

the witness stand under the oath earlier taken. We might ask you to lean a little more toward the microphone so that it picks up your voice a little bit better.

THE WITNESS: Yes, sir. I'll try and speak up louder.

THE COURT: All right. You may resume.

MR. MEARNS: Thank you, your Honor.

DIRECT EXAMINATION CONTINUED

BY MR. MEARNS:

Q. Mr. Fortier, when we recessed yesterday afternoon, I was asking you questions on a trip that you took to a storage facility in Kingman, Arizona. Do you recall that?

A. Yes, sir.

Q. How long were you out at that storage facility that evening?

A. I estimate about 15 minutes.

Q. And during the time period that you were there, did you see any explosives being removed from the unit?

A. No, sir.

Q. Where did you go after that 15 minutes that you were out there that evening?

A. I returned to my home.

Q. Did you go alone?

A. No. Tim McVeigh went with me.

Q. How did you get home?

Michael Fortier - Direct

A. In his car.

Q. Did you see where Mr. Nichols went?

A. No, I did not.

Q. When you left, was Mr. Nichols still at the storage unit?

A. No.

Q. What did you see?

A. To get out -- excuse me -- to get out of the storage unit, Mr. Nichols had to leave first because his truck was blocking the way to get out; so he left and drove away, and me and Mr. McVeigh drove to my house.

Q. Did Mr. McVeigh stay with you at your house that evening?

A. Yes, he did.

Q. Did -- that evening, did Mr. McVeigh show you any other explosives?

A. Yes, he did.

Q. Tell us about that, please.

A. In -- in my front bedroom of my trailer, Tim showed me what

he was calling a Kinepack.

Q. Can you describe it for us.

A. Yes. It's two pieces -- one looking like the shape of a cigar. It's a plastic container with white powder in it, has an orange cap on it. The other has the container that looks like a toothpaste container, and it had red liquid in it.

Q. Did you see one or more than one of those pairs of Kinepack?

Michael Fortier - Direct

A. Just one.

Q. Was anyone else present during that time?

A. No.

Q. And Mr. McVeigh stayed at your house in your trailer that evening?

A. Yes, he did.

Q. Did you ever see explosives after that evening again?

A. Yes.

Q. When was the next time that you saw explosives?

A. Shortly thereafter.

Q. What do you mean by "shortly thereafter"?

A. Within a couple weeks.

Q. Where did you see it?

A. In front of my house.

Q. What time of the day was it?

A. It was in the morning.

Q. Tell us what happened that morning.

A. There was a knock on my door; and when I opened the door, Tim McVeigh was standing there. He asked me to come outside, and I did and I walked to Terry Nichols' truck. Tim opened up the passenger-side door, and he reached into the truck and he pulled out a milk jug that was full of -- what he told me it was was ammonium nitrate, and there was some liquid in it, some type of fuel.

Q. What did you see inside the milk jug?

Michael Fortier - Direct

A. It looked like salt rock. It was white and granular.

Q. Okay. What happened next?

A. Tim told me that he was going to try and -- and ignite this. And then we walked to the back of the truck where I seen Terry Nichols getting out of the back of his truck. The tailgate was down, and the three of us stood in like a little circle; and Tim reached into a milk crate and pulled out what he was calling a sausage.

Q. Did you see what -- what it was that Mr. McVeigh pulled out?

A. Yes.

Q. And where was the milk crate?

A. It was just behind the wheel well of the -- the right side of the truck.

Q. And when you say "the truck," you're referring to Mr. Nichols' pickup truck?

A. Yes.

Q. What happened next?

A. Well, Tim told me that he was also going to explode that out in the desert that day. He told me what you need to do is make a slit in it and stick a blasting cap into it and it would explode.

Q. Where was Mr. Nichols when Mr. McVeigh said that to you?

A. He was standing right beside me.

Q. What happened next?

2. What happened next?

Michael Fortier - Direct

A. I told Tim that this looks like a lot of trouble and I didn't want to go with them, and I returned to my house and they drove away.

Q. Did you touch the sausage explosive at all that morning?

A. Yes, I did when Tim was speaking to me. I reached over and gave it a squeeze.

Q. And what did it feel like?

A. It felt spongy on the outside, but it was solid in the middle.

Q. And where was Mr. McVeigh when you did that?

A. He was standing 2 feet away from me, facing me.

Q. And where was Mr. Nichols when you did that?

A. He was standing just to my left.

Q. About how far away?

A. He was just standing right there. 6 inches, a foot.

Q. So you didn't go out that day with them?

A. No, I did not.

Q. Did you see Mr. McVeigh later that day?

A. Yes.

Q. Did you have a conversation with him?

A. Yes.

Q. Did Mr. McVeigh tell you what happened out in the desert?

A. Yes, he did.

Q. In 19 -- in October of 1994, what kind of car did you and your wife have?

Michael Fortier - Direct

A. We drove a Pontiac Grand Am.

Q. And in 1994, did you and your wife purchase a -- a different car?

A. Yes, we did.

Q. What kind of car did you purchase?

A. We purchased a Jeep.

Q. And when did you buy the Jeep?

A. On October 31.

Q. October 31 of '94?

A. Yes, sir.

Q. Prior to when you and your wife purchased that Jeep, did you have any further conversations with Mr. McVeigh about that storage unit in Kingman, Arizona?

A. Yes.

Q. So I'm talking about either -- before October 31 and after the evening that you were out there that first evening.

A. Yes.

Q. When was the next conversation during that time period?

A. It was just during that time period. I don't understand the question.

Q. It was between those two dates, between the first time that you were out there and October 31?

A. That my wife and I and Tim had a conversation?

Q. Yes.

A. Yes.

Michael Fortier - Direct

Q. During that same period of time, did Mr. McVeigh ask you to do anything with respect to the storage unit?

A. Yes, he did.

Q. Where did -- where were you when he asked you to do that?

A. In my living room.

Q. Was there anyone else present?

A. No.

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

A. He asked me to do two things, actually, concerning the storage unit.

Q. What was the first thing that he asked you to do?

A. Watch over it.

Q. Did he give you anything to help you watch over it?

A. Yes, he did.

Q. Tell us about that.

A. He had a piece of paper with a combination on it, and he wrapped the piece of paper -- excuse me -- he wrapped a key in that piece of paper. And he told me that those were the combination and the key to get into the storage unit, and he asked me to watch over it; and he put the key and the piece of paper on my desk.

Q. What was the second thing that Mr. McVeigh asked you to do with respect to the storage unit?

A. He asked me to give a message to Mr. Nichols concerning the storage unit.

Michael Fortier - Direct

Q. And when was that? When did he ask you to do that?

A. Just prior to October 31.

Q. And where were you when Mr. McVeigh asked you to do that?

A. In my living room.

Q. Tell us about that, please.

A. Tim was planning on leaving the area, and he told me that Mr. Nichols was coming from Las Vegas and was supposed to meet him at my house at 4:00. Just after 4:00, Mr. McVeigh got upset and he was going to leave, and he asked me to give a message to Mr. Nichols when and if he showed up.

Q. What was the message that Mr. McVeigh asked you to give to Mr. Nichols?

A. He told me to tell Mr. Nichols that -- to meet him in New Mexico and to pick up the stuff out of the storage unit. I asked him what he was talking about, and he said that Terry would know what to pick up out of the storage unit and -- and where to meet him.

Q. How long was this conversation?

A. That -- that was it. A minute. 30 seconds. And then Tim left.

Q. What happened next?

A. About 20 minutes later, Mr. Nichols showed up. He knocked on my door, and I went out onto my front porch with him. I gave him the message, and he -- he nodded that he understood and then he left.

Michael Fortier - Direct

Q. Tell us to the best of your recollection what you said to Mr. Nichols that day.

A. I said, "Tim wants you to pick up the stuff out of the storage unit and meet him in New Mexico."

Q. What did Mr. Nichols say in response?

A. I don't remember him saying anything. I do remember him nodding his head yes, though.

Q. Did Mr. Nichols ask you what stuff you were talking about?

A. No, he did not.

Q. Did Mr. Nichols ask you what storage unit you were talking about?

A. No, he did not.

Q. Did Mr. Nichols ask you where in New Mexico Mr. McVeigh -- Mr. McVeigh wanted to meet him?

A. No, he did not.

Q. What happened next during this conversation with Mr. Nichols?

A. Well, I got the impression that Mr. Nichols wanted to come inside and sit down for a bit, and I -- I didn't want him to do that; and so I stepped down off my porch and kind of nonverbally led him back to his truck, and he left.

Q. Prior to that exchange or conversation with Mr. Nichols, did you ever have a conversation with Mr. McVeigh when he told you what he planned to do with the explosives that you saw in the storage unit?

Michael Fortier - Direct

A. Yes.

Q. When was that conversation?

A. It was earlier than the conversation I just spoke about.

Q. And when was it in relation to the conversation that took place at the fence that you described yesterday afternoon?

A. It was after that.

Q. Where was the conversation that Mr. McVeigh described what he was going to do with the explosives? Where did you have that conversation?

A. In my living room.

Q. And who else was present?

A. My wife was also in the house. I believe she was standing in the kitchen at one point.

Q. Is there a wall between your living room and your kitchen?

A. No, sir.

Q. How large is your living room?

A. 14-by-20-foot.

Q. And how --

A. That includes the kitchen.

Q. The 14-by-20-foot dimension includes both the living room

Q. The 14 by 20 foot dimension includes both the living room and the kitchen?

A. Yes.

Q. What did Mr. McVeigh tell you?

A. He told me that he had figured out a way to make a truck into a bomb.

Michael Fortier - Direct

Q. Did he elaborate?

A. Yes.

Q. Tell us what more he said.

A. He said that he was going to use ammonium nitrate and this stuff called hy -- anhydrous hydroxine (sic) and he was going to mix it into 55-gallon drums. He was going to arrange it -- arrange it inside a truck in the shape of a triangle. He said -- he was using the term -- excuse me. It eludes me right now. He said particularly about the stuff inside the storage unit, he was going to use those explosives to ignite those 55-gallon drums.

Q. Did he say where he was going to detonate the truck bomb?

A. Yes, he did.

Q. What did he say?

A. He said they had chosen a building in Oklahoma City.

Q. Did he say anything more about the building in Oklahoma City?

A. Yes.

Q. What did he say?

A. He said they had chosen that building because that was the building that the orders from Waco came out of.

Q. Did Mr. McVeigh tell you the date on which the bomb -- the truck bomb would be detonated?

A. He told me that they were going to detonate it on the anniversary of Waco.

Michael Fortier - Direct

Q. What do you mean, "the anniversary of Waco"?

A. That would be April 19th.

Q. Did Mr. McVeigh say what time of the day the bomb would be detonated?

A. Yes, he did.

Q. What did he say?

A. He told me he wanted to do it at 11:00 in the morning.

Q. Did Mr. McVeigh say why?

A. Yes.

Q. What did he say?

A. He said that he wanted to do it at 11:00 because that's when people would be getting ready for lunch.

Q. Did you say anything in response to him at that point?

A. Yes, I did.

Q. What did you say?

A. I asked him, "What about all the people?"

And he told me that I could think about all those

people -- he said, "Think about the people as if they were storm troopers in the movie Star Wars. They may be individually innocent, but they are guilty because they work for the evil Empire."

Q. How long was this conversation about the truck bomb?

A. It was 45 minutes maybe. I could only estimate.

Q. Who initiated the conversation?

A. Tim McVeigh did.

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Q. During this period of time -- that is, between the conversation that you had at the fence and the conversation when you relayed the message to Mr. Nichols -- did you ever have a conversation with Mr. McVeigh about where the explosives in the storage unit came from?

A. Yes, I did.

Q. Approximately when during that time period did you have that conversation?

A. I believe it was the night that I went over to the storage shed and Tim showed me the explosives.

Q. And where did you have this conversation with him?

A. In my living room.

Q. Who else was present, if anyone?

A. My wife may have been present.

Q. And what did Mr. McVeigh say about where the explosives came from?

A. He told me that him and Terry Nichols stole the explosives from a quarry in Kansas.

Q. Did he say anything more about the quarry?

A. Yes.

Q. What did he say?

A. He told me that Mr. Nichols had found the quarry because he would have to drive by it every day on his way to work.

Q. Did Mr. McVeigh say anything about how they stole the explosives?

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A. Yes, he did.

Q. What did he say?

A. Mr. McVeigh told me that they went there in the -- in the middle of the night, Mr. Nichols brought along his Makita drill, and they went to a -- an explosive bunker and they tried to get into the first one and they couldn't because the lock that they were going to -- going to drill was protected by some type of anti-theft device. He said they couldn't get the drill bit to the lock so they went to another one and that did not have the device on it and so they drilled the lock and they got into the shed and they made a few trips back to the vehicle they were using and they -- they stole explosives.

Q. During that period of time, were you working in the hardware store?

A. Yes, I was.

Q. Were you familiar with Makita drills?

A. Yes.

Q. What is a Makita drill?

A. Makita is a brand name. The drill Tim was referring to, I understood to be a cordless drill.

Q. During this period of time, after you first went to the storage unit and after you relayed the -- and, excuse me -- prior to relaying the message to Mr. Nichols, did you ever have occasion to go back to the storage unit?

A. Yes, sir.

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Q. When was that?

A. It was when Mr. McVeigh asked me to watch over the -- the storage unit. That was because he was leaving. He left for some period of time in mid October. It was during that time that I went to the storage unit.

Q. Why did you go out there?

A. Because I had stolen an oxygen tank that had a serial number engraved into the tank, and I believe that I -- it was possible that I was going to get caught with that, so I wanted to get rid of it.

Q. Where had you stolen the oxygen canister?

A. From the airport. Out of an airplane at the airport in Kingman.

Q. Did you do that alone?

A. No, sir.

Q. Who was with you that day?

A. Mr. Rosencrans, my neighbor, and a friend of ours named Jason Hart.

Q. When in relation to when you stole the oxygen canister did you go to the storage unit?

A. The next night.

Q. Tell us what happened on the night that you went back to the storage unit.

A. I drove to the storage unit, and I used the combination and the key that Tim had left at my house. I got into the storage

Michael Fortier - Direct

unit, and I set the tank down directly to my right, and then I locked up the unit and left.

Q. What did you see inside the storage unit that night?

A. I seen that it was full of stuff. It looked the same as -- that I had seen it the previous night.

Q. Did you look around inside the storage unit at all?

A. No, I did not.

Q. Did you see the blanket that you had seen that first night with Mr. McVeigh and Mr. Nichols?

A. I couldn't say specifically. Everything looked the same in the storage unit.

Q. And this was prior to the day that you purchased the Jeep in (sic) October 31?

A. Yes, sir.

A. Yes, sir.

Q. In the fall of 1994, did you ever speak with any member of Mr. McVeigh's family?

A. Yes, I did.

Q. Who did you speak with?

A. His father.

Q. And when was that?

A. It was during the time that Tim had left in October of 1994.

Q. Prior to October 31?

A. Yes, sir.

Q. How was it that you came to -- to speak with Mr. McVeigh's

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father?

A. He called me.

Q. Did he ask you any questions?

A. Yes, he did. He asked if I could relay a message to Tim.

Q. What did you say?

A. I told him sure.

Q. Was Mr. McVeigh -- that is, Tim McVeigh -- in the Kingman area at that time?

A. Not that I know of.

Q. I want to direct your attention now to after October 31, 1994. Did you have any further contact with Mr. McVeigh after October 31?

A. Yes.

Q. When was the next time that you had contact with Mr. McVeigh?

A. Shortly thereafter. October 31.

Q. When you say "shortly thereafter," what do you mean?

A. I mean the month of November.

Q. What was the first contact that you had with Mr. McVeigh after October 31?

A. I received a phone call from Tim.

Q. Where were you when you received the call?

A. I was at home.

Q. What time of the day was it?

A. I believe it was midmorning.

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Q. Was anyone else at home at that time?

A. Yes, sir. My wife was.

Q. What did Mr. McVeigh say on the -- on the telephone that morning?

A. When I picked up the telephone, I said, "Hello."

And Mr. McVeigh said, "This is a red alert call," or he may have said, "This is code red." I'm not sure which.

I said, "Okay."

And he told me that Terry had did Bob and he wanted to -- he wanted for me to go to a pay phone and give him a call back.

Q. Did he say anything else at that time?

[illegible]

A. Yes. He gave me the phone number.

Q. How long was this conversation?

A. I don't recall exactly.

Q. Did Mr. McVeigh -- excuse me -- did you say anything in response to Mr. McVeigh at that time?

A. I can't recall other than just agreeing to go to a pay phone and give -- and calling him back.

Q. When Mr. McVeigh said, "Terry did Bob," did you understand what he was talking about?

A. Yes, I did.

Q. When he said it was a red alert, did you understand what he was talking about?

A. Yes.

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Q. Prior to that telephone conversation that morning, had you ever had a conversation with Mr. McVeigh about color codes or red alerts?

A. I don't remember specifically, but I did understand what he meant when he said that.

Q. What did you understand him to mean?

A. That there was some type of an emergency or something that I should be aware of.

Q. What did you do after you got that call from Mr. McVeigh?

A. My wife and I drove to a pay phone at the location being the Tri-Mart that's near my father-in-law's house.

Q. About how far away is it from where you lived?

A. 5 miles.

Q. When in relation to when you got the call did you drive to the Tri-Mart pay phone?

A. Within an hour.

Q. What did you do when you got there?

A. I went into the store, and I brought \$5 with me and got \$5 worth of quarters; and I went out to the pay phone that's out front, and I called Tim.

Q. And did you speak with him?

A. Yes.

Q. Tell us what you -- what the two of you spoke about on the phone at that time.

A. He told me again that Terry had did Bob and he wanted me to

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watch my back because he believed that the man that was robbed was going to send private investigators out to Kingman to investigate Mr. McVeigh, and he believed that those investigators would eventually find me in Kingman; and Tim wanted me to watch out to see if I noticed anything strange.

Q. What did you understand Mr. McVeigh to be referring to when he said "Terry did Bob"?

A. I understood that Mr. Nichols robbed a man in Arkansas named Bob.

Q. Did you know who Bob was at that time?

A. Yes.

Q. Who did you know him to be?

A. A gun dealer that Tim had met.

Q. After that conversation with Mr. McVeigh on the telephone -- well, let me ask you this, about how long was that conversation?

A. I -- I don't know. It was just five minutes.

Q. What did you say during that conversation?

A. I just -- I agreed to watch my back.

Q. Did you also agree to call Mr. McVeigh if anybody came out to speak to you?

A. I don't remember doing that, no.

Q. After that telephone conversation that you initiated or you called him from the pay phone at Tri-Mart, did you have any further contact with Mr. McVeigh in 1994?

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A. Yes.

Q. When was that?

A. It was in December of 1994.

Q. And what kind of contact did you have with Mr. McVeigh in December of 1994?

A. The first contact would be a phone call.

Q. And where were you when you got the phone call?

A. I was at home.

Q. When is your birthday, Mr. Fortier?

A. It's December 15.

Q. And when in relation to your -- when in relation to your birthday did you receive these -- this first call?

A. Just a few days prior.

Q. What did Mr. McVeigh say when he called you?

A. He asked me if I wanted to make any money. I asked him how much. He told me 10 to the power of 10. I said, "That sounds good." I understood that to mean \$10,000. He told me to stand by, he would give me more calls later.

Q. At about this same time, did Mr. McVeigh ever call you at work?

A. Yes.

Q. When in relation to the call that you just described did Mr. McVeigh call you at work?

A. Either the next day or the day after.

Q. When in relation to your birthday, December 15?

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A. Still, just prior to my birthday.

Q. Did any of the -- did the conversation when Mr. McVeigh called you at work relate to this making -- this money-making proposal, the proposal to make \$10,000?

A. Yes.

Q. What did Mr. McVeigh say in that conversation?

A. He told me that I would need to take some time off work. He said I should probably get four days off work and if I could

do so, he was going to give me a call later and find out if I did or not.

Q. And did you get time off of work?

A. Yes.

Q. In either the first conversation or the conversation when Mr. McVeigh called you at work, did Mr. McVeigh tell you what you'd have to do to make \$10,000?

A. No, he did not say.

Q. Did you understand that it would involve something illegal?

MR. TIGAR: Objection to what he understood, your Honor.

THE COURT: Sustained.

BY MR. MEARNS:

Q. What happened next?

A. I received another phone call from Tim.

Q. When was that?

A. I believe it was later. The -- in the afternoon from the

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previous phone call when he asked me to take time off work.

Q. You mean the same day?

A. Yes.

Q. What happened during that conversation?

A. I told him that I could get the time off work, and he told me to meet him at a motel room. He also asked me to bring over some items.

Q. Where did Mr. McVeigh tell you to go?

A. To the Mohave Motel on Andy Devine in Kingman.

Q. Where is that in relation to your house?

A. It's about 7 miles away.

Q. What did Mr. McVeigh tell you to bring?

A. He told me to bring a couple boxes, some wrapping paper, some scissors and tape, and he also asked me to bring the wooden stock on my rifle.

Q. Did he say at that time why he wanted you to bring those items?

A. No. He did not.

Q. So what did you do?

A. I complied with his request.

Q. So what did you do?

A. Oh, I brought the stuff over to his motel room.

Q. When in relation to when he called did you go to the motel room?

A. That evening.

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Q. Did you go alone?

A. No.

Q. What happened that evening at the motel with Mr. McVeigh?

A. When I first entered the motel room, I had the -- I had the wooden stock in my hand, and Tim reached for it and I pulled it back; and I said that he could not have it.

And he said, "Well, will this do in trade?" And he

and he said, well, well this is in case. And he pulled out an M-16-type weapon.

Q. What do you mean, "an M-16-type weapon"?

A. It looks like an M-16, but it's -- it's not an M-16. The M-16 is a military-issue weapon, and this would be a civilian version of it.

Q. And it's like a firearms gun?

A. Yes. It's a rifle.

Q. So what happened next?

A. I made the trade with him, and then he went over to a box that was in his motel room, a rather large box; and I walked over and looked into it, and it was full of blasting caps.

Q. What did they look like?

A. The blasting caps themselves looked silver, and it had -- I can only estimate maybe 10 feet of wire, green and yellow wire that was all bundled into a neat, little bundle and then tied with this type of tie wrap.

Q. What happened next?

A. He divided the blasting caps into the two boxes that I

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brought and asked my wife to wrap them to make them look like Christmas presents.

Q. And did your wife do that?

A. Yes, she did.

Q. What happened next?

A. As my wife was wrapping the presents, Tim and I sat down at the table in the motel room and he told me that if I wanted to go with him back to Kansas, that he had a lot more of these type of weapons. He was motioning to the M-16. And if I would go back to Kansas with him, that I could have some.

Q. Did he say how you were going to get to Kansas?

A. He asked me to drive my Jeep to Kansas, to follow him up there.

Q. What did you say?

A. I did not want to do that. I told him no.

Q. So what did you agree to do?

A. Eventually, I agreed to rent a vehicle, to ride up to Kansas with Tim and just rent a vehicle to get back.

Q. During that conversation, did Mr. McVeigh say how many guns, how many weapons you were going to get?

A. No, he did not.

Q. Were you going to have to buy the guns from Mr. McVeigh?

A. No, he told me that if I wanted to go up to Kansas with him, that I could have some of those weapons.

Q. Did he tell you where the guns came from?

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A. Yes.

Q. What did he say?

A. He told me that they were robbed from a man named Bob in Arkansas by Terry Nichols.

Q. This is the same -- related to the same conversation at the

Tri-Mart pay phone?

A. Yes. It relates to that conversation.

Q. And you agreed to go to Kansas to get the guns?

A. Yes, I did.

Q. And you knew that going there would be illegal?

MR. TIGAR: Objection, your Honor.

THE COURT: Objection sustained.

BY MR. MEARNS:

Q. Why did you agree to go to Kansas to get these guns?

A. Because I wanted \$10,000.

Q. Prior to this conversation in the Mojave Motel, and prior to the -- to the red alert call, had Mr. McVeigh ever asked you to help him get some money?

A. Yes, he did.

Q. When? When was the first time?

A. I believe it was right around the time when we -- when Tim first came up to Kingman and told me what he meant -- what he meant in that letter.

Q. Which -- which conversation are you referring to specifically?

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A. The conversation that I had with Mr. McVeigh in my front yard by the fence.

Q. What did McVeigh ask you at that time in relation to money?

A. It was right around that time that he asked me to max out my credit cards, if I would be willing to max out my credit cards and give him the money.

Q. Did he say why he wanted you to max out your credit cards and give him the money?

A. He did not say specifically why.

Q. Did he -- what did he say generally?

A. I don't remember exactly what he was saying, but my understanding was that he was not going -- going to be working and he wanted me to just -- I believe that would be a way to just support him, pay for his food and lodging.

Q. What was your initial response when he said that during the conversation at the fence?

A. I said no.

Q. Did Mr. McVeigh ever ask you again to max out your credit cards to give him the money?

A. Yes.

Q. When was the next time?

A. I believe it would have been in the month of October sometime.

Q. Where were you when you had this conversation?

A. In my -- in my living room.

Michael Fortier - Direct

Q. And was he -- was he there, or was it a telephone conversation?

A. No, he was standing right there. He was standing right

there.

Q. Was anybody else there?

A. I don't recall.

Q. Tell us about that conversation.

A. Tim asked me if I would again max out -- if I would be willing to max out my credit cards and give him the money, and I told him no. And he asked me again, and it seemed like he'd ask me again and again until I agreed to get him some fake ID so he could get his own credit cards and then if he wanted, he could rip the credit card company off himself.

Q. Prior to when you got the red-alert call, had you ever had a conversation with Mr. McVeigh about why he and Mr. Nichols were going to commit a robbery?

A. Yes.

Q. When was it in relation to that first conversation by the fence where he asked -- where Mr. McVeigh asked you to max out your credit cards?

A. It was after that.

Q. And where did this conversation take place?

A. In the desert outside of Kingman.

Q. Was anyone else present besides you and Mr. McVeigh?

A. Mr. Nichols was in the area.

Michael Fortier - Direct

Q. What do you mean by "in the area"?

A. When me and Mr. McVeigh had the conversation, Mr. Nichols was roughly 50 yards away.

Q. So Mr. Nichols was not able to hear what you and Mr. McVeigh was speaking about?

A. I don't think he could.

Q. What did Mr. McVeigh say about why he and Mr. Nichols wanted to commit a robbery?

A. Mr. McVeigh told me that Mr. Nichols was getting all pissed off at him because, in Mr. Nichols' opinion, Tim was freeloading off him. They were using all of Mr. Nichols' money and Tim wasn't supplying any. So this was Tim's way -- this is what Tim told me. It was his way of contributing to their upkeep.

Q. After the meeting with Mr. McVeigh in the Mohave Motel in December, did you, in fact, travel to Kansas?

A. Yes.

Q. How did you get there?

A. I rode in Tim McVeigh's car east on I-40 until we went into Oklahoma City, and then we drove north on I-35 until we went into Kansas. And then we got off the highways -- or the interstates, and we took state highways up into Kansas.

Q. What kind of car was Mr. McVeigh driving at that time?

A. He was driving a Chevy Spectrum.

Q. When did you leave Arizona in relation to the meeting in

Michael Fortier - Direct

the Mohave Motel?

A. The very next morning.

A. The very next morning.

Q. How long did it take you to get from Arizona to Kansas?

A. Two days.

Q. Did you stay anywhere overnight during that trip?

A. Yes.

Q. Where did you stay?

A. In Amarillo, Texas, at a Motel 6.

Q. What happened on the first day of the drive from Arizona to Kansas?

A. We were driving on the highway, on I-40, and we passed a Ryder truck; and Tim pointed to it and said that was the type of truck that he was wanting to use except he wanted the one larger. He was pointing to the wheel well of the truck we were looking at. The wheel well went over the back tire. He told me the -- the truck that he was wanting to use, the -- the bed of the -- the truck sat on top of the tire. We continued to pass the vehicle, and Tim also pointed at the numbers on the door and said the one that he was wanting to use said 18,000 pounds on the door.

Q. During this first day of the drive, did you say anything about the plan -- the truck-bomb plan?

A. Yes. I told Tim that this sounded stupid and he would do a lot better just standing on the corner telling people about it. And he said that he did not believe talk was doing any good and

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he was going to stay inside the truck and blow anybody away who tried to stop it.

Q. What do you mean by "blow somebody away" or "blow anybody away"?

MR. TIGAR: If he understands, your Honor.

THE COURT: Sustained.

BY MR. MEARNS:

Q. What happened on the second day, Mr. Fortier?

A. On the second day, as we was passing through Oklahoma City, Mr. McVeigh got off the highway and drove to the building. He pointed out the building and said this is the one that they were going to blow up.

Q. Describe the building that you were -- that you saw.

A. I seen what I believe is the back of the building first. I remember a large -- or I remember a protruding elevator shaft on the back of the building and a large cement courtyard with some trees. We drove around the side and then to the front of the building, and the building looked like -- the front of it was just black glass, all glass. There were stairs leading down to the front door, and there was also a pullout, like a -- like a dock or -- you -- someplace for vehicles to pull into in front of the building.

Q. Did Mr. McVeigh ask you any questions about that area you just described where you pull in in front of the building?

A. Yes. He asked me if I thought a truck the size that he was

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talking about would fit there.

Q. And did you respond to that question?

A. Yes, I did.

Q. What did you say?

A. I told him that you could probably fit three vehicles there. Three trucks there.

Q. Did Mr. McVeigh show you anything else in the vicinity of that building?

A. Yes, he did. Mr. McVeigh drove -- he drove on past the building and turned left into an alley, and he pointed out a parking spot. He told me he was thinking of doing one of two things, one being that him and Mr. Nichols would follow each other down in two vehicles and drop off a vehicle in that parking spot and then drive back to Kansas and mix the bomb and then Tim would drive the bomb back down on the morning that he was planning on doing this, or he said he was thinking of having Mr. Nichols follow him down the morning of the bombing and wait for him in that parking spot.

Q. Did you say anything to Mr. McVeigh about this parking spot?

A. I asked Tim why he wouldn't park his car further down the alley or down the alley.

Q. And what did he say?

A. He said that he wanted the building -- I believe it's the YMCA building -- between him and the blast.

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MR. MEARNS: With the Court's permission, your Honor, could I have Mr. Fortier come down and approach the model and indicate the locations on the model, Exhibit 642?

THE COURT: If he can do so.

If you want to move closer to the model, you may.

MR. TIGAR: I'm sorry, your Honor.

THE COURT: If you want to move over --

MR. TIGAR: Thank you, your Honor. I was just making a note.

BY MR. MEARNS:

Q. Mr. Fortier, do you recognize the building, first, where Mr. McVeigh took you that day?

A. Yes, sir.

Q. Would you point it out, please.

A. This looks like the building. This is the elevator shaft I was speaking of. This main courtyard and the trees.

Q. Okay. Where is the front of the building that you referred to?

A. Here's the black glass.

Q. And would you point out the parking space where Mr. McVeigh took you.

A. It would be this parking space right here.

MR. MEARNS: And for the record, it's just to the east and north of the YMCA? Is that fair, Mr. Tigar?

MR. TIGAR: Yes.

Michael Fortier - Direct

BY MR. MEARNS:

Q. Thank you, Mr. Fortier. How long were you in Oklahoma City with Mr. McVeigh that day?

A. 20 minutes, roughly.

Q. What road or route did you take out of Oklahoma City?

A. Well, we drove up that alley and then got onto some main roads. And I'm not sure how we got to the highway, but we got to I-35, and we headed north up to Oklahoma City (sic).

Q. Did you notice any landmarks or buildings when you got onto the highway?

A. Yes. As soon as we got off onto the highway, it seemed like we had to rise up a hill. As soon as we got above onto the highway, I could see a whole lot of -- whole bunch of radio antennas for radio stations.

Q. How far did you drive that day?

A. We drove all the way to Junction City, Kansas.

Q. And what route did you take through Kansas?

A. I don't know the route numbers.

Q. Did you take the highway -- the interstate highway?

A. No. We got off the interstate when it became a toll road.

Q. Why did you do that?

A. Mr. McVeigh did not want to get onto the toll road. He told me that when you go through the toll booth, it takes your picture, and he did not want that.

Q. Did you and Mr. McVeigh make any stops along the way to

Michael Fortier - Direct

Junction City, Kansas?

A. Yes.

Q. How many stops did you make?

A. Three stops, not including gas.

Q. Where was the first stop?

A. It was at a -- at a storage unit, I believe, in -- I believe it's Council Grove, Kansas.

Q. And what did you see near the storage facility?

A. There was a Pizza Hut that was nearby, and there was also a commercial building that was nearby.

Q. What happened when you got there?

A. Tim got out of the vehicle and got into a storage unit. I got out of the vehicle and stood stretching my back; and I turned around and looked into the unit, and I seen Tim standing on some junk, looking over two mattresses that were sitting up side by side. He was looking over those mattresses into whatever was behind there.

Q. Were you able to see what was behind there?

A. No, I could not.

Q. How far into the storage unit were the mattresses that you saw?

A. 12 to 18 inches.

Q. And you made two more stops after that?

A. Yes.

Q. How far were you at that first stop?

Q. How long were you at that first stop?

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A. No more than a couple minutes.

Q. Did Mr. McVeigh take anything out of the storage unit during that stop?

A. No, sir, he did not.

Q. Where was the next stop?

A. We drove north of that storage unit to a lake. I believe it's called Geary Lake. And we went there. Tim wanted to show me a hill that his vehicle could climb.

Q. Describe what you saw that day at the lake.

A. Well, we -- we drove down to the road that goes right by the lake and we drove up to a hill, and then we walked up the hill; and then we got back into Mr. McVeigh's vehicle, and we drove up the hill. And at the top of the hill, I could see -- it's a natural formation, but it looks like a rock wall. It's a natural rock formation. It's a clearing at the top of the hill. And then we got onto the road that led out of the lake area and got back onto the main road.

Q. How long were you at the lake that day?

A. Five minutes. Ten minutes.

Q. Where was the third stop?

A. The third stop would be at another storage unit, I believe in Herington, Kansas.

Q. And what was near that storage facility?

A. Again, there was a Pizza Hut that was right nearby and some other commercial buildings.

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Q. And what did you do there?

A. I stayed inside the vehicle as Tim got into one of the units and brought a box out and put it -- the box in his back seat of his car, and then we drove away.

Q. How long were you at that second storage facility, that third stop?

A. Just minutes.

Q. Where did you go after that?

A. We drove to Junction City, Kansas.

Q. What did you do in Junction City?

A. We ate dinner. Tim stopped by at a Wal-Mart, and then we rented a motel room -- or actually, Tim rented a motel room.

Q. Did you register at the hotel?

A. No, I did not.

Q. Who registered?

A. Mr. McVeigh did.

Q. What did you do when Mr. McVeigh was registering?

A. He asked me to hide out behind the motel so he could save some money and just get a single room.

Q. What happened that evening at the motel?

A. Tim brought the box into the motel room and laid everything that was in the box out on the bed. He went through everything and kept some of the stuff that he wanted. and he gave me some

and kept some of the stuff that he wanted, and he gave me some stuff out of the box.

Q. What was in the box that -- that Mr. McVeigh laid out on

Michael Fortier - Direct

the bed?

A. There were some pistols in the box. There were also some ammunition and some clips.

Q. And did Mr. McVeigh give you anything at that time?

A. Yes, he did.

Q. What did he give you?

A. He gave me two pistols, some ammunition and some clips.

Q. Did he say anything when he gave you those guns?

A. I can't remember what he said specifically.

Q. Do you recall what he said generally in substance?

A. "There you go. These are yours."

Q. What happened the next day?

A. The next day, Tim drove me to the airport in Manhattan, Kansas, and I rented a vehicle.

Q. What kind of a vehicle did you rent?

A. It was a Crown Victoria.

Q. And where did you rent that car?

A. At the Hertz dealer.

Q. What did you do after you rented the car?

A. I followed Tim back to the storage unit where the weapons were.

Q. Was that the first or the second storage unit that you had gone to the previous day?

A. It was the second one, the one that Tim got the box out of.

Q. What did you do when you got there?

Michael Fortier - Direct

A. I backed the vehicle up to the storage unit's door, opened the trunk. As I was doing that, Tim -- Tim helped me back up to the door, and then he went and opened the door to the storage unit. I got out of the vehicle and I looked into the unit, and there was a bunch of blankets covering some -- some stuff. When Tim pulled the blankets off, there were four cardboard barrels with lots of weapons sticking out of them.

Q. When you say "lots," how many are you referring to?

A. Lots. I don't know. 50, maybe.

Q. What happened next?

A. Tim asked me to keep watch and he went through the weapons, and he divided up the weapons that he wanted to give me and the weapons that he was leaving inside the storage unit.

Q. How long did that take?

A. 45 minutes to an hour. Maybe longer. Maybe a little less.

Q. Did Mr. McVeigh give you any guns that day?

A. Yes, he did.

Q. How many guns?

A. I believe there was between 20 and 25 weapons.

Q. Where did he put them? Where did Mr. McVeigh put them?

A. We both were loading them into the trunk of my rent-a-car.
Q. What did you intend to do with these guns?
A. I intended to sell most -- most of them. There were a few that even from the breakdown, I was intending to keep.
Q. Where did you intend to sell them?

Michael Fortier - Direct

A. At gun shows and to whoever I could find to buy them.
Q. Did Mr. -- did you say that to Mr. McVeigh? Did you tell him that?
A. Yes.
Q. Did he say anything in response?
A. Yes.
Q. What did he tell you to do with the guns?
A. He told me that I would need to wipe them -- he told me to make sure that I wiped the weapons down and get his fingerprints off them.
Q. After the guns were loaded into the trunk of the car, what did you do?
A. Mr. McVeigh and I went to the Pizza Hut that was nearby and ate lunch.
Q. What happened after you ate lunch?
A. We drove to a nearby gas station and I filled up the tank of the car, and I also asked Tim to follow behind me to -- to look at my rear end of the vehicle because it was so low from the weight of the guns, I was worried about the bumper dragging or it looking funny. And I asked him to -- if it looked okay to pass me and give me a thumbs-up, or a thumbs-down, whichever it may be. We left the gas station, and he did so. He drove and he -- he passed me and gave me a thumbs-up. Then we came to a T in the road where Tim headed north and I headed south.
Q. And where did you go?

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A. I drove back to Kingman.
Q. How long did it take you to drive back to Kingman?
A. Two days. I drove all through the night until I hit the Arizona border, and then there's a rest stop right on the other side of the Arizona border where I parked and slept for a few hours.
Q. What did you do with the guns in the trunk of the car when you got home?
A. I waited till evening, and then I brought them to the house.
Q. Did anyone help you bring the guns into the house?
A. Yes. My wife did.
Q. Do you recall your first contact with Mr. McVeigh in 1995?
A. Yes.
Q. When in 1995 was your first contact with Mr. McVeigh?
A. In late January or early February. I'm not sure.
Q. Did you see him in person, or did he call you?
A. I received a phone call.

Q. What did Mr. McVeigh say?
A. He asked me to come to a motel room where he was staying.
Q. Where was that motel room?
A. On the west side of Kingman.
Q. And did you go there?
A. Yes.
Q. Did you go alone?

Michael Fortier - Direct

A. I went with my wife.
Q. What did you see when you got -- when you first got to the motel?
A. In front of the door, which Tim told me was his room, there was a station wagon. I believe it's a Pontiac B2000. I looked in the back of it, and I noticed there was a green duffel bag that I believe belonged to Tim; and then I noticed the Michigan plates on it, and I thought that that was Tim's new vehicle.
Q. You had never seen Mr. McVeigh with that car before?
A. No.
Q. Did you go into the motel room that night?
A. Yes.
Q. Did you and Mr. McVeigh have any conversation about the guns that he had given you in December?
A. Yes.
Q. What did he ask you?
A. He asked me if I had done any gun shows yet.
Q. What did you say?
A. I told him I had not.
Q. What happened next?
A. He became upset.
Q. What do you mean, "he became upset"?
A. When Tim becomes upset, he gets real quiet and won't talk to you and he gets -- he'll give you dirty looks, and that's what he was doing.

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Q. How long did you stay there?
A. Not long after that. I tried to make conversation with him, but it was going nowhere, so my wife and I left.
Q. After that first meeting in the motel with Mr. McVeigh in 1995, did you, in fact, go to any gun shows?
A. Yes.
Q. How many gun shows did you attend in 1995?
A. Three.
Q. Where were the three?
A. First one was in Reno, Nevada. The second, St. George, Utah. The third, Tucson, Arizona.
Q. Did you go alone to those three gun shows?
A. No.
Q. Who did you go with to the first one in Reno, Nevada?
A. I went with Mr. McVeigh.
Q. And who did you go to -- to the gun show in St. George,
Utah?

Clear:

A. Again, I went with Mr. McVeigh.

Q. Who did you go to the third one with?

A. My wife.

Q. When were these gun shows? When in 1995 were these gun shows?

A. February and March.

Q. Did you sell any of -- of the guns that you had gotten from Mr. McVeigh? Did you sell any of those guns at those three gun

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shows?

A. Yes.

Q. How many did you sell?

A. All of the ones that -- that I did not turn over to the FBI or sell to my neighbors or friends.

Q. And about how many is that?

A. 15 -- 12, 15.

Q. How much money was generated from the sales of those guns?

A. \$4,000.

Q. What did you do with that \$4,000?

A. I -- I used half of it to support myself.

Q. And what did you do with the other half?

A. The other half, I had to turn over to Mr. Nichols.

Q. What do you mean? What happened?

A. The night of the first gun show, I -- I sold quite a bit of weapons right on the first day that the gun show -- the first gun show; and when I got back to the motel room, I showed Mr. McVeigh all the money. And he told me that he had been talking with Terry Nichols and that Terry was pissed off at Mr. McVeigh because he had given me those weapons, but if I would give Terry \$2,000, he would call it even.

Q. So did you give any money to Mr. McVeigh that night?

A. I gave him \$1,000 and told him that I'd pay Terry back the other \$1,000, you know, by doing other gun shows later on.

What Tim did was he had \$1,000 and he put that money together

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and put it into a letter that he said he was going to send to Terry Nichols.

Q. So how much money was in that letter? Did you see?

A. I seen Mr. McVeigh put \$2,000 into an envelope and seal it.

Q. Did you ever pay Mr. McVeigh any more of the -- any more money?

A. Yes. I paid him back the \$1,000 that I owed him.

Q. When did you do that?

A. During the next few gun shows.

Q. Were you working during this period of time in February and March of 1995?

A. No, sir.

Q. Why not?

A. I had terminated my employment at Kingman True Value back in December.

Q. So what was your source of income during that time, early 1995?

A. I was using my income-tax returns. I was getting a small benefit from the VA. Lori's parents were being generous towards us. And I was also using the money from the weapons to support myself.

Q. Now, you told us a moment ago that you didn't sell all of the guns that Mr. McVeigh gave you?

A. That's correct.

Q. Did you sell any guns to friends?

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A. Yes.

Q. How many -- about how many guns did you sell to friends?

A. I believe four.

Q. Did you exchange any of the guns for drugs?

A. Yes.

Q. How many guns?

A. One.

Q. What did you get in exchange for that one gun?

A. Got a half pound of marijuana and an eight ball of crystal meth.

Q. What did you do with the other guns; that is, the guns that you didn't sell or exchange?

A. I was keeping them for myself.

Q. What did you eventually do with them?

A. I turned them over to the FBI.

Q. When did you do that?

A. After I started cooperating. In the summer of 1995.

MR. MEARNS: With the Court's permission, your Honor, I'd like to show Mr. Fortier some weapons; and if Mr. -- if Agent Tongate could assist me in that so Mr. Fortier can identify them.

THE COURT: All right.

BY MR. MEARNS:

Q. Mr. Fortier, I'd first like to show you what has been marked as Government Exhibit 1826.

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THE COURT: I take it all these firearms have been cleared of ammunition.

MR. MEARNS: They have all been cleared and rendered inoperable, your Honor.

THE COURT: All right. Thank you.

BY MR. MEARNS:

Q. Do you recognize that?

A. Yes.

Q. What is that?

A. That is a Mini-14 with a folding stock.

Q. Where did you get that?

A. The metal portions of it came from the -- came from Tim McVeigh in Kansas.

Q. Okay. Is that gun in the exact same condition as when you got it from Mr. McVeigh?

A. No, sir.

Q. What's different about it?

A. My wife had put the folding stock on it.

MR. MEARNS: Okay. Your Honor, we'd offer 1826.

MR. TIGAR: No objection, your Honor.

THE COURT: 1826 received.

BY MR. MEARNS:

Q. I'd like to show you Government Exhibit 1825. Do you recognize that?

A. Yes, I do.

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Q. Is that one of the weapons that Mr. McVeigh gave you?

A. Yes.

Q. Is it in the same condition that it was when you got it from Mr. McVeigh?

A. No, it's not.

Q. What's different?

A. The pistol grips are different. When I first got it, the rear grip was wood and it was a shoulder-stock grip and the front grip was also wood and it didn't protrude like this one does.

MR. MEARNS: Your Honor, we'd offer 1825.

THE COURT: 1825?

MR. TIGAR: Yes, your Honor. No objection. Sorry.

THE COURT: Proceed.

MR. MEARNS: Agent Tongate, if you would show Mr. Fortier Government Exhibit 1827.

BY MR. MEARNS:

Q. Do you recognize that item, Mr. Fortier?

A. Yes, I do.

Q. What is that?

A. That is a .308.

Q. Is that a rifle that you received from Mr. McVeigh in December of '95 -- excuse me -- December of '94?

A. Yes.

Q. Is it in the same condition?

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A. I put a scope on it.

Q. Other than that, it's in the same condition?

A. Yes.

MR. MEARNS: Your Honor, we would offer 1827.

MR. TIGAR: No objection, your Honor.

THE COURT: Received.

MR. MEARNS: 1829, Agent Tongate.

BY MR. MEARNS:

Q. Do you recognize that, sir?

A. Yes, I do.

Q. What is that?

Q. What is that?

A. It is called a .30 carbine.

Q. Is that one of the rifles that Mr. McVeigh gave you?

A. Yes, it is.

Q. And that you surrendered to the FBI in May of '95?

A. Yes.

Q. Is it in the same condition as when you received it from Mr. McVeigh?

A. Yes, it is.

MR. MEARNS: Your Honor, we would offer 1929.

MR. TIGAR: No objection, your Honor.

THE COURT: Received.

MR. MEARNS: Agent Tongate, 1830, please.

BY MR. MEARNS:

Q. Do you recognize that item, Mr. Fortier?

Michael Fortier - Direct

A. Yes.

Q. What is it?

A. That is called a Mini-30.

Q. Where did you get that?

A. I got that from Tim in Kansas in December of 1994.

Q. And that's another weapon that you surrendered to the FBI?

A. Yes.

Q. And is it in the same condition as when you received it from Mr. McVeigh?

A. I may have put that scope on there.

MR. MEARNS: Your Honor, we would offer 1830.

MR. TIGAR: No objection, your Honor.

THE COURT: Received, 1830.

MR. MEARNS: Agent Tongate, if you would show

Mr. Fortier 1822.

BY MR. MEARNS:

Q. Do you recognize that, Mr. Fortier?

A. Yes, I do.

Q. What is that?

A. That is a .50 caliber.

Q. Where did you get it?

A. I got this from Tim in Kansas in 1994.

Q. Do you see the scope on the top of that?

A. Yes, I do.

Q. Was the scope on the weapon when you received it from

Michael Fortier - Direct

Mr. McVeigh?

A. No, it was not.

MR. MEARNS: Your Honor, we would offer 1822.

MR. TIGAR: No objection.

THE COURT: Received.

BY MR. MEARNS:

Q. Was that -- 1822, the .50 caliber rifle, was that operable when you got it from Mr. McVeigh?

A. No, it was not.

Q. What was wrong with it?

A. The firing pin was broken.

Q. And was the firing pin ever repaired?

A. Yes.

Q. How was the firing pin repaired?

A. Mr. McVeigh sent it off to the Nichols farm to have it repaired.

Q. I show you what's been marked for identification as 1822B. Do you recognize that?

A. Yes, I do. That is the bolt to the .50 cal.

Q. That has the firing pin that was repaired?

A. It is inside that, yes.

MR. MEARNS: Your Honor, we would offer 1822B.

MR. TIGAR: May I inquire, your Honor?

THE COURT: Yes.

VOIR DIRE EXAMINATION

Michael Fortier - Voir Dire

BY MR. TIGAR:

Q. Good after -- good morning, Mr. Fortier.

A. Good morning.

Q. You said that 1822 had some change made in it?

A. The .50 cal.'s bolt, yes.

Q. Yes, sir. And you said it was sent off someplace to be repaired. Did you say that?

A. Yes, I did.

Q. And how -- on what basis did you say that it had been sent someplace to be repaired?

A. Mr. McVeigh told me that it was sent to the Nichols farm to be repaired.

Q. And did he say what Nichols farm he was talking about?

A. The Nichols farm in Michigan.

Q. Michigan.

A. Yes.

Q. And so the -- that's the only way you know that is what Mr. McVeigh told you?

A. Yes, sir.

MR. TIGAR: May I approach, your Honor?

THE COURT: Well, if you're going to object, I'll sustain it.

MR. TIGAR: Well, then -- then I don't need to approach, your Honor. I object.

THE COURT: All right. The objection to -- 1822B, was

Michael Fortier - Voir Dire

it --

MR. MEARNS: Yes. That was.

THE COURT: -- sustained.

DIRECT EXAMINATION CONTINUED

BY MR. MEARNS:

Q. The color of -- of the .50 caliber rifle, was it that color when you received it?

A. No.

Q. What color was it when you received it?

A. I believe it was all black.

Q. And how did it get to be the color that we see today?

A. Mr. McVeigh and myself painted it.

Q. I'd like to show you finally 1817. Do you recognize that, Mr. Fortier?

A. Yes.

Q. What is that?

A. That is a .22 Hornet.

Q. Where did you get that rifle?

A. I got that rifle from Tim in Kansas in 1994.

Q. And was it in the same condition when you got it from Mr. McVeigh as it is today?

A. Yes.

MR. MEARNS: Your Honor, we would offer 1817.

MR. TIGAR: No objection, your Honor.

THE COURT: Received.

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MR. MEARNS: Thank you, Agent Tongate.

BY MR. MEARNS:

Q. What did you do with 1817, that -- the Hornet rifle that you just spoke about?

A. I tried selling it at all the gun shows that I went to, and it would not sell. So I talked to my neighbor, Jim Rosencrans, and asked him to sell it to some of his friends or customers and then split the money with me.

Q. And did you, in fact, give it to Mr. Rosencrans?

A. I didn't hand it to him, no.

Q. What did you do with it?

A. I laid it over the fence that separates our yards, and I laid it down into his yard and left it in his yard.

Q. You said a moment ago that he -- Mr. Rosencrans could sell it to his customers. What did you mean?

A. Mr. Rosencrans sells crystal meth, or he did at that time. And I thought the people coming into his house all the time, one of them might want to buy that weapon.

Q. You told us earlier this morning about a conversation with Mr. McVeigh about him asking you to max out your credit cards.

A. Yes.

Q. Did you ever, in fact, purchase a false identification kit?

A. Yes, I did.

Q. When did you do that?

A. In the fall of 1994.

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Q. Tell us what you did.

A. I looked in the back of the Soldier of Fortune magazine and I found an ad for false identification. I wrote to the address

and asked for some order forms which they sent back to me which I filled out and then sent back to them.

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

A. I used the name Tim Tuttle.

Q. Why did you use that name?

A. Because I considered the false identifications to be Tim's and I thought he was going to rip off the credit card companies with it, so I used his alias.

Q. Tim Tuttle is an alias that you knew Tim McVeigh to use?

A. Oh, yes.

Q. Did you receive the kit that you ordered?

A. Yes, I did.

Q. What did you do with it?

A. Tim was no longer around so I thought I did it for nothing so I stuffed it into my desk.

Q. And did you ever see it again?

A. No, I did not.

Q. Did Mr. McVeigh ever ask you about it again?

A. Yes, he did.

Q. When was that?

A. I believe it was in February of 1995.

Q. What did he -- what did Mr. McVeigh say?

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A. He either asked me if I still had it or if I had ever gotten it.

Q. And what did you say?

A. I said, "It should still be in my desk."

Q. Did you ever -- but you never saw it again after -- after you received it when you ordered it?

A. That's correct.

Q. You indicated a few minutes ago that you had a disability, a VA disability?

A. Yes, sir.

Q. How much was your disability?

A. 10 percent.

Q. And what -- what caused you to get that disability benefit? What was your problem?

A. I have a problem with my shoulder.

Q. Have you ever had any problem with your back?

A. Yes.

Q. What kind of problem do you have with your back?

A. There's a bulging disk in my lower back.

Q. How long have you had that problem?

A. Since the latter part of 1993.

Q. Did you ever receive treatment or -- for your back in 1995?

A. Yes.

Q. What did you do?

A. I enrolled in a back school at the VA Hospital in Prescott,

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Arizona.

Q. Where is Prescott in relation to Kingman?

Q. Where is Prescott in relation to Kingman.

A. It's a few hours southeast of Kingman.

Q. When in 1995 did you enroll in the back school?

A. I believe the dates are March 6 through the 18th.

Q. So the treatment was about two weeks?

A. Yes. It was ten days. I went home on the weekend.

Q. And where was Mr. McVeigh when you left to go on the -- to the back school in early March?

A. He --

Q. I'm sorry. In early March?

A. He was staying at my house.

Q. And was Mr. McVeigh staying at your house when you came home on the weekend?

A. Yes, he was there.

Q. And was Mr. McVeigh home -- at your home in Kingman when you returned after the two weeks?

A. Yes, he was.

Q. After you returned from the back school, did you have any exercise program?

A. Yes.

Q. What was your exercise program?

A. The doctor told me that I should walk, take a walk at least once a day.

Q. And did you do that?

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A. Yes, I did.

Q. Did Mr. McVeigh ever join you on one of these walks?

A. Yes, he did.

Q. Do you recall what happened?

A. Yes, I do.

Q. Tell us what happened on that walk.

A. Tim told me that Terry no longer wanted to help him mix the bomb. He told me that there was some problem between -- or the problem had to do with Terry's wife, Marife. I asked Tim what he was going to do if Terry didn't help him. I made a joke and said, "What would you do? Would you kill him if he doesn't help you?"

And he answered me seriously and said he would not do that. And he went on to say that Terry would have to help him because he's in it so far up till now.

Further on in the conversation, as we got to my house -- or I mean in the walk as we got to my house -- Tim was

asking me to help him mix the bomb. He wanted me to go to Kansas with him.

I told him I didn't want to do that.

And then he started to ask me to leave my wife and join him. He said to me that we could be a couple desperados.

And I told him I would not do that, and he called me "domesticated." He used it like a curse word, as if that's bad. I made it clear to Tim that my answer was no, and he

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became upset. And again, when Tim becomes upset, he becomes real quiet. He went into my house and into his front bedroom. And he stayed in there for, I believe, the rest of the night.

Q. During that conversation, did he ask you to help him in any other way besides mixing the bomb?

A. Yes. He did.

Q. What did he ask you if you would -- would you be willing to do.

A. He asked me if I didn't want to help him mix the bomb, could I at least give him a ride from Las Vegas out to the desert after the bombing.

Q. What did you say?

A. Again, I told him no.

Q. How long was this conversation on the walk?

A. 20 minutes to half an hour.

Q. After this conversation that day, did Mr. McVeigh continue to live in your house?

A. Yes, he did.

Q. For how long?

A. No more than two weeks, or up till two weeks.

Q. What caused Mr. McVeigh to move out?

A. One afternoon, I had mentioned in front of Mr. McVeigh to my wife that I was going to start baby-sitting my niece and possibly two other children of a friend of mine. And Tim got up out of the chair and he said that he couldn't handle another

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child in the house. And he went into his room; and within an hour, he had packed all his stuff and left.

Q. Did you ever see Mr. McVeigh after that?

A. Yes, I did.

Q. Did you see him at motels in Kingman?

A. Yes.

Q. How many different times did you see Mr. McVeigh in motels in Kingman after that?

A. Three different times.

Q. During what time period?

A. In April of 1995.

Q. What happened during the time that -- during the times that you saw Mr. McVeigh at the motels?

A. The first time I went to see him in a motel room was at his request. When I got there, he wanted me to read a book, which I took and went home with it.

Q. Do you recall the name of that book?

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

Q. And did you read it?

A. I read snippets of it. I looked through it. Tim had written in the margins of the book. But I did not read the book.

Q. What did you do with it?

A. I took it back to Tim's motel room at a predesignated time. And when I got there, he asked me if I had read it; and I told

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him no.

And he said, "Well, keep it and try and read it; and read --" and he had another book with him, and he said, "Read Chapter No. 2 of this book."

Q. Do you recall -- did you read Chapter 2 of that other book?

A. Yes, I did.

Q. What was that called?

A. The chapter was called, "The Order."

Q. What did you do -- did you read it?

A. I read some of it.

Q. What was it about?

A. It was about a group of people living in Colorado that were -- that were white -- white supremacist people.

Q. What did you do with the second book?

A. I eventually returned it to Tim.

Q. When you say "eventually," what do you mean?

A. Well, again, I returned to his motel room with the two books and gave them back to him.

Q. So this is all in 1995?

A. Yes.

Q. Were these books that Mr. McVeigh purchased?

A. No. They were books that he got from the library in Kingman.

Q. What's the name of the library? Do you recall?

A. Mohave Community Library.

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Q. On any of the times that you went to the motel to see Mr. McVeigh, did your wife go with you?

A. Yes, she did.

Q. When you went to see Mr. McVeigh at the motels, did you have any concerns for your safety or her safety?

A. Yes, I did.

Q. What was your concern?

A. I felt that it would not be -- I felt that it would be possible that Tim may take some type of violent action towards me.

Q. So what did you do?

A. I brought a -- I brought a weapon with me.

Q. And did Mr. McVeigh ever take any violent action against you?

A. No, sir. None at all.

Q. After McVeigh -- Mr. McVeigh moved out of your house, did you ever see him again at your house?

A. Yes.

Q. How many times?

A. Only once.

Q. And when was that?

A. I believe it would be in early April of '95.

Q. What were you doing at that time? That is, what were you doing when Mr. McVeigh came to your house?

A. My wife and I and my neighbor Tim Bessmerang and the woman

A. My wife and I and my neighbor, Jim Rosencrans and the woman

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that he lives with at that time -- we were smoking crystal meth and playing cards.

Q. What happened when Mr. McVeigh arrived?

A. There was a knock on the door, and I went to answer the door. It was Tim. We had a little bit of conversation. And then he asked me if I had a certain ammo can, which I said yes, I do. And he wanted to trade it for the ammo can that he was holding. I felt that I just wanted to get rid of Tim, so I agreed. I said, "Sure"; and I went into my bedroom and got the ammo can he was speaking of. And I went back out to the living room, and Tim headed into the front bedroom and I followed him into there.

Q. Is that the front bedroom where Mr. McVeigh stayed when he lived at your house?

A. Yes.

Q. What happened inside that front bedroom that day?

A. When I went to -- we exchanged the ammo cans. He showed me in the ammo can that he had brought some explosives, and he asked me to keep ahold of this and he may come back for it one day.

Q. Tell us in more detail what you saw inside the ammunition can.

A. I seen the -- at least one Kinepack, which is a set of two items, the red liquid and the clear -- milky-clear plastic container with the orange top. And there was also at least one

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blasting cap with orange coil, blasting cap.

Q. Did Mr. McVeigh tell you what you should do with the contents of that ammunition can, the explosives in the ammunition can?

A. He asked me to keep it for him.

Q. How long was Mr. McVeigh at your house on that occasion?

A. Not very long. Maybe ten minutes.

Q. When was the last time that you saw Mr. McVeigh prior to the bombing in Oklahoma City?

A. It was when I returned the two books to his motel room.

Q. When you saw him on that occasion, did he tell you where he was going?

A. No, he did not.

Q. At that time, did you consider calling law enforcement, anyone from law enforcement to tell them about the plan to bomb the building in Oklahoma City?

A. No, I did not.

Q. Why not?

A. I did not think it was going to happen.

Q. Why didn't you think it was going to happen?

A. From the way Tim was acting and things he told me.

Q. What do you mean?

A. I -- I mean that I thought Tim was heading for Colorado and

that his plans with Mr. Nichols were never going to happen.

Q. What do you think about that decision now?

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A. I regret that decision.

Q. Where did you spend Easter of 1995?

A. In Kingman, Arizona, with my parents, my family, and my sister.

Q. Was Mr. McVeigh still in the Kingman area as of Easter of '95?

A. Not that I know of.

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

A. The morning that it happened.

Q. Where were you?

A. I was sitting in my house with my neighbor.

Q. Who is the neighbor?

A. Jim Rosencrans.

Q. Where was your wife?

A. She was sleeping.

Q. How was it that you came to learn of the explosion in Oklahoma City?

A. Mr. Rosencrans and I were playing video games; and when we finished, he turned the TV off -- or he turned -- excuse me, he turned the video off, and the TV automatically switches to a channel. And that's when I first seen the news coverage.

Q. What did you see?

A. The first thing I noticed I could see clearly is the black smoke.

Q. What else did you see?

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A. I seen a building that was completely destroyed. I seen the people on the streets.

Q. What was your reaction?

A. Right away, I thought that Tim had -- had did it.

Q. Did you consider calling the police or somebody in law enforcement at that time?

A. No, I did not.

Q. When you first saw the coverage of the bombing in Oklahoma City, did you anticipate that you would be contacted by law enforcement?

A. I did not think Tim was going to get away with it; so yes, I did.

Q. And were you, in fact, contacted by someone in law enforcement?

A. Yes.

Q. When were you first contacted by someone about the bombing in Oklahoma City?

A. I think it was two days later, on a Friday. I believe it was the 21st.

Q. Where were you?

A. I was at home.
Q. And who contacted you?
A. The FBI did.
Q. Was it in person, or on the telephone?
A. It was in person.

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Q. And did the agents on that occasion ask you questions?
A. Yes, sir.
Q. What kind of questions did they ask you on that occasion?
MR. TIGAR: Object to hearsay, your Honor.
THE COURT: Overruled as to the questions asked.

BY MR. MEARNS:

Q. What questions did they ask you on that occasion?
A. They mostly asked me questions about Tim McVeigh.
Q. And did you respond truthfully to those questions?
A. Not completely.
Q. What do you mean, "not completely"?

MR. TIGAR: Object, hearsay.

THE COURT: This is from what he said?

MR. TIGAR: Yes, your Honor. For his prior
out-of-court statements.

THE COURT: Overruled.

BY MR. MEARNS:

Q. When you say "not completely," what did you say?
A. Any time they asked me or wanted information about the
bombing, that's when I lied. When they asked me if I knew Tim
McVeigh or if he had been in town lately, I mostly answered
truthfully.
Q. But you lied in response to questions about whether or not
Mr. McVeigh was involved in the bombing?

MR. TIGAR: Object to the leading, your Honor.

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THE COURT: Sustained.

BY MR. MEARNS:

Q. Did you continue to be interviewed by FBI agents during the
course of that weekend?
A. Yes, I did.
Q. How -- How many times were you interviewed by FBI agents
over the course of the weekend from April 21 to April 24?
A. Each of those days. It would be Friday, Saturday, Sunday,
and Monday.
Q. Did they continue to ask you questions about Mr. McVeigh?
A. Yes.
Q. And what was your response to those questions?
A. I lied any time they wanted to -- I lied about
Mr. McVeigh's participation in the bombing and any knowledge
that I had of the bombing.
Q. During the course of any of those interviews over that
weekend from April 21 to April 24, did the agents ask you any
questions about Mr. Nichols?

A. yes, they did.

Q. What questions were you asked about Mr. Nichols?

A. When was the last time I seen him. If Tim McVeigh ever talked about him. If I knew any of his family. That's --

Q. Did you respond truthfully to the questions about Mr. Nichols?

A. No, I did not.

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Q. What did you say?

A. I said that I hadn't seen Mr. Nichols since the service, Tim had never spoken about Mr. Nichols.

Q. Why did you lie in response to the agents' questions about Mr. McVeigh and Mr. Nichols?

A. Because I did not want them to know about my knowledge of the bombing.

Q. On April 24, did you also -- excuse me -- I believe it was on April 21, did -- you provide fingerprint exemplars to the FBI?

A. Yes, I did.

MR. MEARNS: May I have a moment, your Honor?

THE COURT: Yes.

BY MR. MEARNS:

Q. Do you recognize that, Mr. Fortier?

A. Yes, I do.

Q. What are those?

A. These are my fingerprints.

Q. Do you recognize your signature there?

A. Yes, I do.

MR. MEARNS: Your Honor, we would offer 1723.

MR. TIGAR: No objection, your Honor.

THE COURT: 1723 is received.

BY MR. MEARNS:

Q. Mr. Fortier, during any of the interviews with the FBI

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between April 21 and April 24, were you asked any questions about a trip to Kansas?

A. Yes, I -- I was.

Q. What did you say about your trip to Kansas over that weekend?

MR. TIGAR: Object to hearsay, your Honor.

THE COURT: What's the point of going into this?

You -- what is your purpose in asking these questions?

MR. MEARNS: Simply to establish that Mr. Fortier lied

to the FBI on that occasion.

THE COURT: He said he has.

BY MR. MEARNS:

Q. In late April or early May, did you anticipate that your house would be searched by the FBI?

A. Yes.

... 100.

Q. And was your house eventually searched?

A. Yes, it was.

Q. Do you recall when?

A. I believe it was May 1.

Q. What happened on that day?

A. I received a phone call from one of the agents. He asked me to gather up my family and meet him at the Mohave Community College. He told me that my house was going to be searched.

Q. After you received that call, did you try to destroy or conceal any evidence?

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A. No, I did not.

Q. Prior to the day on which you were notified that there was going to be a search of your house, did you try to get rid of any evidence or any items?

A. Yes.

Q. What did you do?

A. I asked my neighbor, Jim Rosencrans, if he wanted certain items.

Q. And did you, in fact, give any items to Mr. Rosencrans?

A. Yes.

Q. What did you give him?

A. I gave him some videotapes of Waco and a red crate with a -- about a half or a third bag full of ammonium nitrate.

Q. Did you -- prior to the search on May 1, did you get rid of any other items?

A. Not any attempt to conceal something from the FBI.

Q. What had you done with the ammunition can that had the explos -- explosives that Mr. McVeigh had given you earlier in April?

A. I had stashed that at my brother's house in the trunk of a car that he was building.

Q. When did you do that?

A. I did that before the bombing.

Q. Why did you do that?

A. Because I believed my house was going to be raided for all

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those drugs, that half a pound of marijuana and the crystal meth that I had.

Q. Did you remain in your house when it was searched?

A. No, I did not.

Q. Where did you go?

A. I went to the Mohave Community College and met the agents there.

Q. Do you know why the agents asked you to leave?

A. I didn't at that time. I do now.

Q. What do you know now?

A. They implanted some mics -- some microphones at my house.

Q. That is, a listening device?

A. Yeah. A bug.

Q. You're also aware that at some point during that same period of time that the FBI tapped your telephone?

A. Yes.

Q. Since you began cooperating with the Government, have you reviewed some of those conversations, transcripts of those conversations?

A. Yes, I have.

Q. In addition to lying to the FBI in early April -- excuse me -- in late April and early May, 1995, were you lying to anyone else about your knowledge of the bombing in Oklahoma City?

A. I was lying to everybody.

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Q. Why were you lying to everybody?

A. Because I did not want anybody to know that I had knowledge of this.

Q. During this period of time, did you give any interviews from anyone in the media?

A. Yes.

Q. Who did you give an interview to?

A. I don't know the man's name, but it was for CNN.

Q. What did you say during that interview with CNN?

MR. TIGAR: Object to the hearsay, your Honor.

THE COURT: Well, what's the purpose of this?

MR. MEARNS: Your Honor, simply I'm anticipating that Mr. Tigar will cross-examine him.

THE COURT: Well, that's his prerogative, not yours, to cross-examine.

MR. MEARNS: Yes, sir.

BY MR. MEARNS:

Q. You mentioned on the night before the bombing that you were up all night with your neighbor, Jim Rosencrans.

A. Yes, I was.

Q. What was your condition that night?

A. I was high on crystal meth.

Q. Was that the first time you'd ever used crystal meth?

A. No. I've used crystal meth quite a bit.

Q. How -- how frequently were you using methamphetamine in

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1994 and 1995?

A. Through 1994 into 1995, it increasingly got worse. 19 --

Q. When -- what do you mean?

A. I was using it more and more.

Q. So how frequently?

A. In 1995?

Q. In 1994.

A. Four or five times a month.

Q. And did it increase at some point during 1994?

A. Yes.

Q. When did it start to increase?

A. In the fall of 1994.
Q. How often were you using it in the fall of '94?
A. Four or five times a month.
Q. How often were you using it in early 1995?
A. After I quit my job and I was around my house all the time, I started to use it more often, once or even twice a week.
Q. Have you ever used any other illegal drugs besides methamphetamine?
A. Yes.
Q. What other drugs or substances have you used?
A. Marijuana; and one time -- or twice, I dropped LSD.
Q. When did you do that?
A. The LSD?
Q. Yes.

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A. Once when I was in the service and then once in 1994 with Tim McVeigh and my wife.
Q. Did -- How often were you smoking marijuana in 1994 and 1995?
A. Not often at all.
Q. What does that mean?
A. Four or five times a year in '94.
Q. Did there come a time when you were subpoenaed to the grand jury in Oklahoma City?
A. Yes.
Q. When was that?
A. In May of 1995.
Q. When did you travel to Oklahoma City?
A. On the 16th or the 17th of May.
Q. What happened when you got to Oklahoma City?
A. I made a phone call from the motel room that we had to a number that was on the subpoena, and I was looking for a lawyer for my wife and I.
Q. Who did you call?
A. I'm not sure exactly who I was calling, but the FBI did show up at the -- at the motel room.
Q. Did you speak with the FBI that night?
A. Yes.
Q. Did you tell them everything that you knew about the bombing in Oklahoma City that night?

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A. No, I did not.
Q. Did there come a time when an attorney was appointed to represent you?
A. Yes.
Q. And who was that?
A. Mr. Michael Maguire.
Q. After Mr. Maguire was appointed to represent you, did you then proceed to meet with agents and prosecutors?
A. Yes.
Q. Did you sign any agreements before you began those

Q. Did you sign any agreements before you began those meetings?

A. I don't recall exactly. I believe I did called -- an agreement called a proffer.

Q. What did that proffer agreement provide?

A. That anything I said directly to them could not be used against me in court but that anything they derived from what I was saying could be.

Q. During those meetings that were covered by the proffer agreement, did you disclose any of the crimes that you had committed?

A. Yes.

Q. What crimes did you disclose?

A. Crimes concerning the stolen weapons, crimes concerning drug use.

Q. Prior to your testimony today, approximately how many times

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have you met with prosecutors and agents?

A. All together, probably 25 times.

Q. Was Mr. Maguire present at any of those meetings?

A. Yes. He was present for all those meetings.

MR. MEARNS: Your Honor, may I show Mr. Fortier a couple of exhibits?

THE COURT: All right.

BY MR. MEARNS:

Q. Mr. Fortier, if you could locate in that folder Government Exhibit 176, 177, and 178. Do you see them?

A. Yes, sir.

Q. Do you recognize what's depicted there, what's in those photographs?

A. Yes, I do.

Q. What is that?

A. This is the storage unit that was near my house in Kingman that Tim brought me to on the night that he showed me the explosives.

Q. And do those photographs fairly and accurately depict that storage facility?

A. Absolutely.

MR. MEARNS: Your Honor, we'd offer 176, 177, and 178.

MR. TIGAR: No objection, your Honor.

THE COURT: They are received.

MR. MEARNS: With the Court's permission, I'd like to

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publish 176.

THE COURT: All right.

BY MR. MEARNS:

Q. What do we see in that photograph, Mr. Fortier?

A. The storage units I was just looking at.

Q. Where in relation -- in this photograph did you and Mr. McVeigh and Mr. Nichols park the vehicles that evening?

A. Mr. Nichols' truck was just forward of the light that you

can see above the doors. And Mr. McVeigh's vehicle was just to the rear of that light.

MR. MEARNS: If I may publish 177, please.

THE COURT: All right.

BY MR. MEARNS:

Q. Do you recognize in that photograph the storage unit that you went in?

A. Yes, I do.

Q. Which storage unit did you go into that night?

A. The unit just directly to the left of the light. It's E10.

Q. With the Court's permission, I'd like to show you what is in evidence as Government Exhibit 202. Do you recognize that, Mr. Fortier?

A. Yes, I do.

Q. What is that?

A. This is the Tri-Mart that I returned Tim's call in, I believe, November of 1994.

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MR. MEARNS: And if I may show Government Exhibit 243 in evidence.

THE COURT: Yes.

BY MR. MEARNS:

Q. Do you recognize the pay phone there?

A. Yes, I do.

Q. Where is the pay phone in the photograph?

A. The left front corner of the Tri-Mart. That is the phone I used to call.

Q. In your folder, Mr. Fortier, if you could look at Government Exhibit 210. Do you recognize that?

A. Yes, I do.

Q. What is that?

A. This is the receipt, motel copy receipt for the night that Tim and myself spent in Amarillo, Texas, on our way to Kansas to pick up those weapons.

Q. Do you recognize your handwriting there?

A. Yes, I do.

Q. Do you recognize your signature?

A. Yes.

MR. MEARNS: Your Honor, we would offer Government Exhibit 210.

MR. TIGAR: No objection, your Honor.

THE COURT: Received. 210.

BY MR. MEARNS:

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Q. Mr. Fortier, there's a light pen. Do you see the pen that's attached to the podium there?

A. Yes.

Q. Could you circle where your signature is.

A. Whoops. Sorry.

Q. And up above in the upper left-hand corner, do you see the

dates that are reflected there?

A. Yes.

Q. And what are those dates?

A. The arrival date and the departure date. The 15th and 16th.

Q. Of December?

A. Yes.

Q. If you would look into your folder for Government Exhibit 219. Do you see it there?

A. Yes.

Q. Do you recognize that?

A. Yes, I do.

Q. What is that?

A. This is the car rental agreement.

Q. Which car rental agreement?

A. For the car that I used to get from Kansas to Arizona in December of 1994.

Q. Do you recognize your handwriting and your signature there?

A. Yes, I do.

Michael Fortier - Direct

MR. MEARNS: Your Honor, we would offer Government Exhibit 219.

MR. TIGAR: No objection, your Honor.

THE COURT: Received. You may publish.

BY MR. MEARNS:

Q. Could you circle where your signature is.

Mr. Fortier, I'd like to now show you what has already been admitted into evidence as Government Exhibit 95.

THE COURT: It's not in evidence.

MR. MEARNS: I'm sorry. May I have a moment, your Honor?

THE COURT: Yes.

MR. TIGAR: Your Honor, if he wants to offer it, that's fine. I recognize it as the Herington unit.

THE COURT: All right.

BY MR. MEARNS:

Q. Mr. Fortier, do you see what is on your screen?

A. Yes, I do.

Q. Do you recognize that?

A. Yes.

Q. What is that?

A. That is the storage unit that on -- that is the first storage unit that Tim and myself stopped at on our way to Kansas.

MR. MEARNS: Your Honor, then we would offer

Michael Fortier - Direct

Government Exhibit 95.

MR. TIGAR: No objection.

THE COURT: It's received without objection.

BY MR. MEARNS:

Q. If I may now show you what is in evidence, I believe --

Q. If I may now show you what is in evidence, I believe, as 103. Do you recognize that?

A. Yes.

Q. What is that?

A. This is the storage unit in Council Grove, Kansas, that had the weapons in it.

Q. Is that the first, or the second storage unit you went to with Mr. McVeigh on the drive through Kansas?

A. It's the second unit.

Q. Do you -- are you able to identify in that photograph which unit you actually went into?

A. Yes. This middle one right there.

Q. The middle one of the three in the building on the right?

A. Yes.

Q. When you were there that day with Mr. McVeigh, did you see any other guns that you recall that were inside that storage unit?

A. Yes. Two in particular that I can recall.

Q. What did you see?

A. There was another .50 cal., and Tim also showed me an Uzi.

Q. Okay. When you say "another .50 cal.," what do you mean?

Michael Fortier - Direct

A. A separate one from the one that I brought back to Arizona with me.

Q. And what color was it when you saw it in the storage unit that day?

A. It was black.

Q. And when you say you also saw an Uzi, what are you referring to?

A. An Uzi is either automatic or semiautomatic. It's a short weapon with a snub barrel and a pistol grip and a folding stock.

MR. MEARNS: If I may, your Honor. If Agent Tongate could display to Mr. Fortier Government Exhibit 1808.

THE COURT: Well, I don't know the source of 1808.

MR. MEARNS: Your Honor, may he just display it --

THE COURT: No. It's not an exhibit. He can't display it.

BY MR. MEARNS:

Q. You indicated that you turned over several firearms to the FBI.

A. Yes, sir.

Q. Did you turn over anything else to the FBI after you began cooperating?

A. Yes.

Q. What did you turn over to the FBI?

A. I turned over the explosives that Tim gave me that one

Michael Fortier - Direct

night.

MR. MEARNS: Your Honor, may Agent Tongate --

THE COURT: Well, we'll take a recess before. I

thought you were nearing the end. Apparently, you aren't.

You may step down, Mr. Fortier.

Members of the jury, we're just going to take a recess

at this time for a little rest stop as usual in the middle of the morning; and of course, during this time, once again, you're excused from the courtroom with the cautions that you must not discuss among yourselves or with anyone any of the testimony in this case or any of the exhibits in this case or anything about the case, remembering that it is your obligation to keep open minds until you've heard all of the evidence in the case and as well to refrain from reading, seeing, or hearing anything that could relate to the issues on trial.

So you're excused now. 20 minutes.

(Jury out at 10:30 a.m.)

THE COURT: We'll recess, 20 minutes.

(Recess at 10:30 a.m.)

(Reconvened at 10:50 a.m.)

THE COURT: Be seated, please.

(Jury in at 10:50 a.m.)

THE COURT: Get the witness.

Please resume the stand, Mr. Fortier.

Mr. Mearns.

Michael Fortier - Direct

MR. MEARNS: Thank you, your Honor.

BY MR. MEARNS:

Q. Mr. Fortier, on the witness stand there, you'll find what is in evidence as Government's Exhibit 1717. Do you see that?

A. Yes, I do.

Q. Could you open in that book to page F?

MR. MEARNS: If I may display that page, your Honor.

THE COURT: All right.

BY MR. MEARNS:

Q. You can either read it in the book or read it on your monitor.

A. You said page F?

Q. Yes.

THE COURT: It's on the screen there in front of you.

THE WITNESS: Okay.

BY MR. MEARNS:

Q. Do you recognize your name on that page, Mr. Fortier?

A. Yes, I do.

Q. And do you recognize -- what is written there?

A. It says, "Fortier, Mike, 3035 McVicker. (Temporary)," I guess, in parentheses. And it says, "Brother - Paul."

Q. And what does it say below that next line?

A. It says, "Lori." And across from that it says, "Kingman, Arizona, 86402."

Q. Is that your correct -- or was that your correct address?

Michael Fortier - Direct

A. I believe -- yes. The ZIP, I believe, is 86401.
Q. And when was that your address?
A. From February of 1993 until May of 1995.
Q. And what is on the line below that?
A. My in-laws' address.
Q. Could you read that for us?
A. 4345 Abel, Kingman, Arizona.
Q. That's Lori's parents' address?
A. Yes.
Q. And what is to the right of that?
A. My home phone number.
Q. And could you read that for us?
A. (602) 692-9445.
Q. When was that your phone number?
A. During the time that I was living at 3035 McVicker.
Q. Did you ever give your address and phone number to Mr. Nichols?
A. Never.

MR. MEARNS: Your Honor, finally, if Agent Tongate may approach the witness with Exhibits 160 through 162 and 164 through 168.

BY MR. MEARNS:

Q. Mr. Fortier, if you would first look at 160, 161 and 162. Do you recognize that?
A. Yes, I do.

Michael Fortier - Direct

Q. What is that?
A. Those are the same type of blasting caps that Tim brought to my house.
Q. And were those the blasting caps that you turned over to the FBI after you began cooperating?
A. Yes.

MR. MEARNS: Your Honor, we would offer 160 to 162.

MR. TIGAR: No objection, your Honor.

THE COURT: They're received.

MR. MEARNS: Would you take those out of the box, please, Agent Tongate.

BY MR. MEARNS:

Q. And you see that there are two separate bags. Do you see the cardboard in the bag that's to your right, Mr. Fortier?
A. Yes, I do.
Q. When you turned -- when you received it from Mr. McVeigh, was the cardboard separated from the orange blasting caps?
A. No. It was holding the coils together.
Q. Showing you -- Agent -- if you could look at 164 through 168.

Do you recognize those items?

A. Yes.
Q. What are those?
A. Those are blasting caps that I turned over to the FBI.

MR. MEARNS: Your Honor, we would offer 164 through

168.

MR. TIGAR: No objection, your Honor.

THE COURT: They're received.

BY MR. MEARNS:

Q. And if you could -- when did you receive those blasting caps?

A. I believe I received those blasting caps the night that Tim brought the ammo can over to my house.

Q. When is that?

A. In April of 1995.

Q. Had you ever seen blasting caps like that before, before April, 1995?

A. Yes.

Q. When?

A. In December of 1994, in the motel room with Tim.

Q. What did you see him with the blasting caps on that occasion (sic)?

A. Excuse me?

Q. How was it that you saw blasting caps like this on that occasion?

A. Tim had a box full of -- not full. Tim had a box with blasting caps in it; and he separated them into two boxes and had my wife wrap them up as presents.

MR. MEARNS: I have no further questions, your Honor.

THE COURT: All right.

Mr. Tigar . . .

CROSS-EXAMINATION

BY MR. TIGAR:

Q. Good morning again, sir.

A. Good morning.

Q. My name is Michael Tigar. I'm one of the lawyers appointed to represent Terry Nichols.

You've told several different stories about what happened to you in April -- excuse me -- in 1994 and 1995, haven't you, sir?

A. Yes, I have.

Q. I want to ask you first about what you told us yesterday and today, and then I'm going to ask you about some of the things you said other times. You have a written agreement with the Government. Is that right?

A. Yes, I do.

Q. You are not charged with a conspiracy to blow up the Murrah Building, are you, sir?

A. That's correct.

Q. You did not plead guilty to that; is that correct, sir?

A. Yes, sir.

Q. And you did not plead guilty to blowing up the Murrah Building; correct?

A. That is true.

Q. You didn't plead guilty to murdering anybody inside it; is

2. You didn't plead guilty to murdering anybody inside it, is

Michael Fortier - Cross

that correct?

A. Yes, sir.

Q. And didn't -- the prosecutors told you, did they not, that you were being asked to plead guilty to everything that you did. Is that your understanding?

A. Yes, everything that I could be charged with.

Q. Now, you mentioned that you first had a political discussion with Mr. McVeigh in the Army; is that correct? Did he share some literature with you?

A. Yes, he did.

Q. He gave you a copy of a book called The Turner Diaries; correct?

A. Yes.

Q. And is it fair to say, sir, that from that day down to the time when you last saw him, he often gave you political literature?

A. Yes, that is true.

Q. And is it fair to say, sir, that he made copies of political literature that he had and handed it out to others?

A. I believe he did.

Q. Did you see him using the copy service in Kingman for that purpose?

A. No, sir.

Q. Did you know that he used the copy service in Kingman for that purpose?

Michael Fortier - Cross

A. He had told me he did.

Q. And is it fair to say that this political literature that Mr. McVeigh began to share with you in the Army had a certain character?

A. Yes, I think that's fair.

Q. It was white supremacist literature; correct?

A. The book in the Army certainly was, yes.

Q. And -- now, you did not agree with the white supremacist agenda, did you, sir?

A. I do not.

Q. You do not and you did not; correct?

A. That is correct.

Q. You were his friend all of these years, but you did not share his racism; is that right?

A. That is correct.

Q. Now, you mentioned that Mr. McVeigh's attitudes changed over time. Is that fair?

A. Yes.

Q. After the events in Waco in 1993, he became much more agitated; right?

A. He was upset about the events in Waco.

Q. Now -- excuse me. During your friendship with Mr. McVeigh, you learned -- he asked you to defraud some credit card

companies; correct?

A. Yes, he did.

Michael Fortier - Cross

Q. He asked you to -- he asked you to go to Kansas and said he

would pay you \$10,000; correct?

A. May I respond to the previous question, please.

Q. Yes, sir.

A. He didn't actually ask me to defraud the credit card companies.

Q. He asked you to max out your credit cards?

A. And give him the money.

Q. And give him the money. Did you discuss whether or not you would pay back the credit card companies?

A. I certainly would have paid back my credit card companies.

Q. What did you understand he was asking you to do?

A. Give him money.

Q. And when you had a discussion with him about false identification, you told us you thought that was so that he could get his own credit cards; right?

A. That's what I told him.

Q. He told you that he was -- you were going to get \$10,000 from him for going to Kansas; correct?

A. He used the term "10 to the power of 10."

Q. Well, 10 to the power of 10 is not \$10,000, is it, sir?

A. No, it's not. It's not even close.

Q. All right. But you understood that meant \$10,000?

A. That is correct.

Q. You got some guns, but you never got anything worth \$10,000

Michael Fortier - Cross

from him, did you?

A. No. Those weapons all together were not worth \$10,000.

Q. So he didn't tell you the truth; right?

A. That is correct.

Q. Now, you know that he's a thief; correct?

Well, sir, you and Mr. McVeigh snuck into a National Guard yard and stole things together; correct?

A. Yes, sir, that is correct.

Q. So that's thieving, isn't it?

A. Yes, it is.

Q. And Mr. Nichols wasn't with you then, was he?

A. No, he was not.

Q. Didn't have anything to do with that; correct?

A. No, he did not.

Q. So you learned that Mr. McVeigh was a thief; right?

A. Yes.

Q. Now, in addition to that, you heard Mr. McVeigh on a number of occasions say that he was going to blow up a building; correct?

A. Yes.

Q. And he told you that he was going to blow up a building while it had people in it; correct?

A. Yes, he did say that.

Q. You learned that Mr. McVeigh uses narcotics; correct?

A. He has.

Michael Fortier - Cross

Q. On how many occasions have you seen Mr. McVeigh use controlled substances?

A. Two or three times.

Q. What controlled substances did you see Mr. McVeigh use on the occasions when you were with him?

A. He smoked a marijuana joint with me once; and on two or three other occasions, he used crystal meth.

Q. Now, towards the end of your direct testimony, you said that there was an LSD experience. Was that -- did that involve Mr. McVeigh?

A. Yes. He attempted to take some LSD along with me and my wife.

Q. You say "he attempted"?

A. The LSD was bunk. It was no good. It didn't do anything.

Q. So he took -- you all took what you thought was LSD and it didn't do anything for you. Correct?

A. That is correct.

Q. What was it supposed to do for you?

A. I'm not really sure. It was -- I've only taken it one other time, and it just makes you feel kind of goofy.

Q. Kind of what?

A. Goofy.

Q. Goofy?

A. Yes.

Q. Well, so that when you were taking it with Mr. McVeigh, was

Michael Fortier - Cross

it your objective to get goofy with him?

A. Yes, it was.

Q. And what was the objective of taking crystal meth with Mr. McVeigh?

A. Mr. McVeigh wanted to experience it.

Q. And did he experience it?

A. I believe he did.

Q. Now, you also told us that Mr. McVeigh moved out of your house because you were going to start baby-sitting. Correct?

A. Yes, that is.

Q. And he didn't like little kids?

A. I always thought he did; but when I mentioned bringing in other children, he became upset and left.

Q. Upset and left within the hour; correct?

A. That is absolutely correct.

Q. And you had another conversation with him in which he said in a mocking way that you had become domesticated; right?

A. No, that's not correct.

Q. What did -- he said you had become domesticated?

Q. What did -- he said you had become domesticated?

A. Yes. I'm mistaken. He was mocking me when he said that.

Q. Well, I don't want to put words in your mouth, sir; but what's a better word than "mocking" for the way he said "domesticated" to you?

A. What confused me was your smile. I thought you were saying he said that to me in a joking manner.

Michael Fortier - Cross

Q. No, I'm sorry. Please don't take anything from the facial expressions. He said it as an insult. Right?

A. That is correct.

Q. Now, you never -- you never saw Mr. Nichols steal anything; right?

A. Never.

Q. And you know that Mr. Nichols has two little kids; right?

A. At that time -- now I do, yes.

Q. Yes. And as a matter of fact, his daughter is the same age as your Kayla; correct?

A. About a year -- I think there is almost a year difference.

Q. Is there almost a year? But you remember when the Nicholsons first came to your house that Mrs. Nichols, Marife, and your wife, Lori, were talking about your two kids; correct?

A. Yes.

Q. And you understand that -- and since April 19, you all -- you and Lori have had another child; correct?

A. Yes.

Q. And it's your understanding Mr. and Mrs. Nichols have had another child; correct?

A. Yes.

Q. Now, after the Army, you knew -- you at least knew who Mr. Nichols was in the Army; correct?

A. Yes.

Q. The first time after the Army that you saw Mr. Nichols was

Michael Fortier - Cross

in the fall of '93. Is that right?

A. Yes, that's correct.

Q. He came to -- you met him at a Wal-Mart and he came to your house and spent a little while. Right?

A. Yes.

Q. And that was the time you told us that he and your wife -- or that Mrs. Nichols and your wife, Lori, talked about babies and you and Mr. Nichols talked about that he was going to get a job as a carpenter in Las Vegas. Is that fair?

A. Yes.

Q. And on that occasion, sir, isn't it a fact that Mr. Nichols was not driving a pickup truck?

A. No, he was driving a pickup truck with a camper.

Q. Wasn't he driving a moving truck with a trailer behind it and a pickup truck on one of those dolly -- or flatbed trailers you use to haul vehicles?

A. What I remember him driving is a pickup truck with a large

camper.

Q. Now, during that time -- during that conversation, did Mr. Nichols -- did you hear Mr. Nichols threaten anybody?

A. No.

Q. He didn't say that he was going to bomb anything; right?

A. No, he did not.

Q. He didn't express any political views to you, did he?

A. No. We didn't speak about political issues.

Michael Fortier - Cross

Q. Didn't give you any political literature; correct?

A. No, he did not.

Q. Now, then you said that you had a conversation sometime after that in early 1994 with Mr. McVeigh. Do you remember that?

A. Yes.

Q. And he called you from the Nichols farm in Michigan; is that correct?

A. That's where he told me he was calling from.

Q. Okay. Now, the -- Terry Nichols and Mrs. Nichols and little baby, you had seen them and they said they were headed for Las Vegas; right?

A. Yes.

Q. Okay. This is after that. Mr. McVeigh said he wasn't happy on the Nichols farm; right?

A. Right.

Q. Did he say why he wasn't happy there?

A. I don't remember.

Q. Now, the second time you saw Mr. Nichols was at a dinner at a house in Golden Valley. Correct?

A. Yes.

Q. Now, that was a house that had been rented by Timothy McVeigh; is that right?

A. Yes.

Q. Now, you told us also that Mr. McVeigh had got some wood

Michael Fortier - Cross

from the True Value Hardware and made berms. Is that right?

A. Yes.

Q. Did you see the berms that he made?

A. At his house?

Q. Yes.

A. Yes.

Q. What did those wooden berms look like?

A. About 15 feet long by about 3 or 4 feet high of stacked wood.

Q. And Mr. McVeigh told you that that was going to defend him in the event that something happened?

A. That's what he said.

Q. Well, what did he tell you that this stack of wood was going to do?

A. He told me it was going to block bullets.

Q. Did that sound rational to you that a stack of wood could block bullets?

A. Oh, yes.

Q. It did. Have you read the story of the three little pigs and the wood house?

A. Not lately.

Q. Well, I mean, from -- but from your experience, do you think that wooden blockades can actually stop heavy weapons?

A. Yes. The berm that he built would stop a bullet.

Q. Okay. And you said that he also had guns at the corners of

Michael Fortier - Cross

rooms in his house?

A. His house was mainly one large room. He had a weapon in the corners.

Q. Now, at that meeting, you said Terry Nichols served dinner to people; correct?

A. No. I had dinner with Terry Nichols and Tim.

Q. Okay. And your wife, Lori, was there; right?

A. I don't remember her being there.

Q. Oh, you don't. All right. Have you had a chance to talk to your wife, Lori, about visiting that home there when Mr. Nichols was there that one time?

A. No, sir.

Q. And by the way, when we talk about your wife, Lori, you were -- you were together as a couple from shortly after you got out of the Army; right?

A. And before that.

Q. And before that. And then there came a time when you decided to go through the official ceremony, but you always had considered yourself married before that; right?

A. Yes.

Q. Okay. So it's -- when I talk about your wife, Lori, or Mrs. Fortier, you had lived together in that way for quite some time. Correct?

A. Yes. I considered her that same way.

Q. Yeah. Okay. Now, that evening, Mr. Nichols talked about

Michael Fortier - Cross

nutrition; correct?

A. He talked about bread.

Q. And he was talking about he likes, what, wheat bread or things like that?

A. He told me wheat bread is what he can only eat or what he likes to only eat. And he told me also that he likes to make his own bread.

Q. Now, you know, Mr. McVeigh -- he's not exactly a health-food addict, is he, would you say?

A. No, I wouldn't say he's concerned about that.

Q. No. You'd say -- I mean he eats at Wendy's, where you all ate once -- Wendy's, he goes to Pizza Hut and eats, places like that?

A. Yes.

A. Yes.
Q. The fast food/junk food?
A. Yes.
Q. Is that fair to say?
A. Yes, that's fair.
Q. Now, that evening when you met with Mr. Nichols, did he say -- did he threaten anybody?
A. Not that I remember.
Q. You didn't have any political conversation of any kind with him that evening, did you?
A. Not that I remember.
Q. Now, in -- sometime in 1994 later on, Mr. McVeigh left

Michael Fortier - Cross

Kingman. Correct?

A. Yes.
Q. Now, when he left Kingman -- and you told us that -- he had some kind of a sale. Correct?
A. He did. He had a sale, but it wasn't when he left. It was prior to that.
Q. All right. When he had the sale, did you buy something from him?
A. Yes.
Q. What did you buy from him?
A. Among other items, I bought some explosive items from him.
Q. What explosive items did you buy from Mr. McVeigh there in 1994 when he left Kingman?
A. I bought some canon fuse.
Q. Some what? I'm sorry?
A. Some canon fuse.
Q. Canon fuse. All right, sir.
A. Some blasting caps.
Q. Yes, sir?
A. Some aluminum powder that he said would blow up in some way. A can of gun powder. Possibly other items, but I can't remember.
Q. In addition to explosive items, did you buy fertilizer from him?
A. No, sir.

Michael Fortier - Cross

Q. Did you ever get fertilizer from Mr. McVeigh?
A. Yes.
Q. When did you get fertilizer from Mr. McVeigh?
A. That night he asked me to -- if I wanted to buy the fertilizer also, ammonium nitrate in the bag.
Q. That's the same night as the garage-sale night?
A. Yes.
Q. And he asked you if you wanted to buy some ammonium nitrate. What did you say to him?
A. I told him no. I didn't know how to use the ammonium nitrate. And he asked me if I would just hold onto it for him

Michael. And he asked me if I would just hold onto it for him then.

Q. Did you hold onto it for him then?

A. I took it home and put it in my shed.

Q. Now, during this garage sale, Terry Nichols wasn't there, was he?

A. No, he was not.

Q. To your knowledge, he wasn't even in Kingman, Arizona, was he?

A. I didn't know where he was.

Q. But you certainly didn't see him in connection with all of this; correct?

A. I did not.

Q. Now, you mentioned that Mr. McVeigh talked to you about the New World Order. Correct?

Michael Fortier - Cross

A. Yes.

Q. Now, that night that you went thieving with Mr. McVeigh in the armory, had he told you there were U.N. vehicles down there?

A. What he told me was there was a big build-up at the armory, and we went to check it out.

Q. Did he also tell you that he had been to look for U.N. markings on military vehicles in Mississippi?

A. No, he never told me that.

Q. You also mentioned in talking to us yesterday something about a militia. Correct?

A. Yes.

Q. Did you all contact some individual or organization about the possibility of forming a militia?

A. We contacted an individual in Prescott, Arizona, and talked to him about what his militia consisted of and how myself and Tim could build one.

Q. And who was that person?

A. I believe his name is Walter Bassett.

Q. And is that the National Alliance?

A. I don't know about that.

Q. In addition to that, during that time you and Mrs. Fortier and Mr. McVeigh, you said, set off a pipe bomb in the desert together; right?

A. Yes.

Michael Fortier - Cross

Q. Now, during this period of time, 1994, Mr. McVeigh was frequently in your home; correct?

A. Yes.

Q. He lived there for a part of the time; correct?

A. Very early part of 1994, he lived at my house for approximately a week.

Q. And then later in 1994, he house-sat your house; correct?

A. That's right.

Q. He was best man at your wedding; correct?

A. That is correct.

Q. And you and -- it was -- the case was that anytime

Mr. McVeigh wanted to come by, he felt free to do so; right?

A. Yes.

Q. Now, when was it that you and Mr. McVeigh and Mrs. Fortier set off that pipe bomb in the desert that you told us about?

A. I believe it was right around May of 1994.

Q. Was that just a lark?

A. Yes.

Q. I mean, that is to say, you just were going to go see if something blew up; right?

A. Well, actually, we went out to the desert, and Tim brought it with him and he pulled it out of a bag; and I didn't have any objections to him blowing it up.

Q. All right. Now, you told us that you had received a letter from Mr. McVeigh sometime in August or September, 1994.

Michael Fortier - Cross

Remember that?

A. Yes.

Q. All right. And sometime after you got that letter,

Mr. McVeigh came to Kingman. Is that your testimony?

A. Yes.

Q. Was Mr. Nichols with him when he came to Kingman?

A. Not that I know of.

Q. You didn't see them together; right?

A. No, I did not.

Q. So you and Mr. McVeigh had a discussion about the possibility of some action. Correct?

A. That is correct.

Q. But Mr. Nichols wasn't there, was he?

A. No, he was not.

Q. So what you were learning about this -- and Mr. Nichols never wrote you a letter, did he, sir?

A. No, sir.

Q. Now, you also told us that sometime Mr. McVeigh asked you to look for a locker for him; correct?

A. Yes.

Q. And that was Mr. McVeigh calling and saying, "Get a locker"; right?

A. Yes.

Q. Now, sometime after that, you told us, Mr. McVeigh and Mr. Nichols did come to Kingman; correct?

Michael Fortier - Cross

A. Yes.

Q. And that was the time that you told us that you went to a storage locker; right?

A. Yes.

Q. You showed us a picture of a storage locker; right?

A. Yes.

Q. Now, that evening, Mr. McVeigh went into the storage

locker, lifted up a blanket, and showed you some explosives; correct?

A. He didn't actually lift the blanket. He reached underneath the blanket and pulled a box.

Q. All right. Reached under the blanket, pulled a box out and showed you some explosives; correct?

A. Yes.

Q. And what was those -- was that sausage or something?

A. I can't remember exactly what it was he showed me.

Q. Now, during that time, Mr. Nichols was getting a spare tire out of the shed and handling other things that were in the shed; right?

A. Yes. I think he was loading stuff from the shed into the truck.

Q. When you say "stuff," you don't mean explosives, do you?

A. No, I don't mean that.

Q. All right. And in fact, it was Mr. McVeigh that was showing you explosives; correct?

Michael Fortier - Cross

A. That is right.

Q. Now, that evening, did you discuss politics with Mr. Nichols?

A. No, sir.

Q. In your whole life, did you ever have a conversation where Timothy McVeigh and Terry Nichols were standing there so that everybody could hear what was being said, where Terry said -- where Tim McVeigh said, "That's my friend Terry. He and I are going to blow something up"? Did that ever happen?

A. Once.

Q. When did it happen?

A. On a morning in October.

Q. Right.

A. Excuse me.

Q. Yes, sir.

A. On a morning in October.

Q. That's right.

A. In the yard -- in the street in front of my house, Tim told me in front of Terry Nichols that they were going to the desert to explode that sausage.

Q. That -- all right. Let's talk about that. There was an occasion in October that you're telling us now where Mr. McVeigh and Mr. Nichols came to your house; correct? That's what you told us?

A. Yes.

Michael Fortier - Cross

Q. And they said they were going to the desert to blow up a sausage; right?

A. Tim was speaking.

Q. Tim was speaking?

A. Yes.

Q. And so far as you were aware, Terry Nichols could hear

Q. And so far as you were aware, Terry Nichols could hear.

That's what you're telling us; right?

A. Yes.

Q. And was that a big sausage or small sausage? What did it look like?

A. It was about 4 inches in diameter, and it was between 12 and 18 inches long.

Q. Now, was there any time in your life when Mr. McVeigh and Mr. Nichols were standing so that everybody could hear when Mr. McVeigh said in words or substance: "This is my friend Terry. We're going to blow something up that belongs to somebody else, like a building"?

A. No, sir.

Q. Was there ever a time in your life where Mr. McVeigh and you and Mr. Nichols were standing side by side, where everybody could hear each other, when Mr. McVeigh said in words or substance: "My friend Terry and I are going to blow up a building with people in it and kill people"?

A. No, sir.

Q. Let's talk about this October thing that you told us

Michael Fortier - Cross

happened. According to you, what Mr. McVeigh said is they were going to go out in the desert and blow up this sausage and some -- something that was in a jug; correct?

A. Yes.

Q. And you knew what it was like to go out in the desert and blow something up and have stuff scatter around because you had been out there with the pipe bomb with Mr. McVeigh; correct?

A. That is correct.

Q. Now, was there a -- was the pipe-bomb episode that you and Mrs. Fortier and Mr. McVeigh went -- was that where you split a boulder with it?

A. No, sir.

Q. All right. Well, was there a time when you and Mr. McVeigh and Mrs. Fortier went out in the desert and split a boulder with an explosive charge?

A. No, sir. Concerning a boulder, the explosive rolled it on its side, did not split it.

Q. I'm sorry. Was the time when the explosive -- was there a time when you went out and did something to a boulder with an explosive?

A. Yes, sir.

Q. Is that the pipe-bomb episode?

A. Yes.

Q. And when the pipe bomb went off, it rolled the boulder on its side; is that right?

Michael Fortier - Cross

A. That's correct.

Q. Now, you then said that Mr. McVeigh came by and he told you to watch over his storage shed; right?

A. Yes.

Q. And he gave you a key and a piece of paper; right?
A. Yes.
Q. What did he do with the piece of paper?
A. He wrapped it around the key.
Q. What side was the writing on?
A. I don't know.
Q. Did you ever have a conversation with Mr. McVeigh about a VCR?
A. Not that I can recall.
Q. Did you ever have a conversation with Mr. Nichols about a VCR?
A. With my wife, I did.
Q. Okay. Now, you also told us that there came a time when Mr. McVeigh left a message with you for Mr. Nichols; correct?
A. Yes.
Q. About a storage locker.
A. Yes.
Q. When was that?
A. Just prior to October 31.
Q. All right. Now, were you ever in that storage locker after the time that Mr. McVeigh left that message?

Michael Fortier - Cross

A. Yes.
Excuse me. No.
Q. Well, which is it? Yes, or no?
A. It is no.

Q. Because you did go in the storage locker using that key to put in the O2 bottle you had stolen; correct?
A. That is correct.
Q. And can you recall now that it was before Mr. McVeigh left -- supposedly left this message that you put the O2 bottle in there?
A. Mr. McVeigh did not leave me a message to put the O2 bottle in there.
Q. No, no. My question is inartful.
There was an episode where you put an O2 bottle in.
Correct?
A. Yes.
Q. And then there was a time when you say you gave a message to Mr. Nichols; correct?
A. Yes.
Q. Which event happened first?
A. The event that I put the O2 bottle into the storage shed.
Q. Now, you didn't know what things Mr. Nichols was supposed to get out of the shed, did you, sir?
A. No, sir.
Q. And, in fact, in December, you met Mr. McVeigh in a motel

Michael Fortier - Cross

room, didn't you?

A. Yes, I did.

Q. And at that time, he had explosives, didn't he?

A. Yes, he did.

Q. And in fact, you wrapped explosives with him; right?

A. My wife did.

Q. Pardon?

Now, during the conversation when Mr. Nichols came, did you talk about politics, when he came to get this message you say you gave him?

A. No.

Q. Okay. So now is that the fourth time you saw Mr. Nichols? We count once in '93, once at dinner, once the night of the shed, once to get the message. Right?

A. I believe there was one other time.

Q. When is the one other time?

Oh, I'm sorry. That's the time you told us about when they came by and said they were going in the desert; right? That is it?

A. Actually, I was thinking of another time.

Q. All right. What's the fifth -- what's the sixth time?

A. Outside of Kingman -- in the desert outside of Kingman when Tim told me that they were planning on robbing this guy Bob in Arkansas.

Q. All right. You saw them out there. Now, where was

Michael Fortier - Cross

Mr. Nichols when Tim was telling you this?

A. He was standing about 50 yards away.

Q. That's the 50 yards away. Okay. So now let's go back through these times. Six times you've been seen Mr. Nichols from that time in '93 when he came through until the time you saw him yesterday. Is that correct?

A. That is correct.

Q. Did Mr. Nichols ever say he was going to rob anybody?

A. No, sir.

Q. Did he ever say he had robbed anybody?

A. No, sir.

Q. Did Mr. McVeigh ever say within earshot of Mr. Nichols that Mr. Nichols was going to rob anybody?

A. He did not.

Q. Did Mr. McVeigh ever say within earshot of Mr. Nichols that Mr. Nichols had robbed anybody?

A. No, sir.

Q. And as we've established before, Mr. McVeigh never said within earshot of Mr. Nichols that Mr. Nichols planned to explode anything in a way that was going to hurt anybody; correct?

A. That is correct.

Q. And Mr. Nichols never said he was going to explode anything in a way that was going to hurt anybody; correct?

A. That is correct.

Michael Fortier - Cross

- Q. But Mr. McVeigh told you that he was going to be responsible for robbing somebody; correct? He told you he was going to have Bob robbed. Correct?
- A. He told me that him and Nichols were going to rob Bob.
- Q. I understand that, but Mr. Nichols wasn't present then when he said that?
- A. That is correct.
- Q. And Mr. Nichols said this fellow Bob was a traitor; correct?
- A. No, Mr. --
- Q. Excuse me. You're right. Mr. McVeigh said this fellow Bob was a traitor; correct?
- A. That is correct.
- Q. Well, let's continue on with what you told us yesterday.
- Christmas of 1994: Now, Mr. McVeigh said, "Go get some wrapping paper"; correct? Did he ask you to do that?
- A. He asked me to bring some wrapping paper to his motel room.
- Q. Did you get the wrapping paper, or did Mrs. Fortier get the wrapping paper?
- A. I think we just brought it from my house.
- Q. Did you know what it was you were going to wrap in wrapping paper?
- A. No, sir.
- Q. And when you got there, you discovered it was explosives you were going to wrap in Christmas paper; correct?

Michael Fortier - Cross

- A. Yes.
- Q. Had Mr. McVeigh asked you especially to get Christmas paper to wrap whatever it was he wanted to wrap?
- A. Yes, he did.
- Q. And what kind of Christmas paper did you choose to wrap the things that Mr. McVeigh wanted you to wrap?
- A. We just got some stuff that was laying around the house.
- Q. Now, Mr. Nichols wasn't there, was he?
- A. No, he wasn't.
- Q. After you wrapped the explosives in the Christmas wrapping paper, you took a trip. Is that correct?
- A. Yes.
- Q. Did you have the Christmas-wrapped packages with you on the trip?
- A. I believe Tim had them with him.
- Q. Well, you were together in the same car; correct?
- A. That is correct, but I didn't -- I did not visually see them in the car.
- Q. Didn't see them. And you told us that you drove to Oklahoma City; correct?
- A. We drove through Oklahoma City.
- Q. Now, you told your people at work you were going to Florida; correct?
- A. Yes, that's what I told them.
- O. Why did you lie to them?

Michael Fortier - Cross

A. In an effort to get time off work.

Q. You thought it would be easier to get time off work to say you were going to Florida instead of saying you were going to Oklahoma?

A. I'm not sure why I said Florida. I don't remember why that was the state I chose.

Q. Did you know of any business relationships that Mr. McVeigh had in Florida?

A. No.

Q. Did Mr. McVeigh suggest Florida to you?

A. He may have. I don't recall.

Q. Have you ever been to Elohim City, Oklahoma?

A. No, I never have.

Q. Do you deny that?

A. I absolutely deny that.

Q. Have you ever used the name Michael Fontaine?

A. Never.

Q. Do you deny that?

A. Absolutely deny that.

Q. Have you ever stayed in the Dreamland Motel in Junction City, Kansas?

A. I may have. I'm not sure of the motel room's (sic) name.

Q. You stayed in the Sunset Motel, in Dreamland -- in Junction City, Kansas; correct?

A. I don't know the motel's name that we stayed at.

Michael Fortier - Cross

Q. Did you stay at the Dreamland Motel in Junction City, Kansas, Easter weekend of 1995?

A. No, I did not.

Q. Do you deny that?

A. Absolutely.

Q. You say you got to Oklahoma City, and you looked at the building; right?

A. Yes.

Q. Did that discussion with Mr. McVeigh in Oklahoma City cause you to say to him that you wouldn't have anything more to do with him?

A. I don't believe I said that.

Q. Now, before you went to Oklahoma City, you mentioned about this oxygen bottle. That was a trip you took or a thieving trip you took with Mr. Rosencrans; correct?

A. And another person.

Q. Who was the other person?

A. His name is Jason Hart.

Q. Pardon me?

A. Jason Hart.

Q. Are you related to him?

A. No, sir.

Q. Now, Mr. Rosencrans you also told us is a dope dealer;

right?

A. Yes.

Michael Fortier - Cross

Q. He's your neighbor, or was?

A. Yes.

Q. How did you know he was a dope dealer?

A. By what I observed.

Q. Did you buy from him?

A. On occasion.

Q. Did you sell to him?

A. No.

Q. Now, you told us in direct examination that you had used methamphetamine; correct?

A. Yes.

Q. How did you use it?

A. I either smoked it, or I snorted it through my nose.

Q. And when you "smoked it," you smoked it in some kind of -- how did you smoke it?

A. We either put it on glass or on tinfoil, and you heat the bottom of it and it will smoke.

Q. And then what do you do with the smoke as it comes up off the glass or the tinfoil?

A. You inhale it.

Q. Well, you can inhale it. One does inhale it. Is that what you do with it?

A. Yes.

Q. What does it do for you?

A. It makes you feel very excited.

Michael Fortier - Cross

Q. Does it make you irritable?

A. I believe it does when you're coming down off it.

Q. Did it make you stay awake a long time?

A. Yes.

Q. Did it give you a schedule where you'd be up late at night and then you wouldn't get up until late the following morning?

A. If you didn't have to go to work, yes.

Q. Well, did you have to go to work?

A. On occasion, yes.

Q. After December of 1994, did you have to go to work?

A. No, sir.

Q. Can you remember saying in one of those recorded conversations, "If I had a job, I'd hate Mondays"?

A. Not specifically.

Q. Now, you say also you snorted it; correct?

A. Yes.

Q. How would you do that?

A. One would form it into a line on some surface, and you take a straw --

Q. What do you mean "form it into a line"?

A. Well, sometimes it comes in a powder form, or sometimes it

comes in a solid form. If it came in a solid form, you'd have to crush it up into a powder. Then you could form that into a line and snort it through a straw into your nose.

Q. And show the jury how you would do that.

Michael Fortier - Cross

A. What you do is you take a razor blade or a knife or some type of sharp instrument and you would just go like this and it would form a line.

Q. And then to snort it, what would you do? Put the straw in your nose?

A. Yes.

Q. And then what, go, "Chnchnchnchn"? Like that?

A. Just like that.

Q. Just like that. And then it would get up -- what would it do to you when the stuff got into you?

A. Right off the bat, it would burn real bad; and then that would go away.

Q. You did this on purpose?

A. Yes. Many times.

Q. Okay. And then what would happen?

A. And then you would feel like -- I'd describe it as an excitement. It feels as if you would just get off a roller coaster and you're just very excited.

Q. Did you ever talk about blowing something up and hurting people when you were doing this?

A. No, sir.

Q. That morning, when you saw the bombing on the television, you were playing a video game with Mr. Rosencrans, the dope dealer; correct?

A. That is correct.

Michael Fortier - Cross

Q. Were you high? Is that what you call it, high, when you use this stuff?

A. Yes, sir.

Q. Were you high?

A. That morning, yes.

Q. And how long had you been up with Mr. Rosencrans, the dope dealer, that day?

A. All night the previous night.

Q. Now, you mentioned that sometime in November, you got a red-alert call from Mr. McVeigh. Correct?

A. He either said "red alert" or he said "code red." I'm not sure.

Q. And you described going to the Tri-Mart. Do you remember that?

A. Yes.

Q. Isn't it a fact, sir, that days before you ever went to the Tri-Mart that Mr. McVeigh called your home and spoke to you for 11 minutes on the 5th of November, 1994?

A. I'm not sure when I received the red-alert phone call. And

A. I'm not sure when I received the two direct phone calls. And all I remember Tim calling me once during that month.

Q. Now, we continue, here, with the Oklahoma City trip. You mentioned that before you went off to Oklahoma City that you had ordered these -- this stuff from the Soldier of Fortune magazine. Right?

A. Yes.

Michael Fortier - Cross

Q. Now, have you talked to your wife about what -- what happened to that ID kit?

A. I have.

Q. Now, you told us that you went to a storage shed. That was in Council Grove, Kansas, where Mr. McVeigh got some guns out; correct?

A. I believe it was in Council Grove.

Q. And he told you: "Wipe the guns down and get my prints off of them." Correct?

A. Yes. He said that to me more than once.

Q. All right. And he said just -- do you remember his words -- don't you?

A. Yes.

Q. "Wipe the prints down" -- "Wipe the guns down and get my prints off them." Correct?

A. Yes.

Q. Now, after you got back from your trip to Oklahoma City and Kansas, you spent Christmas with your family; correct?

A. Yes.

Q. Now, during all of that trip in Kansas and so on, you never saw Mr. Nichols; right?

A. No, sir.

Q. Now, you told us that then Mr. McVeigh showed up in Kingman sometime after the first of the year. Do you remember that?

A. Yes.

Michael Fortier - Cross

Q. And you told us that he had given you a phone call to go to his motel; right?

A. Yes.

Q. And you noticed that he was more agitated than he had been before? Did you notice that?

A. No, sir.

Q. When did you start packing a weapon for your visits to Mr. McVeigh's motel room?

A. In April of 1995.

Q. Now, at that motel room, he -- he gave you a book to read?

A. Yes.

Q. Now, you've also told us in what you said yesterday and today that you went to three different gun shows. Remember that?

A. Yes.

Q. Now, what name did you register under at the gun shows?

A. I'm not sure, but they were alias names.

Q. They just weren't your name. Right?
A. That's correct.
Q. And Mr. McVeigh told you that -- did he tell you that you should use a different name?
A. I was selling stolen weapons. He did not need to tell me that.
Q. You thought you were selling stolen weapons; right?
A. Yes.

Michael Fortier - Cross

Q. The only thing you know about whether those weapons were stolen is what Mr. McVeigh told you; correct?
A. That is correct.
Q. And he told you that the stolen weapons came from a guy named Bob in Arkansas; right?
A. That's right.
Q. And he told you that Bob was a gun dealer; correct?
A. Yes.
Q. And you're able -- you have some experience with guns; right?
A. Yes, I do.
Q. From across the room here without getting down, you were able, when Agent Tongate held up a gun, to say, "Oh, that's my gun, that's the one I had." Correct?
A. Yes.
Q. And you could say, "That's my gun, and I put a scope on it, and I know it's different from when I first had it"; correct?
A. Yes.
Q. Would you say that anybody who was in the gun business would be able to recognize some gun that belonged to them or looked like one that belonged to them fairly easily?
MR. MEARNS: Objection.
THE COURT: Overruled.
THE WITNESS: I believe that's possible.
BY MR. TIGAR:

Michael Fortier - Cross

Q. And so you -- as I say, Mr. McVeigh had told you all this; and Mr. Nichols never talked to you about this, did he?
A. No, sir.
Q. All right. And what Mr. McVeigh told you about Bob, the person from whom this robbery supposedly happened, was that he was a traitor; correct?
A. Yes. He did say that.
Q. And he told you that Bob was a person who had a list of members of the patriot movement that he was going to give to law enforcement in the event he was ever busted. Correct?
A. He did not specifically say the militia movement.
Q. No, I said, "patriot movement."
A. Excuse me. He only said that Bob had a list of names that he would turn over in the event that he got busted.
Q. And McVeigh didn't like that -- did he -- that Bob had this

list; correct?

A. That is correct.

Q. When Mr. McVeigh didn't like people, he expressed himself, didn't he?

A. Yes, he did.

Q. And Mr. McVeigh also told you that whoever committed this robbery got tired in the middle of it; correct?

A. That's not exactly what he told me.

Q. Well, he told you that the -- that the robber tied up or restrained Bob; correct?

Michael Fortier - Cross

A. He told me that Terry Nichols tied Bob up.

Q. I understand. That's what Mr. McVeigh told you.

A. That's correct.

Q. Right? My question to you, sir, was whoever it was he said did it -- he said that person got tired; correct?

A. That is correct.

Q. All right. And I know that he told -- that Mr. McVeigh told you that was Terry Nichols; right?

A. Yes.

Q. But you weren't there, were you?

A. No, sir, I was not.

Q. And you know that Tim McVeigh is a liar, don't you?

A. Not at that time.

Q. Well, you have learned today -- you know today that Mr. McVeigh has told a lot of lies to you; correct?

A. I believe he has.

Q. In fact, he gypped you out of the \$10,000; right?

A. That's correct.

Q. Okay. Just for one. Now, he also said some things that later turned out to be true; correct?

A. Yes.

Q. Okay. But whoever it is he said did this robbery, he said that person got tired in the middle of it, untied the victim, and had the victim help him for a while; right?

A. That's what he told me.

Michael Fortier - Cross

Q. Did that version of the robbery sound a little strange to you?

A. Not really.

Q. Okay. Well, anyway, there you were selling these guns that were gotten from Bob in Arkansas; and there came a time when Mr. McVeigh said, "Listen, you got 4,000. I need to send some money to Terry Nichols"; right? Is that what he said? Words to that effect?

A. Words to that effect, yes.

Q. And you gave him a thousand dollars; right?

A. Yes.

Q. Did you get a receipt?

A. No, sir.

Q. Now, this was the guy who had already got you to go to

Q. Now, this was the guy who had already got you to go to Oklahoma and Kansas and told you he was going to give you \$10,000 but didn't; right?

A. That is correct.

Q. Because that already happened; correct?

A. Yes.

Q. And the next time he asked you for a thousand dollars, you just reached in your pocket and said, "Here's a thousand"; right? Right?

A. Yes.

Q. And, of course, you don't know what he did with the money, do you?

Michael Fortier - Cross

A. No. Only know what I seen.

Q. Right. And what you saw, you saw him put it in an envelope; correct?

A. Right. And then write on the envelope.

Q. Okay. Oh, now you're telling us you saw him write on the envelope?

A. Yes, sir.

Q. Okay. All right. What did he write?

A. I don't know what he wrote on it.

Q. Oh, you don't know what he wrote on it.

A. That's right. I only -- he prepared the envelope. It appeared to me he was going to send it to Terry Nichols as what was agreed upon.

Q. It appeared to you. You didn't see what he wrote on it; is that correct?

A. That's correct.

Q. Is that your testimony now?

A. I seen him write on the envelope. I just didn't see what he wrote on it.

Q. On June 21 and 22, 1995, were you interviewed by Special Agents Volz and Zimms of the Federal Bureau of Investigation?

A. I believe so.

Q. And did you describe for them this so-called event where you gave the thousand dollars to Timothy McVeigh?

A. Yes.

Michael Fortier - Cross

Q. And when you described it, did you say anything about seeing Mr. McVeigh write on an envelope?

A. I do not recall.

MR. TIGAR: May I approach, your Honor?

THE COURT: Yes.

MR. MEARNS: Your Honor, may I see for reference?

MR. TIGAR: Page 2 -- page 3. Excuse me.

BY MR. TIGAR:

Q. I show you a report of interview prepared by those agents of the Federal Bureau of Investigation and ask if that refreshes your recollection that you did not tell Agents Volz

and whatever the other one's name was that you saw anybody write on an envelope. My question is not what it says there because that's not yours, but does it refresh your recollection.

A. No, sir, it doesn't.

Q. Thank you, sir. Now, after Mr. McVeigh moved out of your house in anger over the baby-sitting episode, you still continued to see him; correct?

A. Yes, sir.

Q. Now, you said that Mr. McVeigh dropped some things by your house; correct?

A. Yes.

Q. So you got some blasting caps from Mr. McVeigh. We talked about that. Correct?

Michael Fortier - Cross

A. Yes.

Q. You got some ammonium nitrate from Mr. McVeigh; correct?

A. Yes.

Q. You got some Primadet from Mr. McVeigh; correct?

A. I don't know what Primadet is.

Q. Oh. You got that stuff that -- the orange tubing that you saw during your direct examination. You got that from him; correct?

A. Yes. Blasting caps, yes.

Q. Well, it's a blasting cap, but it has the orange stuff at the end of it; right?

A. Yes.

Q. You got some Kinepack or some Kinestik, some binary explosive from him?

A. Yes.

Q. You got both halves of it?

A. Yes.

Q. And your understanding is you can mix those together and you can make an explosive; right?

A. Yes.

Q. And you had all of these things at one time or another either in your house or your storage shed; correct?

A. The shed in my yard, yes.

Q. And you didn't conspire with Timothy McVeigh to blow up that building, did you?

Michael Fortier - Cross

A. No, sir, I did not.

Q. Now, sir, I'd like to turn to the versions of events -- the things that you said before you came here today.

When is the first time that you were interviewed by the Federal Bureau of Investigation in connection with this case?

A. I believe it's April 21, 1995.

Q. And do you remember on April 22, which would be a Saturday, being interviewed by Agents Williams, Petrie, and Mooney?

A. Yes.

Q. Now, they told you that they were investigating the bombing; correct?

A. Yes, they did.

Q. And you told them that you had not left Kingman, Arizona, for several months; right?

A. That's what I told them.

Q. According to you today, that was true; correct?

A. No, that is not true.

Q. All right. What was untrue about it?

A. I had left to go do gun shows.

Q. All right. And if you included December, you had also left to go to Oklahoma City; correct?

A. I never went -- I went through Oklahoma City. That was not my destination.

Q. I understand destination, but you sure didn't tell those

Michael Fortier - Cross

agents you had been there; right?

A. No, I did not.

Q. Now, you also told them that you had -- you knew Jim Rosencrans; correct?

A. Yes.

Q. And you told them he was a guy with crazy ideas about the government. Correct?

A. I don't remember exactly what I said. I do remember saying that Rosencrans was crazy.

Q. All right. Now, this crazy man Rosencrans: You and McVeigh had talked about him; correct?

A. Yes.

Q. And you and McVeigh talked about trying to hire him to do some driving; right?

A. No, that's not true.

Q. Well, Mr. McVeigh asked you if he was reliable; correct?

A. Yes. Yes, he did.

Q. Did Rosencrans ever tell you anything about Mr. McVeigh talking to him about driving?

A. Mr. Rosencrans --

Q. Just yes or no, because he's not here. I just want -- if he did, then we can obviously call him. Did he ever talk to you about that subject -- Mr. Rosencrans?

A. Yes.

Q. And did Mr. McVeigh ever talk to you about the subject of

Michael Fortier - Cross

Mr. Rosencrans' driving?

A. He told me that he had asked Mr. Rosencrans to do that for him.

Q. Mr. McVeigh told you that?

A. Yes.

Q. What did he tell you about asking this fellow Rosencrans to do some driving for him? What did he say about that?

A. He told him -- Rosencrans -- and he told me that he had asked

A. I asked him a question, and he told me that he had asked Mr. Rosencrans to give him a ride to Arkansas.

Q. Now, in your interview with the -- that first interview on the 22d, you described yourself as a constitutionalist. Correct?

A. Yes.

Q. What is a constitutionalist?

A. One who reads and is concerned about constitutional issues.

Q. Was that an accurate description of your views?

A. Somewhat, yes.

Q. Well, you had written a paper when you were in college about the Second Amendment and gun control; correct?

A. Yes.

Q. You had a lot of literature in your house that Timothy McVeigh had given you, didn't you?

A. Yes.

Q. Some of it Timothy McVeigh had given you, and it talked about Waco; correct?

Michael Fortier - Cross

A. Yes.

Q. Some of it talked about some international conspiracies of various kinds; correct?

A. Yes.

Q. Some of it talked about the New World Order; correct?

A. Yes, sir.

Q. Some of it talked about the significance of April 19 in American history; correct?

A. That's possible.

Q. A Revolutionary War event long before Waco. Do you remember that? Not that you were alive then, but do you remember reading about it?

A. I remember something about it. I believe there was a battle.

Q. Yeah. And you had all of this stuff in your house; correct?

A. Yes.

Q. And some of it, you had got; and some of it, Mr. McVeigh had given to you and you just kept it. Right?

A. Yes.

Q. Now, you also told the agents that you were not into selling guns with McVeigh; correct?

A. Yes.

Q. Now, you said that you had -- you did tell them that you traveled to Kansas to buy guns from Timothy McVeigh; correct?

Michael Fortier - Cross

A. Yes.

Q. All right. Now, part of that was true; correct?

A. Part of that was correct.

Q. Right. Because you knew that Mr. McVeigh had some guns, wherever he had gotten them. and you knew if you sold them you

wherever he had gotten them, and you knew if you sold them you could make some money; correct?

A. Yes.

Q. That is, the gun shows you went to -- those were perfectly legal events; right?

A. Yes, they were.

Q. People walking around in camouflage suits and selling weapons and ammunition and literature and all sorts of things; correct?

A. Yes, sir.

Q. And from what you could see, that was a perfect -- that was a respectable way to make money -- correct -- just going to gun shows?

A. Yes. That's my opinion.

Q. Now, you did tell the agents, however, that you hitched a ride to Manhattan, Kansas, and rented a car to come back.

Right?

A. Yes, sir.

Q. And as a matter of fact, you told a story about hitching a ride from a trucker at a truck stop located on Andy Devine Boulevard next to a McDonald's restaurant; correct?

Michael Fortier - Cross

A. Yes, sir. I said something like that.

Q. Yeah. Now, where is that truck stop out there? Is that that Tri-Mart truck stop?

A. No. I wouldn't consider Tri-Mart to be a truck stop.

Q. Well, what truck stop was it you were telling the agents that you hitched a ride from?

A. I believe the one I was referring to would be called Flying J, but I'm not sure.

Q. Okay. You're not sure. Well, is one reason you're not sure is that you were making it up, or you just don't remember?

A. Oh, absolutely I was making that up.

Q. You weren't -- there is a truck stop there; right?

A. Yes, there is a truck stop.

Q. And there is a McDonald's nearby?

A. Beside the McDonald's, yes.

Q. You told the agents that you then hitched and you met McVeigh at an airport and rented a car, picked up the weapons and drove back to Kingman; right?

A. Yes.

Q. Now, you told the agents that you had not stayed in contact with Terry Nichols nor seen him since leaving military service, you didn't know anything about Terry Nichols. Right?

A. That's right.

Q. Now, some of that was false; right?

A. Yes, sir.

Michael Fortier - Cross

Q. That is, you had seen Terry Nichols six times; correct?

A. Yes.

Q. But it was true that you didn't know anything from Terry

Nichols' own mouth about what his political views were; correct?

A. That is correct.

Q. Well, where did this interview take place? At your house, or down at some sort of facility they had there?

A. Both places.

Q. So it started one place and then moved to another?

A. Yes.

Q. How did you decide what you were going to tell the truth about and what you were going to lie about?

A. The factor would be the legality of the issue. Anything that was illegal, I would lie about.

Q. Well, why would you do that? What were you afraid of?

A. Of getting in trouble.

Q. What kind of trouble did you think you'd get into?

A. Well, for one reason, I had a bunch of stolen weapons in my house. I did not want them to know that.

Q. Right.

A. I had prior knowledge of the bombing, and I didn't know -- I wasn't sure if that was illegal or not, but it sure did seem like it should be; so I did not want to tell them about any prior knowledge.

Michael Fortier - Cross

Q. Had you talked to your wife after you saw the pictures of the bombing about the conversations she had with Mr. McVeigh about the bomb?

A. No, sir.

Q. Did she ever tell you about the soup cans?

A. No, sir.

Q. You knew Mr. McVeigh had -- you had watched him, you had gone past a Ryder truck, you had gone to the building, you had done all of those things. Had you seen the thing -- the stories on television with public officials talking about what was going to happen to people if they could prove somebody was involved in this?

A. Yes. Because it was my understanding that they were going to go for the death penalty.

Q. That scared you, didn't it?

A. It was certainly a concern, yes.

Q. It scared you, didn't it?

A. Yes.

Q. Okay. And so one reason you were lying was that you were scared; right?

A. Yes. That's one reason.

Q. But when you first heard about the -- when is the first time you ever saw your name or heard your name in the media about this event?

A. It may have been the 21st. As soon as the FBI showed up,

Michael Fortier - Cross

they brought the media with them. I'm not sure on the date.

Maybe it was the 22d.

Q. You had a media invasion at your house?

A. I would certainly call it that.

Q. And when you heard your name on the media in connection with this, did you turn to your wife, Lori, and say: "Let's gather up Kayla and go to the police station and find out what this is about"?

A. Mr. Tigar, they were already talking to me at that time.

Q. Oh, you didn't know. Okay. Did you then look at your wife and say: "Lori, let's tell them that we know Tim McVeigh.

Let's tell them every time we saw him, and let's do the best we can to remember all these things that happened these last few months so that we can help"? Did you say that?

A. No, sir.

Q. Did you think that?

A. The first day of the bombing, the first morning?

Q. The 21st, sir?

A. Not on the 21st.

Q. Did you do that?

A. No, sir.

Q. In fact, sir, you were extremely proud of the confrontational approach that you took to the FBI. Isn't that a fact?

A. Yes.

Michael Fortier - Cross

Q. And -- now, of course, you were not aware, were you, that there was a wiretap in your house? Right?

A. No, sir, I was not aware of that.

Q. You were not aware that there was a -- also later on -- bug in your house; right?

A. That's true.

Q. Now, the wiretap was the thing that listened in on your phone calls; right?

A. Yes.

Q. And the bug was an actual microphone that the FBI had planted in your home; correct?

A. Yes.

Q. Now, your home is a trailer house; right?

A. Yes, it is.

Q. And as a matter of fact, it was -- that's the same trailer house where Timothy McVeigh stayed for a while; right?

A. Yes.

Q. That was his temporary address; correct?

A. No, sir.

Q. Well, he used your phone, didn't he?

A. Yes, he did.

Q. He stayed there for weeks at a time; correct?

A. On occasion.

Q. Did he use your -- used your stuff?

A. Sure. I had no problem with him using my stuff.

Michael Fortier - Cross

Q. Okay. And you wouldn't be surprised to know that his fingerprints are all over that place; correct?

A. No, I'm sure they are.

Q. Okay. Well, I'd like to --

THE COURT: Mr. Tigar, tell us wherever a good time for a break is.

MR. TIGAR: We're about now -- I want to play for him some of these statements about these different subjects, so this would be a good place to break. I didn't keep track of the time, your Honor.

THE COURT: All right. Then we will break at this point.

You may step down, Mr. Fortier.

And, members of the jury, we will, as is our practice of a 90-minute break here, take the recess, during which, again, please recognize the importance of keeping open minds and waiting until you have heard it all to think about the significance or otherwise of what you hear and see as evidence. Please withhold judgment about anything connected with this case and avoid discussion among yourselves about anything in connection with case; and of course, avoid anything outside of our evidence which could affect your judgment on the issues.

You're excused now till 1:30.

(Jury out at 12:01 p.m.)

MR. TIGAR: Your Honor, may we approach briefly?

THE COURT: Yes.

(At the bench:)

(Bench Conference 73B1 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

(In open court:).

THE COURT: We'll recess, 1:32.

(Recess at 12:08 p.m.)

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Exhibit	Offered	Received	Refused	Reserved	Withdrawn
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160-162	8373	8373			
164-168	8373	8374			
176-178	8363	8363			
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Exhibit	Offered	Received	Refused	Reserved	Withdrawn
1826	8333	8333			
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1929	8335	8335			

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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 13th day of November, 1997.

Paul Zuckerman

Bonnie Carpenter

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