
bag with.

MS. WILKINSON: Government offers 1707A, your Honor,

William West - Direct

the plastic bag.

MR. TIGAR: No objection, your Honor.
THE COURT: Received. Did you say 1707?
MS. WILKINSON: Yes, sir. 1707A.
THE COURT: Yes. Proceed.

BY MS. WILKINSON:

Q. Mr. West, looking at that bag, does it have a Q number on it?

A. Yes, it does.

Q. What is the Q number marked on that bag?

A. Q number is 194.

Q. You've reviewed the documents that you placed in that bag prior to coming to court. Is that right?

A. That's correct.

Q. And are they all marked with the series of Q194?

A. That's correct. The bag has 194, and then each document would have -- for example, the first document of that would be 194-1, the second document would be 194-2.

Q. Does that indicate to you that all those documents were the same documents that you placed in the plastic bag at the time of the search?

A. Yes, it does.

Q. Now, before coming to court today, did you compare some of the documents that you placed in Government's Exhibit 1707A -- that is, documents that you took from Mr. Nichols' house --

William West - Direct

with some of the documents that were found in Mr. McVeigh's car at the time of his arrest?

A. Yes, I did.

Q. Tell the jury what you found.

A. Some of the documents were identical in whole or just in part, some of the documents had identical quotes, and then some of the documents just dealt with the same general subject matter.

Q. I want to start by showing you Government's Exhibit 459, which has been previously moved into evidence.

MR. TIGAR: Your Honor, I'm going to object to taking witness time making a comparison of documents that the jury is equally able to do for themselves.

THE COURT: The objection is overruled.

BY MS. WILKINSON:

Q. Can you read the title of this document, Mr. West, for the jury?

A. It's "U.S. Government Initiates Open Warfare Against American People."

Q. Now, did you find a document with that same title, "U.S. Government Initiates Open Warfare Against the American People," in Mr. Nichols' house.

A. Yes, I did.

Q. All right. Let me show you what's been marked Government's Exhibit 1707B.

William West - Direct

MS. WILKINSON: And, your Honor, we're using the B because that's the clean documents. I'd move in at this time 1707 and 1707B, which is the actual documents and then a clean copy.

BY MS. WILKINSON:

Q. Agent West, do you recognize 1707B?

A. Yes, I do.

Q. Is that a document you took from Mr. Nichols' house?

A. Yes, it is.

Q. Does it have the Q number marking that you've previously described?

A. Yes, it does.

Q. What does it say?

A. It's 194 ---Q number 194-10.

MS. WILKINSON: Your Honor, we'd move in Government's Exhibits 1707 and 1707B.

MR. TIGAR: May I inquire, your Honor?

THE COURT: You may.

VOIR DIRE EXAMINATION

BY MR. TIGAR:

Q. Agent, what is -- you said that the 1707B is a clean copy? What does that mean?

A. That means when the documents went to the lab. Apparently they were processed. And they're hard to reproduce or make a copy from. So you can make a copy from a, you know -- another

William West - Voir Dire

one, identical copy or clean copy.

Q. What do you mean "another one"? I mean, is 1707B the same document as 1707, or is it different, or what? I don't understand.

A. No, that's just -- as I understand it, that's just for the screen -- for the computer. 1707B is a clean -- yeah, is a clean copy of the document. It's a copy of the document.

Q. Where did that copy come from?

A. The original -- it's a copy of the original document.

Q. Let me try to understand the process. You seized a document at Mr. Nichols' house and you gave it a number. Correct?

A. I seized a document from the house. I placed it in a plastic bag. I put the tag in the bag. I did not give it a number.

Q. All right.

A. Except -- we gave it a number on the log, which was H18.

Q. That was the number on the log?

A. Right.

Q. And that's a document that is headed "APRA News." That's what we're talking about. Correct?

A. Correct.

Q. Then where did that document go from there? To Washington to be processed?

A. That's correct.

William West - Voir Dire

Q. Now, before -- when it was processed, somebody wanted to find out if there were fingerprints on it. Is that right?

A. Yes, sir.

Q. All right. And -- so that's the kind of processing you're talking about? Fingerprints?

A. That's correct.

Q. And from your experience as a special agent, you know that pieces of paper can yield fingerprints if subjected to certain processes. Correct?

A. That's correct.

Q. And, for example, if I were to touch this white piece of paper I'm holding up with my thumb and forefinger, it could be chemically treated and the fingerprint would show up. Right?

MS. WILKINSON: Objection, your Honor. This is beyond the scope of voir dire.

THE COURT: Overruled.

THE WITNESS: It's possible. Not always. You don't always get fingerprints, but you may get a fingerprint.

BY MR. TIGAR:

Q. I'm not trying to get you outside your area of expertise.

A. Right.

Q. But the next question I want to ask you: When it's subject to processing with a chemical solution to cause fingerprints to come up, then the document will be discolored. Correct?

A. It may become discolored, correct.

William West - Voir Dire

Q. Now, is it your understanding that the document that you referred to as the clean copy is a copy that was made before the fingerprints were taken, or is it a document --

A. I don't know how the clean copy was made. It may have been enhanced from a copy, or -- I can't tell you that.

Q. So you can't tell us whether the clean copy was something that the FBI went and got from a third party or whether it came from Mr. Nichols' house or whether it came from the publisher or where it came from. Right?

A. I'm not the one that could speak for that. I'm not aware of us getting it from any third party, but --

MR. TIGAR: Well, I object to the copy, your Honor. No objection to the original.

THE COURT: Objection sustained to what's described as the clean copy.

MS. WILKINSON: May I ask a few more questions, your Honor, just to lay the foundation for the next witness?

DIRECT EXAMINATION CONTINUED

BY MS. WILKINSON:

Q. Mr. West, after you seized these documents, did you turn them in to the search leader, Agent Jasnowski?

A. I personally didn't, but our team leader did.

Q. And do you know what she did with those documents after they were turned in to her?

they were carried in so here.

A. I know that they were loaded on a truck to be transported

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but don't know other than that.

Q. You don't know whether she made copies of those documents, do you?

A. No, I don't.

MS. WILKINSON: Your Honor, may I retrieve the originals from Mr. West so I can show them on the ELMO?

THE COURT: Yes.

MS. WILKINSON: Your Honor, may I have one moment? I think we may have those documents even on the computer, if I could just have one moment to consult.

THE COURT: Yes.

MS. WILKINSON: Thank you.

We do have it, your Honor. I'm sorry about that.

THE COURT: Are you saying that 1707 was scanned into

a computer?

MS. WILKINSON: Yes. The original. And I'm -- so was 1707B. But since they object to the clean copy, we'll just show the 1707.

THE COURT: We're staying with 1707, but do you have any objection to the use of this out of the computer?

MR. TIGAR: No, your Honor, not at all. It was just that copy. That was my only objection.

THE COURT: I understand. So 1707 has been received now without objection.

MS. WILKINSON: Your Honor, now they're telling me we

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don't have it on the computer; so I'll go back to the ELMO and show it on there.

THE COURT: I'll withhold any comment.

MS. WILKINSON: Thank you. I appreciate it.

This is harder for me than the computer.

MR. TIGAR: May I cross the aisle and give assistance?

MS. WILKINSON: I think I've got it. Thank you.

THE COURT: Okay.

All right. 1707 is now being displayed.

BY MS. WILKINSON:

Q. I'm showing you the top half. Do you recognize that, Agent West?

A. Yes, ma'am.

Q. And that's the document that you seized from Mr. Nichols' house?

A. Yes, ma'am.

Q. Did you compare that to the document from Mr. McVeigh's car, Government's Exhibit 459, with the same title?

A. Yes, I did.

Q. What did you determine?

A. The document had the article -- had the same title, and all of the paragraphs of the article from Tim McVeigh's vehicle are included in the article that I seized from Terry Nichols' residence.

Q. Now I'm going to show you Government's Exhibit 460 that's

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been previously been entered into evidence.

MS. WILKINSON: Can we have the computer back, please.

BY MS. WILKINSON:

Q. Do you recognize that document?

A. Yes, ma'am.

Q. And that's entitled "Waco Shootout Evokes Memory of Warsaw '43." Did you find a document with that same title in Mr. Nichols' house?

A. Yes, ma'am. I found a document with the identical article in the box on the floor of the storage room from Terry Nichols' residence.

Q. Okay. Let me show you Government's Exhibit 1702, which has not been moved into evidence yet. Do you recognize that?

A. Yes, ma'am.

Q. And did you review that document 1702 before coming to court today?

A. Yes, I did.

Q. Does that have the same Q number series that you described previously?

A. Yes, although I can't read it too well on the screen.

MS. WILKINSON: Your Honor, I think I can give the documents back and use the computer for the remaining presentation.

BY MS. WILKINSON:

Q. Take a look at the document, Mr. West. Is that the

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document, Government's Exhibit 1702, that you took from Mr. Nichols' house?

A. Yes, it is.

Q. And did you compare those two documents, Government's Exhibits 460 and Government's Exhibit 1702?

A. Yes, I did.

Q. All right. Let me show you those two documents side by side. Do you see that?

MS. WILKINSON: And can we publish, your Honor?

THE COURT: Well, it hasn't been admitted yet.

MS. WILKINSON: I'm sorry. I move to admit Government's Exhibit 1702.

MR. TIGAR: No objection, your Honor.

THE COURT: 1702 is received. Now you may publish.

MS. WILKINSON: Thank you.

BY MS. WILKINSON:

Q. Now, on the left side there is 460, is that right, Mr. West, from Mr. McVeigh's car?

A. That's correct.

Q. And on the right is Government's Exhibit 1702 from Mr. Nichols' house?

A. Yes, ma'am.

Q. Tell the jury how these two documents compare.

A. They are identical articles. The articles are the same.

Q. Can you look in that envelope that we left up there and

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look for Mr. McVeigh's T-shirt, Government's Exhibit 429.

A. I have it.

Q. And do you see the quote on the back of the T-shirt? Can you take it out of the bag and look at the quote on the back of the T-shirt?

A. I see it.

Q. Do you recognize that quote?

A. Yes, ma'am.

Q. Did you see that quotation on any documents in Mr. Nichols' house?

A. Yes, ma'am. It's contained -- the same quote is contained in the article, "Waco Shootout -- Waco Shootout Evokes Memories of Warsaw '43."

Q. All right. Let me publish Government's Exhibit 1702, if we could, on the computer.

And if I enhance this for you or enlarge a portion, can you show the jury where that quote is?

A. Yes, ma'am.

Q. Okay. Do you see it?

A. Yes.

Q. Can you use that pen up there, the black pen that's up on top of your screen -- see that? Bring it down and circle the quote for the jury, please. And read it into the record.

A. The quote is, "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants," and it

William West - Direct

has, quote, "Thomas Jefferson."

Q. And that's on the same documents that's entitled, "Waco Shootout Evokes Memory of Warsaw '43"?

A. Yes, at the bottom.

Q. Now, I want you to take a look at Government's Exhibit 462, which has been previously moved into evidence.

MS. WILKINSON: Will you display that, please.

BY MS. WILKINSON:

Q. Do you recognize this, Mr. McVeigh's handwriting of "Obey the Constitution of the United States and we won't shoot you"?

A. Yes, ma'am.

Q. Did you review that before coming to court today?

A. Yes, I did.

Q. Did you find that same quotation in some documents in

Q. Did you find that same quotation in some documents in Mr. Nichols' house?

A. Yes, I did.

Q. Let me show you Government's Exhibit 1704.

MS. WILKINSON: Your Honor, I'm going to have the same problem with this. This is 1704A. I'll need to ask the witness and move it to the ELMO.

THE COURT: Yes.

BY MS. WILKINSON:

Q. Agent West, did you find Government's Exhibit 1704?

A. I did.

Q. Do you recognize that document?

William West - Direct

A. Yes, I do. This is one of the documents I took from the cardboard box in the storage area at Terry Nichols' residence.

Q. Is it marked with a Q number?

A. Yes, it is.

Q. What is the Q number?

A. Q194-5.

MS. WILKINSON: Your Honor, we'd move 1704 into evidence.

MR. TIGAR: No objection.

THE COURT: 1704 is received. You may display it.

MS. WILKINSON: Thank you.

BY MS. WILKINSON:

Q. Can you read the title of that document, please.

A. "Why the Armed Citizen in America."

Q. And did you find the "Obey the Constitution" quote in this document?

A. Yes, I did.

Q. Do you see it there?

A. Yes, I do.

MS. WILKINSON: Your Honor, I don't know if this will work. Can he circle it on the computer screen and we print it out?

THE COURTROOM DEPUTY: Yes.

MS. WILKINSON: We'd like to do that.

BY MS. WILKINSON:

William West - Direct

Q. Could you circle it, Mr. West, for the jury. And read it into the record, please.

A. "Obey the Constitution of the United States of America and we won't shoot you."

MS. WILKINSON: Your Honor, we move for the admission of 1704B, which would be the printed copy with this marking.

THE COURT: All right. Is the equipment doing that?

THE COURTROOM DEPUTY: I'm doing that.

MR. TIGAR: My faith in technology tells me not to object to that, your Honor.

THE COURT: All right.

MS. WILKINSON: Your Honor, maybe you could explain to the jury how that works. I think this is the first time we've done that.

THE COURT: Well, explain how it works, I can't do that. Explain what it's supposed to do, I can.

What happens is that we have equipment here which when a witness has used this pen that has been referred to, to circle on -- electronically on something that's on the screen here, then we can stop it at that point. The machine then prints out like a Polaroid print of that particular marking on that exhibit, and then that can be a separate exhibit.

Did it work?

THE COURTROOM DEPUTY: It's processing.

MS. WILKINSON: We can move on, your Honor. If it

William West - Direct
doesn't, we can come back and try it again.

THE COURT: All right.

BY MS. WILKINSON:

Q. Now, Mr. West, I want to show you Government's Exhibit 456, which has previously been entered into evidence. Did you review that document before coming to court?

MS. WILKINSON: Could we have that on the screen?

THE COURTROOM DEPUTY: 456.

THE WITNESS: Yes, I did.

MS. WILKINSON: 456.

BY MS. WILKINSON:

Q. And that's entitled, "The American Response to Tyranny." Is that correct?

A. That's right.

Q. Did you review this documents and determine if any of the paragraphs from this document were contained in any of the documents Mr. Nichols had at his house?

A. Yes, I did.

Q. What did you find?

A. I found that the bottom three paragraphs, the bottom right -- do you want me to circle those?

Q. Yes, please.

A. -- are identical to -- those three paragraphs are identical to paragraphs taken from the article "U.S. Government Initiates Open Warfare Against American Citizens."

William West - Direct

Q. And that was Government's Exhibit 1707 that you found in Mr. Nichols house?

A. Yes, ma'am.

Q. I think I have it here. Is this the document -- is this the document you found those three paragraphs in, 1707?

A. That's correct.

Q. Now, during your search of Mr. Nichols' residence, did you find other documents that discussed the significance of

April 19 and discussed the topic of Waco?

A. Yes, I did.

Q. Can you pull out Government's Exhibit 1703, please.

A. I've got it.

Q. All right. And do you recognize that document?

A. Yes, I do.

Q. Did you take that from Mr. Nichols' house?

A. Yes, I did.

Q. Did you take it from the Quaker State box that you previously described to the jury?

A. Yes, I took it from the same box.

Q. Does it have a Q number on it?

A. Yes, it does.

Q. What is the Q number?

A. Q194-6.

MS. WILKINSON: Your Honor, we'd offer Government's Exhibit 1703.

William West - Direct

MR. TIGAR: No objection, your Honor.

THE COURT: 1703 is admitted.

MS. WILKINSON: May I display it?

THE COURT: It may be shown, yes.

MS. WILKINSON: Thank you.

BY MS. WILKINSON:

Q. Mr. West, could you clear the screen by just touching the pen there on the side.

Is this the document that you found in Mr. Nichols' house?

A. Yes, it is.

Q. Now, can you show the jury with the pen where the date of April 19 is discussed in this article and read it into the record as you're circling it, please.

A. Well --

Q. Do you see that, or do you want me to enhance it?

A. If you could, make it a little larger -- as possible.

Q. How about that? Start over at the beginning of the article.

A. Well, it starts at the beginning discussing April 19.

Q. Hold on one second, please. We're going to change the color of the pen.

There we go.

Okay. Go ahead.

A. But the date April 19 of 1993 is discussed.

William West - Direct

Q. Start with April 19, 1775.

A. Okay. It starts out discussing April 19, and then it talks about April 19, 1775, with Paul Revere.

Q. Okay. Now, clear your -- clear the pen, please, and I'll move the document.

Clear it again. There you go.

Now, can you circle where the discussion is of

now, can you circle where the discussion is of April 19, 1993, in Waco, Texas.

Thank you.

Agent West, did you find other documents in Mr. Nichols' house that discussed Waco?

A. Yes, I did.

Q. Can you pull out Government's Exhibit 1701 and examine that, please.

A. Got it.

Q. Do you recognize that document?

A. Yes, I do.

Q. Did you seize that document from Mr. Nichols' house?

A. Yes, I did.

Q. How do you recognize it?

A. I recognize it because it's a document I took from that same cardboard box on the floor in the storage room, the Quaker State box, and also it's got the Q number 194 prefix on the document.

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

William West - Direct

Exhibit 1701 into evidence.

MR. TIGAR: No objection.

THE COURT: 1701 is received, may be published.

BY MS. WILKINSON:

Q. Is this the first page of the document, Mr. West?

A. Yes, it is.

Q. Could you read the title, please.

A. "U.S. Military Intelligence Briefing."

Q. And do you recall what page you found the discussion of Waco -- on which page?

A. I believe it's the third page. I'm not sure about the number on the bottom.

Q. Okay. This first page is numbered what? Can you see?

A. 4.

Q. And you say it's the third page?

A. I think so. That's the second.

There it is.

Q. Is that it?

A. Yes.

Q. Page 6?

A. Yes.

Q. Can you circle the section on Waco, please.

Could you clear your screen, please.

Now, Agent West, during the search of Mr. Nichols' house, did you find any items that depicted an incident at

William West - Direct

Waco?

A. Yes. Yes, I did.

Q. What did you find?

A. Well, our team found this. A black baseball cap.

O. Did you see it in Mr. Nichols' house?

A. Yes, I did.

Q. Were you present when it was seized?

A. Yes, I was.

Q. Could you recognize it?

A. Yes.

Q. Okay. Let me show you a photograph, Government's Exhibit 1773, No. 4. Do you recognize this photograph?

A. Yes, I do.

Q. Is that a fair and accurate depiction of what you saw that night?

A. Yes. That's the -- those are shelves in the storage room that are against the east wall of the storage room.

Q. Does it depict the hat you've just described?

A. Yes. Yes, it does. On the bottom shelf is the hat.

MS. WILKINSON: Your Honor, we'd offer Government's Exhibit 1773, No. 4 of 15.

MR. TIGAR: No objection.

THE COURT: Received, 1773, No. 4.

MS. WILKINSON: May we publish?

THE COURT: Yes.

William West - Direct

BY MS. WILKINSON:

Q. Agent West, show the jury where the baseball cap is that you found.

Now, can you look in your stack of items and find Government's Exhibit 1711?

A. 1711?

Q. Yes.

A. Yes.

Q. See that?

A. Yes.

Q. Do you recognize that?

A. Yes. This is the same hat that we took from the shelves on the wall in the storage room.

MS. WILKINSON: Your Honor, we'd offer Government's Exhibit 1711.

MR. TIGAR: No objection.

THE COURT: Received, 1711.

BY MS. WILKINSON:

Q. Mr. West, can you show that to the jury and tell them exactly what's depicted on that hat?

A. There is a brick wall, and behind it is a -- appears to be a caricature of David Koresh, the leader of the Branch Davidians at Waco. And on the left it says, "We ain't coming out." It says "Waco." And you see on the flag above is a Texas star, and he's aiming a revolver.

William West - Direct

Q. Agent West, is there another marking on that hat?

A. Yes, there is. There is a little red dot with a 3 on it.

Q. What does that indicate?

A. It appears to be like a price tag, like a \$3 price tag.

MS. WILKINSON: We have no further questions, your Honor.

THE COURT: Mr. Tigar.

MS. WILKINSON: Your Honor, I want to check if Government's Exhibit 1704B came out on the computer.

THE COURTROOM DEPUTY: No, it did not.

MS. WILKINSON: Could we do that again at the break?

THE COURT: We can try, yes.

MS. WILKINSON: I think we might have moved it before she had a chance to print it out.

THE COURT: All right.

MR. TIGAR: I think we can remove the -- Ms. Hasfjord, could we remove the picture? Thank you very much.

CROSS-EXAMINATION

BY MR. TIGAR:

Q. Agent West, my name is Michael Tigar. I should have introduced myself to you before. I'm one of the lawyers and appointed to help Terry Nichols.

You -- what date was that that you were in Mr. Nichols' house?

A. It was April 22.

William West - Cross

Q. 22. And had you a search warrant. Correct?

A. Yes, we did.

Q. And in your warrant, what did it tell you to look for?

A. Well, there were various items.

Q. Right. Well, what among the items that you were to look for there -- How would you classify having looked for and taken the items in the Quaker State box?

A. Those were documents. And if I recall right, Item No. 6 speaks of documents, including, but not limited to, documents that would indicate affiliations, contact points.

Q. And that's why you took them?

A. Yes, sir.

Q. Okay.

A. And because we were investigating the bombing of the federal building.

Q. I understand that, sir.

Now, when is the first time that you saw the materials that were taken out of Mr. McVeigh's car?

A. First time I saw reprints of them, probably two months ago.

Q. While you were preparing to testify in this case. Is that right?

A. Correct.

Q. That is, you hadn't made any investigative connection between what was in Mr. McVeigh's car and what was in Mr. Nichols' house independently, had you?

A. No, sir.

Q. Who showed you the materials from Mr. McVeigh's car and asked you to read them?

A. Clerks at the command post of the Oklahoma bombing.

Q. And when did you become aware that you would be asked to come in here today and read out the things that were found in Mr. McVeigh's car?

A. I found out that that would probably be part of the testimony a month ago.

Q. Now, the things that were found in Mr. McVeigh's car had yellow highlighting on them, didn't they?

A. Some -- some of the -- yeah -- correct. Some of the things from his car had yellow highlighting on them.

Q. Were you shown the copies that had the yellow highlighting?

A. I reviewed the copies that had yellow highlighting.

Q. And the things in Mr. McVeigh's car had handwriting on them, didn't they?

A. Some of the items had handwriting; correct.

Q. And that was Mr. McVeigh's handwriting, wasn't it, sir?

A. I assume so.

Q. And the things in Mr. McVeigh's car -- That was sealed at the time it was found; correct, sir?

A. It was in an envelope. I believe it was sealed. I don't know that for a fact when it was found.

Q. It was a standard envelope such as one would use to fold

William West - Cross

things up and mail them to others. Correct?

A. I saw a picture of the envelope. That's what it appeared to be, yes.

Q. A No. 10 envelope?

A. I don't know about that.

Q. Now, in Mr. Nichols' house, you say these items were in a storage room? Is that right?

A. That's what we referred to it as, a storage room.

Q. Well, Mr. Nichols' house is a modest frame house on a quiet street in Herington, Kansas; isn't that right, sir?

A. That's correct.

Q. And in his house he had some books; correct?

A. He had -- I've seen one or two books that came from his house, yes.

Q. And in his house, he had things about farming. Did you see any of those?

A. No, sir.

Q. All right. In the box that was labeled Quaker State that was there in the storage room, were these things labeled in any way, or were they just in there?

A. I believe some of them had dividers and some of them were labeled.

Q. Were they in file folders?

A. Some of the documents were in folders. Some were not.

Q. Were the folders labeled?

William West - Cross

A. Some of the folders are -- I can remember a folder having a label on it, yes.

Q. What did the label say?

A. I can't remember.

Q. So it didn't have enough significance for you to take it with you when you went; is that right?

A. Correct.

Q. So whatever it was in there, it didn't relate to the contents of these documents. Is that fair to say?

A. I'm not sure about that, no.

Q. Now, this box that had Quaker State on it: That was next to a box that had an old purse and some shackles and some hardware in it; right?

A. Appears so in that picture, yes.

Q. Well, not only did it appear so but that was the way it was so when you were there; correct, sir?

A. Correct.

Q. And these things weren't -- they weren't out on a coffee table somewhere, were they, being exhibited in the home?

A. No. They were in a cardboard box on the floor.

Q. In a storage shed; right?

A. In the storage room. Yes.

Q. Storage room. Excuse me. I stand corrected.

Let's take a look at some of these things. I'm going to put up on the machine here -- this is "Waco Shootout Evokes

William West - Cross

Memory of Warsaw '43." Do you see that, sir?

A. Yes, sir.

Q. Why did you take that?

A. Because it -- we were investigating a bombing of the federal building.

Q. Yes, sir.

A. This equates federal agents with Nazi SS troops exterminating Jews in World War II.

Q. I see. And so you thought that might be -- if you had that in your house, that might be evidence that you would want to shoot a federal agent or blow up a building. Is that what you thought, sir?

A. No, sir.

Q. Well, what did you think the significance of this was when you decided to take it out of Mr. Nichols' house?

A. I believed it might be one thing to consider.

Q. All right. Well, as you were considering it, did you note where this "Waco Shootout" -- where this main text in here came from?

A. I don't understand. No.

Q. Well, as a matter of fact, sir, it's a letter to the editor that originally appeared at page A13 of Monday, March 15, 1993 edition of The Wall Street Journal. Isn't that right, sir?

A. It says that right on there, yes, sir.

Q. Yes, sir. Well, do you think The Wall Street Journal is a

William West - Cross

subversive publication, sir?

A. Of course not.

MS. WILKINSON: Objection, your Honor.

THE COURT: Sustained.

BY MR. TIGAR:

Q. Will you please look at the next paragraph underneath and let me read this aloud and see if I'm doing it right. I'll pull it out so we can see the text.

"In Germany, they first came for the communists, and I did not speak up because I wasn't a communist. Then they came for the Jews, and I did not speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I did not speak up because I was a Protestant. Then they came for me, and by that time, no one was left to speak up."

Before seizing this document, did you know who had first said those words?

A. No, I didn't.

Q. Do you now understand that they were said by Pastor Martin Niemoller, a hero of the resistance?

A. I see he is the one that spoke those words, but I didn't know his history.

Q. Have you ever heard of Pastor Martin Niemoller?

A. No.

William West - Cross

Q. Now, there is one down here that says -- that you read out loud: "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants," and is a quote from Thomas Jefferson.

A. Correct.

Q. Before you executed your search warrant on the 22d of April, 1995, had you ever heard that phrase before?

A. No, I hadn't.

Q. All right. Can you think of somebody else's house and in somebody else's papers where you might have found that phrase, if you had been looking for it?

A. No, I can't.

MS. WILKINSON: Objection, your Honor. I think that calls for speculation. I don't understand the question.

THE COURT: Sustained.

BY MR. TIGAR:

Q. Now, then at the bottom, there is a -- well, you don't know to this day whether Thomas Jefferson actually wrote that or not. Is that right?

A. That's correct.

Q. And then there is another paragraph at the bottom that paraphrases what Martin Niemoller said. Correct?

A. That's correct.

Q. I'd like to put up what's been received as Government's

Exhibit 1703: "Whatever Happened to Liberty Day." See that,

William West - Cross

sir?

A. Yes, sir.

Q. And you said in direct examination that the date April 19 was also a date that appeared in some documents that Mr. McVeigh had. Right?

A. Correct.

Q. Okay. Now -- and you mentioned -- then you talked about Paul Revere. Before you executed this search, did you know about what had happened on April 18 and April 19, 1775?

A. No, sir.

Q. Did you ever remember reading a poem about those dates? Would that refresh your recollection? "Hardly a man is now alive who remembers that fateful day and year." You never heard those lines?

A. I never heard those lines.

Q. Okay. Had you heard of Paul Revere?

A. Yes, I had heard of Paul Revere.

Q. All right. Now, then there is a reference here to Waco, Texas. You mentioned that. Right, sir?

A. Yes, sir.

Q. Now, where does this document come from? Can you look at it, all of it there, and help us to see where this particular page came from?

A. Well, possibly. I can't tell, but there is an ad there from the Arizona Libertarian.

William West - Cross

Q. So it would appear that it comes from something called the Arizona Libertarian?

A. Possibly, yes.

Q. Do you know who the libertarians are?

A. Yes.

Q. Who are the libertarians?

A. I just know that they're for freedom.

Q. Uh-huh.

A. In the ultimate sense.

Q. Pardon me?

A. In an ultimate sense, just basically.

Q. They put candidates on the ballot and they run for public office and do things like that. Correct, sir?

A. That's correct.

Q. By the way, with respect to The Wall Street Journal article or Wall Street Journal letter, that's signed by someone named John D. Dingell, III, of Wyandotte, Michigan. Did you look to see who that was?

A. No, I didn't.

Q. So you never heard of that person?

A. No, sir.

Q. Now, in your investigation, did someone instruct you as to what kinds of documents to look for in Mr. Nichols' house?

WHAT KINDS OF DOCUMENTS TO LOOK FOR IN MR. NICHOLS' HOUSE?

A. We had a briefing concerning the warrant, and that's basically the instructions we had.

William West - Cross

Q. Who gave you the briefing?

A. The principal legal advisor, I assume for Denver. I didn't know the gentleman.

Q. And who was that?

A. I don't know his name.

Q. Was that by telephone or in person?

A. In person.

Q. And with respect specifically to papers, what did the legal advisor tell you that you should be looking for?

A. Just advised us to stick to the warrant.

Q. To stick to the warrant.

A. Correct.

Q. Nothing specific about papers; correct?

A. Correct.

Q. Now, you showed us earlier -- you testified about having reviewed a document that was found in Mr. McVeigh's car. This is Government's Exhibit 456 which has been received in evidence.

A. That's correct.

Q. Thank you. Now -- and what document was it that you said that this -- that you found in Mr. Nichols' house that you said this reminded you of?

A. It's the three paragraphs at the end, the bottom right of the document, where the "U.S. Government Initiates Open Warfare Against American People."

William West - Cross

Q. I see. Now, before the 19th of April -- excuse me -- before the 22d of April, 1995, you knew that many, many people disagreed with what our government had done in Waco; correct?

A. Correct.

Q. Pardon me?

A. Correct.

Q. And indeed, members of Congress had spoken out on that issue; correct?

A. Correct.

Q. And so the fact that somebody had in their house material that was critical of our government's actions in Waco: You don't regard that as a suspicious circumstance, do you?

A. No, sir.

MS. WILKINSON: Object, your Honor. Objection.

THE COURT: Sustained.

BY MR. TIGAR:

Q. Now, in Mr. Nichols' house when you were searching, you said that you found -- you found that baseball cap?

A. Our search team found the baseball cap.

Q. I see. And --

A. I didn't personally find it.

Q. Okay. And you say it had a little sticker on it?

A. That's correct.

Q. Do you know -- did you recognize the handwriting on the sticker?

William West - Cross

A. No, sir.

Q. In your subsequent investigation, have you come to recognize the handwriting on the sticker?

A. I'm not aware of it, sir.

Q. Have you ever been to a gun show?

A. Yes, sir.

Q. And at gun shows, do you see a lot of political literature?

MS. WILKINSON: Objection, your Honor.

THE COURT: Overruled.

THE WITNESS: I -- you know, when I've gone to gun shows, I've seen guns. I haven't seen that much political literature. Probably is some there.

BY MR. TIGAR:

Q. You don't have any doubt that there is some there, do you?

A. No, I do not.

MR. TIGAR: May I have a moment, your Honor?

THE COURT: Yes.

BY MR. TIGAR:

Q. Now, looking back at that search, the things that you seized there from Mr. Nichols' house: They weren't originals torn out of a magazine, were they, any of them?

A. No -- I can't remember them as being originals torn out of a magazine.

Q. The items you've identified today for us, the original items that you seized: Every single one of those is a Xerox

William West - Cross

copy, isn't it?

A. The items that were presented today?

Q. Yes.

A. Yes.

Q. Pardon me?

A. Yes. Correct.

Q. Okay. And so you have no idea how those came into that box; right?

A. No, I don't.

Q. You don't have any idea who made the copies; correct?

A. Correct.

Q. And you don't even know whether Mr. Nichols ever read them, do you?

A. No, I don't.

MR. TIGAR: Thank you very much, sir. I appreciate it.

THE COURT: Any redirect?

MS. WILKINSON: Yes, your Honor.

REDIRECT EXAMINATION

BY MS. WILKINSON:

Q. Agent West, you don't know any poems about Paul Revere, do you?

A. No, I don't.

Q. When you went in to search Mr. Nichols' house, you knew the date of the bombing, didn't you?

William West - Redirect

A. Yes, I did.

Q. What was the date?

A. April 19, 1995.

Q. And did you know the date of the Waco incident?

A. Yes, I did.

Q. What was it?

A. April 19, 1993.

Q. That is one of reasons that you took the documents that you've introduced to the jury?

MR. TIGAR: I object to that, your Honor.

THE COURT: Sustained.

BY MS. WILKINSON:

Q. Mr. Tigar asked you about some of the dates that were listed on Government's Exhibit 1703: "Whatever Happened to Liberty Day." Do you recall that?

A. Yes, ma'am.

Q. And did you recognize those dates in that document?

A. Yes, ma'am.

Q. Agent West, when you were searching Mr. Nichols' house with other agents, did you seize other evidence from Mr. Nichols' house?

A. Yes, ma'am.

MS. WILKINSON: No further questions, your Honor.

THE COURT: Anything further of this witness?

MR. TIGAR: Yes, your Honor. One I forgot to ask.

William West - Recross

THE COURT: All right.

REXCROSS-EXAMINATION

BY MR. TIGAR:

Q. You didn't see any of Mr. Nichols' handwriting on any of these things you've identified today, did you, sir?

A. No, I did not.

MR. TIGAR: Thank you. Thank you.

THE COURT: Is this witness going to be excused?

MS. WILKINSON: Yes -- no, your Honor. He has another appearance.

THE COURT: He's coming back?

MS. WILKINSON: Yes.

THE COURT: You may step down for now.

We'll start the next witness.

MR. MACKEY: Thank you, your Honor. We call Leslie Earl, FBI Agent. Leslie Earl.

THE COURT: Thank you, Mr. Earl.

THE COURT: Thank you. Mr. Earl.

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

(Leslie Earl affirmed.)

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

THE WITNESS: My name is Leslie R. Earl, III, E-A-R-L.

THE COURTROOM DEPUTY: Thank you.

Leslie Earl - Direct
DIRECT EXAMINATION

BY MS. WILKINSON:

Q. Mr. Earl, good morning.

A. Good morning.

Q. Could you tell us where you work?

A. I'm a special agent for the FBI in Wichita, Kansas.

Q. How long have you been an agent?

A. Over eight years.

Q. How long have you been in Wichita?

A. Just over eight years.

Q. Were you there in April of 1995?

A. Yes, I was.

Q. Did there come a time when you were asked to participate in the investigation of the Oklahoma City bombing?

A. Yes, there did.

Q. Were you involved with a search of Mr. Nichols' house?

A. Yes.

Q. Were you involved with a search on May 3 of 1995?

A. Yes, I was.

Q. Did you have a search warrant to conduct that search?

A. Yes, I did.

Q. Did you read it?

A. Yes.

Q. Did it authorize you to search, among other things, documents or correspondence?

Leslie Earl - Direct

A. Yes, it did.

Q. As a part of your search, did you examine the storage room adjacent to the kitchen in Mr. Nichols' house?

A. Yes.

Q. Okay. Could you look in that envelope that was handed to you, or the folder, and see if you can find Government's Exhibit 158.

A. Yes.

Q. You can take it out of the plastic and look at it yourself.

Do you recognize that book?

A. Yes, I do.

Q. How do you recognize it?

A. By my initials and the date on the back cover.

Q. And where did you find that book?

x. And where did you find that book?

A. I found this book in a storage room adjacent to the kitchen in Mr. Nichols' house in what we call the lower cabinet on the south wall of that room.

Q. Did you see many other books in Mr. Nichols' house?

A. No.

Q. Did you ever see a library in Mr. Nichols' house?

A. No.

MS. WILKINSON: Your Honor, we'd offer Government's Exhibit 158.

MR. TIGAR: This, as with all other items, is covered by the Court's previous ruling, your Honor.

Leslie Earl - Direct

THE COURT: Yes. So the record is preserved with respect to that, and 158 is now admitted.

MS. WILKINSON: Your Honor, may I publish just the front of that cover.

THE COURT: Yes.

BY MS. WILKINSON:

Q. Could you tell the jury what they're looking at, Agent Earl.

A. A book titled Hunter by Andrew Macdonald.

Q. And do you know the author, Andrew Macdonald?

A. I've heard of the author, Andrew Macdonald.

Q. Do you know of any other books he's written?

A. Yes. Turner Diaries.

Q. Do you see that marking up at the top of the book?

A. Yes.

Q. What is that?

A. It appears to be a price tag of \$7.

Q. Let me show you the back of the book. Do you recognize that?

A. Yes, I do.

Q. What's indicated at the bottom of the book?

A. Those are my initials and the date I seized the book.

Q. Does that say 5-3-95?

A. Yes, it does.

MS. WILKINSON: No further questions, your Honor.

Leslie Earl - Cross

THE COURT: Do you have questions, Mr. Tigar?

MS. WILKINSON: Mr. Tigar, do you need this?

MR. TIGAR: No, I have a copy.

CROSS-EXAMINATION

BY MR. TIGAR:

Q. Yes -- good morning, Agent Earl.

A. Good morning.

Q. My name is Michael Tigar. I'm one of the lawyers appointed to help Terry Nichols in this case.

Do you know what this book is about?

A. Yes, I do.

Q. It is a work of fiction, is it not?

A. That's what I understand.
Q. And it has two protagonists, does it not?
A. I don't know what you mean by "protagonist."
Q. All right. It has one main character named Oscar Yeager; correct?
A. Correct.
Q. And another main character named Ryan, is that correct -- William Ryan?
A. That is another character in the book.
Q. Yes. And it describes, does it not, a bombing? Is that correct?
A. It describes more than one bombing, if I recall.
Q. Yes, sir. It describes one bombing done with an ANFO bomb;

Leslie Earl - Cross

correct?
A. Yes.
Q. And in order to -- Mr. Yeager does the bombing? Is that right?
A. That's correct.
Q. And how does Mr. Yeager get the delivery van that he uses to deliver the ANFO?
A. I believe he stole it.
Q. Right. And who gave him the set of master keys that he used to steal it?
A. I don't recall.
MR. TIGAR: May he be shown a copy --

BY MR. TIGAR:
Q. Do you have a copy in front of you, sir?
A. Yes, I do.
Q. Would you turn, please, to page 179.

MS. WILKINSON: Your Honor, I'm going to object unless we're going to consider this an alteration of the earlier ruling and opening the door as to content of the book.

THE COURT: Well, the book is in evidence. Portions of it can be considered in the course of the receipt of the testimony.

MR. TIGAR: Yes, your Honor. That's what I'm doing, your Honor.
BY MR. TIGAR:

Leslie Earl - Cross

Q. And would you look, please, at the second paragraph, one, two, three -- fourth line beginning with the sentence "Leaving" -- "Leaving his own car." Do you see that, sir?
A. Yes, I do.
Q. Does that refresh your recollection as to who gave the keys to Mr. Yeager?
A. Yes, it does.
Q. Who gave him the keys?
A. The character Ryan.

Q. Ryan. Okay. And in the book, who is William Ryan?
A. In the book, Ryan is an FBI employee.
Q. Yes. Senior official of the FBI. Correct?
A. Correct.
Q. And in fact, in the book it's Mr. Ryan, a senior official of the FBI, who directs that the ANFO bomb be placed and detonated. Is that correct, sir?
A. I don't recall that specifically.
Q. Well, do you remember that Mr. Yeager is recruited by Ryan to do some bombings?
A. Yes.
Q. Okay. But you just don't remember whether this is one of them; right?
A. I don't recall that the bombing was directed by Ryan.
Q. You do remember that Mr. Ryan directed Mr. Yeager to blow up a car containing a television evangelist. Do you remember

Leslie Earl - Cross

that?
A. Yes.
Q. All right. And then Yeager doesn't do it; correct? He blows up the car, but the guy isn't in it? Do you remember that?
A. Yes, I do.
Q. Now, it's clear from what we've said here that this is a work of fiction; correct?
A. Yes.
Q. That is to say, you have never had a senior official of the FBI who has authorized anyone to blow up anybody with an ANFO bomb?
A. Not that I'm aware of.
Q. All right. And you've never had a senior official of the FBI who has been authorized to blow up a television evangelist. Correct?
A. Correct.
Q. All right. Now, in looking at this work of fiction, in the end, Yeager kills Ryan, doesn't he?
A. Yes.
Q. And before he kills him, before Ryan gets killed, he makes a speech; correct? Makes a little talk about what he thinks about the FBI. Correct?
A. Yes.
Q. Would you turn to page 248, please.

Leslie Earl - Cross

Would you just see if I'm reading this right. This is Ryan talking, isn't it? Can you check and see that that's right?
A. Which paragraph are we on?
Q. The first full paragraph that begins, "What you have in mind."
THE COURT. Do you have the reference?

THE COURT: Do you have the reference:

THE WITNESS: Yes, I believe so.

I believe you're correct.

BY MR. TIGAR:

Q. Okay. And what Ryan says is, "What you have in mind won't work. The white people are too far gone. They don't understand discipline, sacrifice, pulling together for a common goal. They're too weak, too timid, too spoiled, too selfish, too undisciplined. Hitler's SS legions were the last white force on earth which had a chance of doing what you want to do, and there just weren't enough of them to pull it off."

Do you see that there?

A. Yes, I do.

Q. Earlier in the book Ryan is introduced to us when he arrested Yeager. Do you remember that?

A. Yes.

Q. And would you turn, please, to page 63. And at the bottom paragraph -- all right. I'm going to start there. "Ryan did not respond directly to Oscar. He paused to gather his

Leslie Earl - Cross

thoughts, then began again, speaking with more emphasis," quote, "'I've watched the Bureau change from a first-class law-enforcement agency to a politicized, mongrelized, third-rate secret-police bureaucracy, with the level of morale and efficiency you'd expect to find in Panama or Nicaragua.'" And then he goes on; correct?

A. Yes.

Q. You have never had a senior official of the FBI who admired openly Hitler's SS. Have you?

A. No.

Q. And, in fact, the FBI today is committed to combatting racism, correct?

A. Yes, sir.

Q. And although there have been criticisms of the FBI, it's clear that this character line doesn't resemble any modern day FBI agent?

A. Correct.

Q. And all that goes to the same thing we started with: This is a work of fiction?

A. Yes.

Q. Are you aware that a lot of people in America have read this work of fiction?

A. I have no idea how many people have read it.

MR. TIGAR: Thank you, sir. I have no further questions.

Leslie Earl - Redirect
REDIRECT EXAMINATION

BY MS. WILKINSON:

Q. Counsel just asked you about the content of the book, Agent Earl. Can you tell the jury the motivation the characters had for bombing the building?

A. The character that carried out the bombing was motivated by his hate for mixed-race couples and Jews and homosexuals.

Q. Could you turn to page 174 of the book. Do you recall a discussion of a bombing of a building?

A. Yes, I do.

Q. And do you see there in the middle of page 174 a reference to taking -- using a medium-sized truck? It's there in the middle. Starts with, "It was a large, modern store."

A. Yes.

Q. And what type of building was it that's described there? Could you read that first sentence for the jury?

A. "It was a large, modern store with lots of plate glass."

Q. And then do you see the part that goes down where it says "engines idling"?

A. I'm sorry. Is that in the same paragraph?

Q. I believe so.

It -- down at the very bottom of the page. See that?

It's the second-to-the-last sentence.

A. Okay.

Q. Can you read that, from "engines idling"?

Leslie Earl - Redirect

A. Yes. ". . . engines idling, he found George's delivery entrance in a recess just large enough to accommodate a medium-size truck."

Q. Do you recall that the book also discusses the use of ammonium nitrate fertilizer and Tovex?

A. Yes, I do.

Q. Could you turn to page 176. And then do you see the paragraph that begins, "Then he bought himself a used Chevrolet pickup"?

A. Yes.

Q. Could you read after that sentence, please.

A. "With the pickup he drove to a large feed and fertilizer store on the edge of town and bought 15 bags of fertilizer-grade ammonium nitrate. He would have bought more, but 1,500 pounds was about as much as he estimated he could manage in one load without damaging his truck. After unloading that in the garage, he stopped at a hardware and farm-supply store and bought two 50-pound cases of Tovex cartridges and a box of electric detonators. Tovex was an aluminized water-gel dynamite commonly used by farmers and contractors for blasting stumps and boulders."

Q. Could you turn to page 179. Do you recall a discussion of using plastic trash barrels for the bomb?

A. Yes, I do.

Q. Do you see the paragraph that begins, "In his rented

Leslie Earl - Redirect

garage"?

A. Yes.

Q. Could you read that paragraph, please.

A. "In his rented garage he removed several five-gallon cans of wallpaper adhesive and dozens of rolls of wallpaper from the back of the van, replaced them with four 40-gallon plastic trash barrels he had purchased earlier in the day, and spent the next three hours emptying sacks of ammonium nitrate into the barrels and stirring a fuel-oil sensitizer into the white pellets. The barrels were closely grouped around one of his 50-pound cases of Tovex. It was after four o'clock in the morning when he finally was ready to place a time-delay detonator in the Tovex."

Q. Do you see the paragraph that in the middle of that -- it looks like the second-to-last paragraph -- that says, "At 9:50 AM"?

A. Yes.

Q. Could you read that, please.

A. "At 9:50 AM he turned into the alley which ran behind George's Stationery. He pulled up as close to the bricks as he could, directly outside two of the tightly curtained windows in George's rear wall. He leaned back into the cargo area just long enough to set the detonator for five minutes and start it counting down. Then he stepped out into the alley, locked the door of the van, and made his way back to the busy sidewalk."

Leslie Earl - Redirect

Q. Okay. Now, do you recall a discussion in this book about the consequences of detonating a bomb like that?

A. Yes.

Q. Could you turn to page 179 or read from 179 where it starts, "George's plate-glass windows had been transformed"?

A. "George's" --

Q. Go ahead.

A. "George's plate-glass windows had been transformed into a deadly hail of glittering shards, which had cut down four pedestrians on the sidewalk in front of the store. Dense smoke poured from the interior of the building. No one could survive inside, he realized with a sinking heart; if the blast had not killed them already, the smoke soon would. How many were there? If Monday had been typical, there would be about a dozen customers and clerks in the store."

Q. Now, can you see on page 180 a discussion of the destruction, beginning with, "The smoke and dust were still heavy"?

A. Yes.

Q. Would you read that paragraph, please.

A. "The smoke and dust were still heavy in the air in the alley, and even with a handkerchief over his nose and mouth he coughed and gagged as he made his way back to the blast site to survey the damage. Where the van had been was a gaping crater a dozen feet across. Apparently there had been a basement of

Leslie Earl - Redirect

some sort under the store which had extended out beneath the alley. About 40 feet of the rear wall of the store was gone

alley. About 40 feet of the rear wall of the store was gone, and most of the interior walls of the Mossad offices were gone as well. He counted the remains of six, maybe seven, persons in the wreckage of the offices. Undoubtedly others were buried under the rubble."

Q. Now, in this book, Mr. Ryan, the character Mr. Tigar asked you about, directed these bombings. Is that right?

A. That's correct.

Q. But he wasn't there, was he, when the bombings occurred?

A. That's correct.

MS. WILKINSON: No further questions.

THE COURT: How much more of this book are we going to be reading?

MR. TIGAR: Not very much, your Honor. As a matter of fact, no more. I just want to ask two questions.

THE COURT: All right.

RECROSS-EXAMINATION

BY MR. TIGAR:

Q. First, you did tell us there is what appears to be a price sticker on the one you found in Mr. Nichols' house; right?

A. Yes.

Q. Did you check the handwriting on that?

A. No.

Q. Okay. And you're aware from your investigation that

Leslie Earl - Recross

Mr. and Mrs. Nichols are a mixed-race couple, aren't you?

A. Yes.

MR. TIGAR: No further questions.

THE COURT: Is this witness to be excused?

MS. WILKINSON: He is, your Honor.

THE COURT: Agreed? Mr. Tigar, are we agreed to excuse the witness?

MR. TIGAR: Oh, yes, your Honor.

THE COURT: You may step down. You're excused.

Members of the jury, we're going to excuse you for the

noon recess, and we will recess till 1:35. During the time of this recess, once again -- and please, you know, bear with me, be patient with me as I repeat the cautions, because it is required of me to do so; and it is, of course, required of you to follow the cautions to continue to keep open minds and avoid discussion among yourselves and with other persons of anything connected with this trial, recognizing that it is not until the case has been completed and given to you for decision that you should be talking about what you hear in this courtroom. And of course, continue to avoid anything outside of our evidence which could in any respect influence your decision.

You're excused now till 1:35.

(Jury out at 12:08 p.m.)

MR. TIGAR: If your Honor please, I have not been objecting to each of these things from Mr. Nichols' house as they came in.

THE COURT: Yes, we stipulated to your continuing objection.

MR. TIGAR: I wanted to make sure: We had filed a motion in limine with respect to certain things. I did not want my not standing up to be taken as a waiver of that objection.

THE COURT: Yes.

MR. TIGAR: I don't have track of the numbers. If the Government will agree that our objection is preserved, I don't have a problem.

MS. WILKINSON: That's fine with us, your Honor.

THE COURT: Yes. And there is some appellate view that you have to renew that objection at the time, but it's clear here that it will facilitate the taking of the testimony if we stipulate that these objections are preserved. So the Government has agreed.

MR. MACKEY: We'll do so.

THE COURT: All right. Thank you.

MR. MACKEY: Speaking of one housekeeping matter just for exhibits -- and this was our fault early on in terms of Exhibit 952, the floor plan. I just want to clarify for the record 952 is a single exhibit that has nine different floor plans for the nine different floors in the Murrah Building. What we've done for each of the representative witnesses, your Honor, is to designate a sub exhibit, 952A for the first floor, B for the second, and so on through 952I, so that the record would be complete and accurate as to how those exhibits are marked.

THE COURT: That's the way they're physically marked.

MR. MACKEY: Yes, your Honor.

THE COURT: All right.

MR. MACKEY: As the Court may recall, we're not bringing those exhibits in with each witness. Prior to coming to court, they have placed the name tag on the floor plan.

THE COURT: That's an acceptable procedure, Mr. Tigar?

MR. TIGAR: Yes, your Honor. Subject to the discussions we've had.

THE COURT: Yes. Of course.

All right. 1:35. I'm cheating you a little on the time here, but 1:35 is it.

(Recess at 12:11 p.m.)

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PLAINTIFF'S EXHIBITS

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
158	6993	6994			
318	6868	6868			
410	6863	6863			
414	6866	6866			
418	6888	6888			
418A	6888	6888			
420	6897	6898			
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1703	6970	6971			
1704	6967	6967			
1704B	6968	6968			
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1707					
1707B					
1707					
1707B	6957				
1707					

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REPORTERS' CERTIFICATE

We certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. Dated at Denver, Colorado, this 5th day of November, 1997.

Paul Zuckerman

Kara Spitler

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