



THE COURT: Members of the jury, good morning.

JURORS: Good morning.

THE COURT: We apologize for keeping you waiting, but this was one of those times when I visited with the lawyers in the case. We've discussed certain matters with respect to evidence, and I made some rulings on it so that we can move ahead. And so as I've told you before, sometimes we have these little conferences. It helps the attorneys in presenting their evidence in the case and helps us to move along without interruptions that might otherwise be necessary if we had some questions arise concerning the admissibility of testimony with the witness on the stand. So that has happened; and, of course, these are matters that have to be discussed outside the hearing of the jury.

So we're ready now with the next witness.

MR. WOODS: We were still on Mr. Chapman.

THE COURT: Oh, that's right. All right. We'll resume, then, with the testimony.

Come in, Mr. Chapman.

(Larry Chapman was re-called.)

DIRECT EXAMINATION CONTINUED

BY MR. THURSCHELL:

Q. Good morning, Mr. Chapman.

Larry Chapman - Direct

A. Good morning.

Q. Yesterday afternoon when we broke, you -- I believe you had just told us that there came a time when Mr. McVeigh gave you some literature.

A. Yes, that's correct.

Q. Now, can you place precisely when that occurred?

A. I couldn't place precisely. I know approximately when that would be.

Q. When would that be?

A. It would have been the final day that Tim McVeigh picked up his final paycheck and was leaving our employment.

Q. Okay. Now, he -- tell us how he -- how you received the literature from him.

A. I called his answering machine a few days prior.

Q. Without telling us what's on the answering machine, go on.

A. And there was an interesting message on there, and I questioned him as to the content of that message. And he said that he -- it was a passage out of something that he had at home and that he would -- and he said that "I'll drop that by so you can see it."

Q. And then he came by and dropped it by with you?

A. Yes, he did.

Q. Now, can you describe physically what it is that you received from him?

A. It was just a packet with different information in it.

Larry Chapman - Direct

Q. What were they? Booklets?

A. It was a packet. It was like a stapled packet with several pages.

Q. Okay. What were the nature of the pages? Were they printed, Xerox copies?

A. Xerox copies.

Q. Xerox copies? Okay.

Before I show you the exhibit, Mr. Chapman, now, did he physically hand these to you?

A. Yes, he did.

Q. With his bare hands?

A. Yes.

Q. And did you physically receive them from him?

A. Yes.

Q. With your bare hands?

A. Yes, I did.

MR. THURSCHELL: Your Honor, I'd like to approach and show the witness what's been marked as Defense Exhibit D197.

THE COURT: All right.

BY MR. THURSCHELL:

Q. Mr. Chapman, will you look through this exhibit and say whether you recognize it.

A. Yes, I do recognize this.

Q. Okay. Is that -- that is a photocopy of one of the pieces of literature that you received from Mr. McVeigh?

Larry Chapman - Direct

A. Yes. I believe it was.

Q. And now I'd like to show you what's been marked for identification as Defense Exhibit D200.

MR. THURSCHELL: Take back D197 from the witness.

BY MR. THURSCHELL:

Q. Could you look through that and tell me if you recognize that.

Do you recognize the top three or four pages of that?

A. I recognize only the top three pages.

Q. Okay. And where do you recognize them from?

A. It was part of the packet that was handed to me.

MR. THURSCHELL: Retrieving D197 -- D200 from the witness.

BY MR. THURSCHELL:

Q. Mr. Chapman, I want to start with showing you on the screen in front of you --

MR. THURSCHELL: Your Honor, we would move the admission of D197 and D200.

MS. WILKINSON: No objection. Just to ensure that D200 is only the first three pages, since that's all he recognized.

MR. THURSCHELL: That's what I intended to offer, your Honor, the first three pages.

THE COURT: Does the exhibit physically have more pages?

Larry Chapman - Direct

MS. WILKINSON: It does, your Honor.

MR. THURSCHELL: It does, your Honor, and the remaining pages are -- were inadvertently --

THE COURT: Well, what I think we should do is take the other pages --

MR. THURSCHELL: That is what I'm going to do, your Honor.

MS. WILKINSON: That, we have no objection to.

THE COURT: All right. D197, D200 are received.

BY MR. THURSCHELL:

Q. Mr. Chapman, I'm showing you what's been marked as D197 and admitted. This is a little blotchy, but you recognize this?

A. Yes, I do.

Q. And could you tell us what it is again.

A. It's -- it looks like a page out of the packet that was handed to me.

Q. And can you read the headline?

A. Yes, I can. "U.S. Government Initiates Open Warfare Against American People."

Q. All right. And then quickly moving through. You see that this is a full document of some six pages?

A. Yes.

Q. I now want to show you what's been admitted as D200 consisting of three pages. Can you see -- can you read the headline of this Xerox?

Larry Chapman - Direct

A. Yes. It says, "What do you know about the Waco inferno?"

Q. Turning to the second page, D200, the headline there?

A. "Why the Armed --" Citizens "-- in America?" "-- Citizen in America?" Excuse me.

Q. Finally the third page of D200, the headline?

A. "Waco Shootout Evokes Memory of Warsaw '43."

Q. Now, sir, when you -- after you physically received these from Mr. McVeigh, did you read them?

A. No, I did not.

Q. What did you do with them?

A. I stuck them in a drawer in my desk.

Q. Okay. Did they -- that was in your office?

A. Yes, sir.

Q. All right. Now, do they remain there -- did you eventually turn these documents over to the FBI?

A. Yes, I did.

Q. Between the time that you received them and the time that you turned them over to the FBI, did these documents remain in your office?

A. No.

Q. Where else did they go?

A. My parents were employed with a nightclub at that time in Twin Falls, Idaho, and somehow the packet ended up in a package of cartoons or jokes and was in there.

Q. Okay. How did that -- how did that packet of cartoons and

Larry Chapman - Direct

jokes -- were those cartoons and jokes that you were maintaining?

A. Yes.

Q. That you had found?

A. Yes.

Q. And how did that packet end up at your parents' nightclub?

A. I had taken the packet up on a previous visit and had accidentally left it up there.

Q. Okay. And eventually, you retrieved that from them?

A. Yes. I went up to visit my father for his birthday and found them at that time.

Q. And then turned them over to the FBI?

A. Yes, upon my return back to home, I did turn those over to the FBI.

Q. Okay. Now, sir, I want to show you -- show you what's been admitted previously as Government's Exhibit G1702. Is this document familiar to you?

A. Yes. I believe it's part of that same packet.

Q. It looks just like --

A. It looks just like something that was part of that packet.

Q. Now I'd like to show you what's been received in evidence as Government's Exhibit 1704 -- G1704. Is this document familiar to you?

A. Yes. It also appears to be part of that packet.

Q. It resembles very closely --

Larry Chapman - Direct

A. Very closely.

Q. -- what you received?

Finally, I want to show you the first page of what's been previously admitted as Government's Exhibit G1707. Is this document familiar to you?

A. Yes, it also appears similar to the information in the packet.

MR. THURSCHWELL: One moment, your Honor?

THE COURT: Yes.

MR. THURSCHWELL: Thank you.

Thank you very much, sir.

No further questions, your Honor.

THE COURT: Ms. Wilkinson?

MS. WILKINSON: Thank you, your Honor.

CROSS-EXAMINATION

BY MS. WILKINSON:

Q. Good morning, Mr. Chapman.

A. Good morning, ma'am.

Q. We met a long time ago, didn't we?

A. Yes, we did.

Q. And you told me or you stated back then, did you not, that you had met Mr. McVeigh back in 1993?

A. That is correct.

Q. And you didn't have any contact with him, did you, after he

left State Security?

Larry Chapman - Cross

A. No, ma'am, I had no contact with him.

Q. So you don't know what he was doing during the fall of 1994 or the spring of 1995, do you?

A. No, ma'am, no. None whatsoever.

Q. You didn't consider Tim McVeigh a friend of yours, did you?

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

Q. You just had a professional association with him?

A. Yes, just strictly professional.

Q. And even in that context Mr. McVeigh was not shy about sharing his views about Waco and the Government; correct?

A. He didn't make a lot of statements to me regarding that at all.

Q. But when you asked him about that --

A. Oh, no, he was not shy about that, no.

Q. And that's what motivated him to give you the documents that you showed the jury; correct?

A. That would be my understanding, yes.

Q. Now, based on receiving that literature from him, you never discussed overthrowing the Government with him, did you?

A. No, ma'am.

Q. And you didn't use a debit card in the name of Daryl Bridges with Mr. McVeigh, did you?

A. No.

MR. THURSCHELL: Objection, your Honor.

THE COURT: Sustained.

Larry Chapman - Cross

BY MS. WILKINSON:

Q. You never had any contact with Mr. McVeigh after the summer of 1993; isn't that right?

A. That's correct, ma'am.

MS. WILKINSON: No further questions, your Honor.

MR. THURSCHELL: One more.

THE COURT: All right.

REDIRECT EXAMINATION

BY MR. THURSCHELL:

Q. Mr. Chapman, prior to your mention of the phone message that you had heard, had Mr. McVeigh ever initiated political discussion with you?

A. No, sir.

MR. THURSCHELL: No further questions, your Honor.

MS. WILKINSON: The witness could be excused.

THE COURT: All right.

MR. THURSCHELL: Witness may be excused.

THE COURT: You may step down. You are excused.

Next witness.

MR. WOODS: Yes, your Honor. Paul Chamberlain.

MR. NEUREITER: Your Honor, if Mr. Bodley can be excused to retrieve a document that might be useful with a witness

witness.

THE COURT: Yeah. Sure. Sure.

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

(Paul Chamberlain affirmed.)

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

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

THE WITNESS: Paul Andrew Chamberlain,  
C-H-A-M-B-E-R-L-A-I-N.

DIRECT EXAMINATION

BY MR. NEUREITER:

Q. Good morning.

THE COURT: There is some water there if you'd like to have some.

BY MR. NEUREITER:

Q. How are you today, sir?

A. I'm doing pretty good, thanks.

Q. A little nervous?

A. Yeah.

Q. If you could go ahead and keep your voice up, and there is a microphone there. It would be helpful for everybody to hear.

A. Sure.

Q. Where are you from, Mr. Chamberlain?

A. Currently living in Tempe, Arizona.

Q. What is your educational background?

A. I'm currently -- at ASU studying Japanese language.

Graduated from Kingman High School. I graduated from a trade

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school out of ES -- Aspen, Colorado. ESI.

Q. What was that trade school related to?

A. Protection services, bodyguard work, things like that.

Q. How old are you, by the way?

A. I'm 30.

Q. Was there a time that you worked as a firearms instructor in Kingman, Arizona?

A. Yes.

Q. Tell us about that.

A. I worked for a --

Q. First tell us what time period and then tell us about what you did.

A. That time was '90 -- 1993.

Q. Would it refresh your recollection if I showed you what's been marked for identification as D1784, which is a licensing document?

A. Yes.

10-93.

Q. Does that help you?

THE COURT: Please don't do these little private conversations.

MR. NEUREITER: I apologize, your Honor.

THE COURT: All right.

BY MR. NEUREITER:

Q. Having reviewed that document, did it help you remember

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what time you worked as a firearms instructor at State Security?

A. Yes. 1993, the summer and winter. That document said 10-93. So yes, that's the time.

Q. And that's your present recollection --

A. Yes, it is.

Q. -- as to what time?

Having reviewed that document, did that -- what's the origin of that document?

A. The origin of that document is Tim McVeigh's graduation certificate for firearms class I held at that time.

Q. Did that come from your files?

A. Yes, it did.

MR. NEUREITER: We offer D1784, your Honor.

MR. MEARNS: No objection.

THE COURT: Received.

MR. NEUREITER: Move to publish.

THE COURT: Yes.

BY MR. NEUREITER:

Q. If you could just tell the jury how you came to issue this document.

A. Well, actually, this document here, I'm sorry -- this is a public safety document. This isn't the certificate that I gave to Timothy McVeigh.

This is a certificate that licenses him for security

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guard in the state of Arizona to work for State Security. And this is not issued by me. This is a state document.

MR. NEUREITER: Withdraw the exhibit, your Honor.

THE COURT: All right.

BY MR. NEUREITER:

Q. Did there come a time when you trained Timothy McVeigh --

A. Yes.

Q. -- in firearms?

A. Yes.

Q. And did you issue him a certificate at one time?

A. Yes.

Q. Did you work with Tim McVeigh at State Security in 1993, the fall period of 1993?

A. Not with, but at times I might have relieved him a couple times, two or three times from a post, an armed post.

Q. But you didn't get to know him closely?

A. Not on the work site, no.

Q. Did you come to open your own landscaping business at sometime?

A. Yes.

Q. And when was that?



A. That was in the summer of '94.

Q. And in the course of your landscaping business, did you have further contact with Mr. -- with the gentleman that you had known as Mr. McVeigh?

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A. Yes.

Q. And tell the jury in what context and where you came into contact with Mr. McVeigh in the 1994 time period.

A. In the summer of '94, I met Tim at a True Value that he worked with at -- as a yard man. I'd go to True Value to pick up supplies for different landscape sites, and he was a yard man there. At that time, I didn't recognize him as the man that was in my firearms class the year previous.

Q. Did you come to have conversations with this yard man who you didn't recognize about other work that he might be interested in doing?

A. Yes.

Q. Tell the jury about that.

A. He said he was interested in working on the side at different sites that I'd work at. He delivered for True Value some materials, railroad ties, different landscaping materials, and expressed interest in the work that I was doing and said so.

I said that I'd hire him on the side whenever he was available, so . . .

Q. And did you hire him?

A. Yes, I did.

Q. What time period around do you think you hired him?

A. August, September, 1994.

Q. And that's your best recollection?

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A. That's my best recollection.

Q. Did Mr. McVeigh do landscape work for you in your landscape job?

A. Yes, he did.

Q. Is it your practice to take photographs of landscape jobs that you do both before and after?

A. Yes.

MR. NEUREITER: And I'm going to put up on the ELMO what has not been yet admitted -- so if it could only be shown to the witness, the Court and counsel -- and has been marked as D1774.

BY MR. NEUREITER:

Q. I ask you if you recognize these, after I take them out of the envelope, as photographs coming from your files of the landscape job that you did during that time period.

A. Yes.

MR. NEUREITER: Move their admission, your Honor.

MR. MEARNS: No objection.

THE COURT: They're received. What are there?

three:

MR. NEUREITER: There are three photographs, and there are two pages to this exhibit that are Bates' stamped 001 and 002.

THE COURT: And this is 1774?

MR. NEUREITER: Yes, your Honor.

THE COURT: All right. Received.

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BY MR. NEUREITER:

Q. Tell the jury what this first photograph depicts.

A. Depicts Tim removing red lava rock from in front of a landscape site we prepared to redo, rerock, and put borders in, railroad ties.

Q. And is the second photograph a picture of the same scene?

A. Yes.

Q. And is the third photograph a picture of the same scene?

A. Yes.

Q. All right. Zooming in -- focus -- is that the gentleman that you came to know in 1994 and who you hired?

A. Yes, it is.

Q. And can you describe the T-shirt he's wearing? It's not terribly legible on this photograph.

A. That T-shirt had a lot of different -- it was an H & K, which is a -- stands for Heckler & Koch, which is a firearms manufacturer from Germany. It has a lot of different rifles and weapons printed onto it.

It was the shirt he wore every day that he worked on the side for me.

Q. Was this Mr. McVeigh's standard appearance?

A. Yes, it was.

Q. Camouflage fatigues, pants and H & K black T-shirt?

A. That's right.

Q. Did there come a time when you drove out on a job with

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Mr. McVeigh to pick up some railroad ties?

A. Yes.

Q. And at the conclusion of that job, did Mr. McVeigh tell you he was going somewhere?

A. Yeah. That was the first time that we had gone out to pick up railroad ties, me in my truck and him in his car. He went out to the -- close to the Peach Springs. We then loaded up railroad ties into my truck.

Q. Okay. So that's the job you're working on?

A. That's the job we're working; and at the end of that, he came out of his car with some nylon-webbed, shoulder-harness gear and his Glock 9-millimeter.

Q. Tell the jury what the nylon-web, shoulder-harness gear is.

A. It's a holster that straps across the back. It's made of ballistic nylon.

Q. You said he had a Glock. What is a Glock?

A. A Glock is a firearm, 9-millimeter. It was the weapon that

he -- I believe a year previous, it was the gun that he used in my firearms class.

Q. And did that cause you some recognition?

A. Yes. At that time, I recognized him as the man that was in my firearms class, and I told him so.

And then he recognized me. And that was the first time that we had put together that we had met before.

Q. That second time: What did he tell you his name was?

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A. Tim Tuttle.

Q. And I'd like to show you what has been marked but not yet admitted as D1772, ask you if you recognize that document.

A. Yes.

Q. And what is that document?

A. That is Tim's handwriting, writing down Mike and Lori Fortier's number, which is where he was staying at the time.

Q. And did he give you that as his place where he could be located and as his name when you recognized him in 1994?

A. Yes.

MR. NEUREITER: Move the admission of D1772.

MR. MEARNS: No objection.

THE COURT: Received.

MR. NEUREITER: Publish, your Honor?

THE COURT: Yes.

BY MR. NEUREITER:

Q. Now, we got interrupted in our train of thought or my train of thought, and I apologize. You were telling the jury that you saw Mr. McVeigh with shoulder holster and the Glock and you were doing a landscape job retrieving the railroad ties. Is that right?

A. Right.

Q. And at the conclusion of that job, what did Mr. McVeigh tell you he was going to do?

A. He was going to drive the dirt roads out into the mountains

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and recon.

Q. Did he use the word "recon"?

A. Yes, he did.

Q. And what did that mean to you?

A. Investigate.

Q. Did he tell you what he was going to investigate?

A. Not, no.

Q. Did he tell you why he was going to investigate?

A. No.

Q. Did you ask him?

A. Yes.

Q. And what was his response?

A. That I didn't need to know.

Q. He was just going off to the mountains to reconnoiter?

A. Right.

Q. Did there come a time when you had a conversation with Mr. McVeigh about your knowledge of explosives?

A. Yes.

Q. When did that happen?

A. That happened the second time that we went out to the same site to retrieve more railroad ties in my truck. This time, I picked him up from True Value. His car was broken down, so we traveled in my truck.

Q. Now, you had said you had some training in Aspen. What was the facility again where you had that training?

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A. Executive Security International.

Q. Is that a bodyguard training job?

A. Yes, sir.

Q. Not job. Training facility?

A. Yes.

Q. And what did Mr. McVeigh ask you with respect to explosives?

A. He asked me my background in explosives.

Q. And what did you tell him?

A. I told him that my background and training in explosives was search and ID.

Q. What does that mean for the jury?

A. That means that we're trained to search a room or a house for possibility of explosives, identify explosives, and then get out and report.

Q. And did you tell Mr. McVeigh that that training came from your experience at the bodyguard training facility?

A. Yes.

Q. Immediately after this discussion about explosives, did Mr. McVeigh launch into another subject?

A. Yes.

Q. And what was that subject?

A. The ATF's involvement in Waco.

Q. Tell us what Mr. McVeigh said.

A. He produced a magazine that he had brought with him,

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Newsweek, contained an article. He overviewed it. He talked about the ATF in a derogatory manner. He talked about the people in general were pawns of the government.

He asked me what I thought of the Waco incident.

Q. Was that a full magazine, or was it a photocopy of just an article?

A. No, it was a magazine.

MR. NEUREITER: If I may approach, your Honor?

THE COURT: Yes.

BY MR. NEUREITER:

Q. So as to not have private conversations, I will return to the stand and ask you if you recognize that as portions of the article to which Mr. McVeigh was referring but not the entire

magazine.

A. Yes.

Q. And what is the number on the front of that?

A. On the first page? 0000 --

Q. The little blue sticker -- the little sticker --

A. D1773.

MR. NEUREITER: Move the admission of D1773, your Honor.

MR. MEARNS: No objection.

THE COURT: Received.

MR. NEUREITER: If I could retrieve it?

THE COURT: Yes.

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MR. NEUREITER: Move to publish.

THE COURT: Yes.

MR. NEUREITER: And for the record, this is an article from the March 15, 1993 Newsweek, and it's Bates' stamped 1 through 11. The first page, 001, is just the table of contents from that magazine; and starting on Bates' stamp 002 is the beginning of the actual article itself.

BY MR. NEUREITER:

Q. Is that accurate?

A. Yes.

Q. And did Mr. McVeigh talk about this document with you?

A. Yes.

Q. And what did he say about this document?

A. He said that even Newsweek had talked derogatorily about the ATF and how they should have handed it over to the FBI HRT and many things that were derived straight from the article.

Q. What was the HRT?

A. Hostage Rescue Team.

Q. When Mr. McVeigh produced this, was he wearing gloves?

A. No.

Q. His bare hands?

A. Yes.

Q. Was this article in -- I'm not going to go through all the pages. It's in evidence. Was this article -- magazine left in your truck?

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A. Yes.

Q. And did you eventually come to read it?

A. Yes.

Q. Did you read it with gloves on?

A. No.

Q. Did you eventually come to turn this over to the Federal Bureau of Investigation?

A. Yes.

Q. Because you had kept it until after the bombing?

A. Yes.

Q. Did there come a time when Mr. McVeigh asked you to come

Q. Did there come a time when Mr. McVeigh asked you to come visit him at a gun show?

A. Yes.

Q. Tell the jury about that, please.

A. In '94, there was a gun show at the Kingman fairgrounds, and he asked me to come and see some of the guns that he was selling. I went to that gun show --

Q. Wait just one second. What did he tell you about that, the guns that he was selling?

A. He told me that he had a few firearms. One in particular was a Colt H-bar 223, AR-15 rifle, a nice one. He bragged about it and said he was going to sell it there at the gun show.

Q. As AR-15 -- tell the jury what an AR-15 is.

A. An AR-15 is a civilian model of the 223. It's a

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semiautomatic.

Q. Is it in --

A. It's a rifle. It's not meant to be -- that's why I say civilian. It's meant to be a sport rifle. It's in semiautomatic. One pull of the trigger, one shot.

Q. And that's the standard version of the AR-15.

A. Yes.

Q. How does the H-bar, you said, model differ from a standard AR-15?

A. It's a heavy barrel. H-bar stands for heavy barrel. It reduces recoil. It's a nicer weapon, has more gadgets on it, I guess you could say. Flash suppressor, things like that.

Q. Did you go to the gun show that day?

A. Yes.

Q. Did you see that particular rifle about which Mr. McVeigh bragged?

A. Yes.

Q. Did it have a flash suppressor on it?

A. Yes.

Q. Is that fairly unusual to have flash suppressors on them?

A. Not an AR-15.

Q. An AR-15 does have them?

A. Not a rifle like that, no.

Q. Out of the box, what does a standard issue AR-15 cost?

A. Now, maybe --

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Q. At that time.

A. At that time, 5- or \$600.

Q. What was Mr. McVeigh asking for this special AR-15 equipped with the flash suppressor?

A. About \$1,200.

Q. What did Mr. McVeigh make to your knowledge when he was working for you money-wise in terms of dollars per hour?

A. He made \$10 an hour with me.

Q. What else did Mr. McVeigh have for sale at that gun show

in -- and let's pinpoint for the jury the time first. What time period was this?

A. This was 1994. The exact month -- I know it was in '94, because it was the time that he was employed with me in the landscaping business.

Q. Was that in the summer of --

A. Summer of '94.

Q. So this would have been before November of 1994?

A. Yes.

Q. What else did he have besides the AR-15 with the flash suppressor for sale?

A. He had several boxes of different calibers of ammunition.

Q. How many rounds total? What would you say he had?

A. 5- or 600.

Q. Did -- over the course of the time you interacted with Mr. McVeigh, how many times would you say you spent significant

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time working together on the job total?

A. I could say maybe 20, 25 hours.

Q. In those 20, 25 hours, how many people did Mr. McVeigh talk about as his friends or associates?

A. None.

Q. Did he mention any names at all to you?

A. No.

Q. Well, you saw -- let me show you again -- this document.

A. Oh. Of course. Yeah.

Q. Does that refresh your recollection as to who, if anyone, Mr. McVeigh mentioned?

A. Mike Fortier.

Q. Was Michael Fortier the only person that Mr. McVeigh mentioned to you as a person he spent time with?

A. Yes.

MR. NEUREITER: One moment, your Honor?

THE COURT: Yes.

MR. NEUREITER: Pass the witness.

THE COURT: All right. Cross-examination, Mr. Mearns.

CROSS-EXAMINATION

BY MR. MEARNs:

Q. Good morning, Mr. Chamberlain. My name is Geoff Mearns.

A. Hi.

Q. You told us that you now live in Tempe, Arizona?

A. Yes.

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Q. And you grew up in Kingman, Arizona; right?

A. Yes.

Q. And you went to Kingman, Arizona High School; correct?

A. Yes.

Q. And Mr. Neureiter has shown us the entry from your address book that has "Tim Tuttle" and the phone number of Michael and Lori Fortier's residence; right?

A. Yes.

Q. You knew Michael Fortier from high school; is that correct?

A. Yes.

Q. And you told us that in the summer of 1994, you met Mr. McVeigh at Kingman True Value Hardware. Is that right?

A. Yes.

Q. You went to Kingman True Value Hardware pretty frequently during the -- during 1994 when you had your landscaping business?

A. Yes.

Q. And on those occasions, you frequently saw Michael Fortier; right?

A. A couple times. Not frequently, but as many times as I had been there. I wouldn't say it was frequent.

Q. About how many times do you think you saw Michael Fortier?

A. Two or three times.

Q. When you saw him, would it be fair to say that he was well-groomed and dressed appropriately for his office work

Paul Chamberlain - Cross

there?

A. Yes.

Q. Now, you told us -- about how long did Mr. McVeigh work for you in the landscaping business in 1994?

A. About two months.

Q. And during that time, would it be fair to say that Mr. McVeigh was a hard worker?

A. Yes.

Q. You've described him as being fairly eager?

A. Yes.

Q. Would it be fair to say that when Mr. McVeigh was working, he was quiet and attentive to the job that he was working on?

A. Yes.

Q. But you've also told us that during occasions when you had -- when you were with him privately like driving in your car, you and he would talk about different subjects?

A. Yes.

Q. In those situations, would it be fair to say that when you were privately with him that he was pretty talkative?

A. Yes.

Q. He told you about his experience with firearms?

A. Yes.

Q. Told you about his experience with explosives. Is that right?

A. Not in detail. The times that we talked about those

Paul Chamberlain - Cross

things, he'd mention them in general.

Q. When you say "in general," for example, you and he never talked about how to build homemade, improvised explosive devices from ammonium nitrate?

A. No.

MR. NEUBETTER: Objection, your Honor.



MR. NEURETTER: OBJECTION, YOUR HONOR.

THE COURT: Overruled.

BY MR. MEARNS:

Q. Would it be fair to say that based upon all of your experience working with and talking with Mr. McVeigh that he was a follower, not a leader?

A. I would say that. Yes.

Q. Now, you told us about one conversation in particular that you had with him about the incident at Waco. Is that correct?

A. Yes.

Q. You told us about that this morning. And Mr. McVeigh initiated that conversation; right?

A. Yes.

Q. And he did most of the talking during that conversation?

A. Yes.

Q. Would it be fair to say that he was trying to draw out your opinions on Waco during that conversation?

A. Yes.

Q. Did he seem -- was he very informed about the situation at Waco?

Paul Chamberlain - Cross

A. Yes.

Q. And he was very interested in the situation at Waco?

A. Yes.

Q. And in fact, he was disgruntled with the government in general?

A. Yes.

Q. Right? In fact, he told you that he believed the citizens of the United States were all pawns of the government. Right?

A. Yes.

Q. Now, you had this conversation with Mr. McVeigh in the summer of 1994. Right?

A. Yes.

Q. And you were not a good friend of his?

A. No.

Q. Would you characterize -- characterize your relationship with him as being friends at all?

A. A friend.

Q. Would it be fair to say he was a co-worker?

A. Yes, a co-worker.

Q. Somebody you got to know on the job?

A. Yes.

Q. With respect to -- during -- when you hired him, he told you his name was Tim Tuttle at that time. Right?

A. Yes.

Q. You came to learn after the bombing in Oklahoma City that

Paul Chamberlain - Cross

that was not his real name?

A. Yes. Sometime after the bombing. I had to go through files and actually pull up the certificate that I had given Tim at the firearms class to learn the last name because I don't

think they knew the last name at the time that I saw television.

Q. And that was when you realized that the person you had hired in the summer of 1994 was in fact Tim McVeigh, as opposed to Tim Tuttle?

A. Yes.

Q. And would it be fair to say that after the bombing you felt that by using a false name Mr. McVeigh had deceived you?

MR. NEUREITER: Objection, your Honor.

THE COURT: Sustained.

BY MR. MEARNS:

Q. Did Mr. McVeigh ever use you, Mr. Chamberlain?

MR. NEUREITER: Objection, your Honor.

THE COURT: I don't know what the word means, the question means.

BY MR. MEARNS:

Q. Was Mr. McVeigh a hard worker?

A. Yes.

Q. Was he reliable?

A. Yes.

Q. Did he give you hard work for the wage that you paid him?

Paul Chamberlain - Cross

A. Yes.

Q. And he never cheated you out of any money?

A. No.

MR. MEARNS: No further questions.

THE COURT: Any redirect?

MR. NEUREITER: Just a couple.

REDIRECT EXAMINATION

BY MR. NEUREITER:

Q. On cross-examination, you described Mr. McVeigh as enthusiastic and a hard worker?

A. Yes.

Q. And on direct examination, you remember describing Mr. McVeigh as going off to reconnoiter and not telling you what he was doing? Do you remember that?

A. Yes.

Q. And as talking about Waco and explosives; correct?

A. Yes.

Q. And you nonetheless entered into and continued a business relationship with Mr. McVeigh; is that right?

A. Yes.

MR. NEUREITER: I think I'm done, your Honor.

THE COURT: All right.

MR. MEARNS: No questions. He may be excused.

MR. NEUREITER: Have a safe trip back to Arizona.

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

THE WITNESS: Thank you.

THE COURT: Next, please.

MR. WOODS: Yes, your Honor. Gary Steinberger.

THE COURTROOM DEPUTY: Would you stand, please.

Raise your right hand.

(Gary Steinberger affirmed.)

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

THE WITNESS: Gary Wayne Steinberger,  
S-T-E-I-N-B-E-R-G-E-R.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MR. THURSCHELL:

Q. Good morning, Mr. Steinberger.

A. Good morning.

Q. Mr. Steinberger, where do you live?

A. In Bullhead City, Arizona. I just moved.

Q. Okay. Where did you live prior to that?

A. Kingman, Arizona.

Q. Is Bullhead near Kingman?

A. Yeah. 36 miles away.

Q. Where are you working?

A. At a -- at a hotel and casino. Pioneer Hotel and Casino.  
I'm a computer tech.

Gary Steinberger - Direct

Q. Have you been employed in the past by State Security?

A. Yes, I have.

Q. How long did you work for State Security?

A. About five years, and I'm still currently employed as a  
consultant.

Q. Now, were you employed there in 1993?

A. Yes, I was.

Q. Did you come to know an individual named Timothy McVeigh?

A. Yes, I did.

Q. How did you come to know him?

A. He was assigned to my post. I was a supervisor over five  
or six posts; but I physically worked one post, and he was  
assigned to that one.

Q. When you say he was assigned to that one, he was another  
employee of State Security?

A. Yes, sir.

Q. How long did you work together at the same post?

A. Approximately a month, a month and a half.

Q. And were you actually -- what -- could you pin down the  
time of that, that month, month and a half?

A. It was -- I think -- early June through late July or early  
August.

Q. Of 1993?

A. Of '93, yes.

Q. Okay. Now, did you -- were you actually physically working

Gary Steinberger - Direct

with him side by side?

A. No. Not exactly. I relieved him in the morning. He  
worked the graveyard shift. I worked mornings.

Q. And did you overlap at all?

A. Yes, about a half hour every morning.

A. yean, about a half hour every morning.  
Q. You had a chance to talk to him at that time?  
A. Yes.  
Q. Now, sir, you were a supervisor at the time?  
A. Yes, I was.  
Q. Did State Security have a policy on having a television set at the work site?  
A. Yes, we did. Anything that would distract the officer was not allowed on the work site.  
Q. Did you have a policy on political discussions?  
A. Absolutely. Political and religion discussions were not allowed between two officers at the same work site.  
Q. Did there come a time nevertheless that Mr. McVeigh brought a television set to the work site?  
A. Yes, he did.  
Q. Could you tell the jury about that incident.  
A. Okay. One morning I came in to relieve Officer McVeigh, and he asked me if he could show me something. I told him sure.

He went to his vehicle, brought out a TV, a VCR, and said, "Watch this."

Gary Steinberger - Direct

Q. What was your reaction to that?  
A. I was a little concerned, because a week before he asked if he could bring one out and I told him that State Security's policy was no so I couldn't allow it. I told him: This time, and only this time.

He agreed. He put in the tape and we watched it.

Q. Now, can you describe the tape that he showed you?  
A. The tape depicted scenes of Waco, federal agents using flamethrowers and a tank, using a flamethrower to enter the building. Other than that, I can't really remember what -- that's what stuck out in my mind.  
Q. Do you recall the general attitude towards the government actions at Waco that were being expressed by the tape?  
A. It was definitely negative towards the government.  
Q. Okay. About how long was it?  
A. 20 minutes, give or take.  
Q. After the tape ended, what happened?  
A. He asked me what I thought, and I said it was an interesting tape but it really didn't prove anything to me either way.

And then he asked me if he could give me some literature.

Q. Okay. Did he -- what did you say to him?  
A. I said sure.  
Q. Okay. Did you -- did he, in fact, give you some

Gary Steinberger - Direct

literature?  
A. Yes, he did. He pulled a three-ring binder out and grabbed one of many pamphlets and handed it to me.

one of many pamphlets and handed it to me.

Q. Kay. When you say "one of many pamphlets," could you describe physically the pamphlet that he handed to you.

A. The pamphlet was either a two-fold or a three-fold pamphlet, white paper with black, typed lettering.

Q. And do you recall if it was one sheet or more than one sheet?

A. I believe it was only one sheet, but it may have been two, so . . .

Q. Now, had Mr. -- if you could tell, had Mr. McVeigh made any markings himself on this sheet?

A. Yeah. There were highlighted parts throughout the whole pamphlet.

Q. And if you recall, what was the title of the pamphlet?

A. I believe the title was "United States Government, or Nazi Germany?" Something along that lines.

Q. Do you recall the general content of the highlighted portion?

A. The highlighted portions were the specific comparisons between the United States government and Nazi Germany.

Q. Now, you also said that he pulled it out of a three-ring binder?

A. Yes.

Gary Steinberger - Direct

Q. All right. Could you describe what you saw of this three-ring binder?

A. He opened it up very briefly. There were some other pamphlets that looked like they were the same one that he gave me, and in the other side there were full, unfolded sheets stapled together.

Q. Okay. Now, did you feel that Mr. McVeigh was pushing this material on you?

A. No. He never really -- he never forced his views on me at all; and when I told him enough was enough, he stopped.

Q. Did he -- strike that.

How was he as an employee?

A. He was an excellent worker. He showed up 15 minutes before work. He left 15 minutes after scheduled work. If I called him in, he was right there for me.

Q. He was reliable?

A. Yes. Very.

Q. He was well-presented?

A. Absolutely. Clean-cut -- sorry.

Q. Was he personable?

A. No, but in our line of work, it's usually business. You know, "How did everything go last night?" "Everything was Code 4." "Okay. Have a good day."

Q. You didn't have any problems with him as an employee -- or did you have any problems with him as an employee, I should

Gary Steinberger - Direct

ask.

A. No, I did not. Not a single problem. He was a model employee.

Q. Did you have any social relationship with him?

A. No.

Q. So that would it be fair to say that your only relationship was on the job?

A. Yes.

MR. THURSCHELL: Thank you very much, sir. No further questions.

THE COURT: Ms. Wilkinson?

MS. WILKINSON: Thank you.

CROSS-EXAMINATION

BY MS. WILKINSON:

Q. Good morning, Mr. Steinberger.

A. Good morning.

Q. I believe we met almost two years ago. Right?

A. Yes, we did, I remember.

Q. I just have a few questions for you, if I could. Now, when Mr. McVeigh gave you or showed you the tape, he didn't tell you where he got that tape from, did he?

A. No, he did not.

Q. And when he handed you those documents out of his notebook, he didn't tell you where he got those from, either, did he?

A. No, he did not.

Gary Steinberger - Cross

Q. You said the documents he gave you had highlighted portions; correct?

A. Yes.

Q. All the documents that he gave you had some highlighting?

A. Yes.

Q. Now, you also told us that when you told Mr. McVeigh you'd had enough, he stopped sharing with views with you; correct?

A. Yes.

Q. I take it, then, you never discussed with him overthrowing the government?

A. No.

Q. And the documents that he gave you: Did you keep those?

A. I -- you know, I don't even remember. I probably gave them back to him or threw them away.

Q. You don't have them today?

A. No, I do not.

MS. WILKINSON: We have no further questions, your Honor.

THE COURT: Anything else of this witness?

MR. THURSCHELL: Nothing further. The witness is excused.

THE COURT: Excused, then?

You may step down. You're excused.

Next.

MR. WOODS: Don Pipins.

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

(Donald Pipins affirmed.)

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

THE WITNESS: Donald E. Pipins, P-I-P-I-N-S.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MR. WOODS:

Q. Good morning, Mr. Pipins. Will you tell the jury where you  
live, sir.

A. Havasu City.

Q. What state?

A. Arizona.

Q. And how are you employed?

A. I'm a lineman for Metropolitan Water District of Southern  
California.

Q. And what area does that district cover?

A. It covers from Los Angeles to Boulder City as far as our  
power lines.

Q. All right. And you live in Arizona but you work in  
California; is that correct?

A. Yes, sir.

Q. How close is your district that you cover to the Arizona

Donald Pipins - Direct

line?

A. Oh, it comes within probably 30 miles of it.

Q. And what is the nature of your job as a lineman?

A. We patrol, maintenance on our power, telephone, TV.

Q. Do you go out and look at the towers periodically as part  
of the functions of your job?

A. Yes, sir. We patrol them monthly.

Q. I want to call your attention to November 30 of 1994. Were  
you working that day?

A. Yes, sir.

Q. And what were you doing on that day?

A. I went to Camino and got a meter reading. Then I patrolled  
230 line from Camino to Iron.

Q. Would you tell the jury what a Camin -- excuse me -- a line  
is, the 230 line?

A. 230,000-volt power line, steel construction, three-phase.

Q. What is your job in patrolling that and inspecting that?

A. To make sure there is no damage done to the glass and  
everything is still standing.

Q. All right. On that day, November 30, 1994, when you were  
inspecting these towers and lines, did you notice anything  
unusual?

A. Yes, found an envelope taped to the tower leg, on the step  
leg.

Q. How high up the tower was the envelope taped?

Donald Pipins - Direct

A. 10 to 12 feet.

Q. How were you able to notice it? How did it stand out?

Q. How were you able to notice it? How did it stand out?  
A. Something that's not supposed to be there.  
Q. Would you describe for the jury its appearance when you first noticed it before you retrieved it, if you did?  
A. It was in a brown vanilla (sic) envelope with light stick or glow stick taped to it. It had green tape two places holding it onto the tower.  
Q. Did you climb up the tower to retrieve that envelope?  
A. Yes, I did. I climbed up, cut it down.  
Q. Would you describe for the jury the envelope after you cut it down?  
A. It was a brown vanilla envelope, waterproof on the inside.  
Q. And you said that there was a light stick attached to it?  
A. Glow stick attached to it.  
Q. Glow stick. I'm sorry. Was the glow stick still operating?  
A. No.  
Q. Could you tell whether or not it had been -- this is one of those that you break?  
A. Yes. It had been broken.  
Q. I'm sorry?  
A. It had been broken.  
Q. So the light had eventually run out, from what you could tell?

Donald Pipins - Direct

A. Yes, sir.  
Q. Did you open the envelope, Mr. Pipins?  
A. Yes, I did.  
Q. What did you find inside the outer envelope, the waterproof outer envelope?  
A. There was a plastic bag with a white envelope inside of it.  
Q. Did you open the plastic bag?  
A. Yes, I did.  
Q. Did you then open the interior envelope?  
A. Yes, I did.  
Q. And did you feel this was part of your function and duty in inspecting the towers and the power line?  
A. Yes.  
Q. When you opened the interior envelope, was there anything on the exterior of it, the name, return address, or anything like that?  
A. I can't remember.  
Q. Okay. When you opened the final interior envelope, what did you find inside?  
A. There was a letter.  
Q. Okay. Did you read the letter?  
A. I didn't have my glasses, and I couldn't make out the handwriting.  
Q. Okay. What did you do with the letter then at that time?  
A. Took it back, showed it to my supervisor, and he told me to

Donald Pipins - Direct



turn it in to the office manager.

Q. Did you have your glasses at your office?

A. No. I left them at home.

Q. All right. Did you read that letter that day or the next day?

A. No, I didn't.

Q. Did you ever read the letter?

A. I read it -- read it about three days later, four days later.

Q. It was still in the possession there in the office?

A. No. I had a copy made.

Q. Okay. You had a copy for yourself?

A. Yes.

Q. Or for the office?

A. For myself.

Q. Now, where is your office located, sir?

A. Jean headquarters.

Q. And where is Jean headquarters?

A. Parker Dam, California.

Q. Parker Dam?

A. Yes.

Q. I'm going to put on the ELMO what is marked as D1804, and it hasn't been admitted in evidence. I want to ask you if you recognize this area first.

You see what I have on the screen there in front of

Donald Pipins - Direct

you, Mr. Pipins?

A. Yes. You have a map.

Q. Without describing exactly yet, is that an area that you're familiar with?

A. Yes, it is.

Q. And is it accurate as to your recall of the locations of -- where you live and where you were working and found the envelope?

A. Yes.

MR. WOODS: Your Honor, we would offer into evidence D1804.

MR. GOELMAN: No objection.

THE COURT: Received.

BY MR. WOODS:

Q. Now, Mr. Pipins, on that desk there there is a black pen attached to a wire. And if you would reach under the screen and then touch the screen that's under there.

And if you would point out approximately where it was that the tower was located that you were doing your inspections.

You have to touch the screen, kind of hold the pen straight up and down.

A. I'm trying to find 40 on here.

It would be right in this area.

Q. All right. And do you see where Kingman is on that map?

Donald Pipins - Direct

A. Yes, I do.

Q. Approximately how far away is that from that location?

A. I'd say probably 70 miles.

Q. Okay. Would you circle Kingman there for the jury.

All right. And then you live at Lake Havasu, which is just down the road?

A. Yes.

Q. Would you circle that.

Now, is that on the California/Nevada border nearby there?

A. What, Havasu?

Q. No, not Lake Havasu, but this area that we're looking at.

A. Yes. It's probably about 30 miles.

Q. And is Needles -- you were right outside of Needles. Is that correct? West of Needles?

A. 22 miles west of Needles.

Q. Is that California, or Arizona?

A. California.

MR. WOODS: May I approach the witness, your Honor?

THE COURT: Yes.

BY MR. WOODS:

Q. Mr. Pipins, I'm going to hand you what has been marked as D1803, and I would ask you to review that document, sir. Is that a copy of the document as you recall it that you read some three days after recovering it?

Donald Pipins - Direct

A. Yes, sir.

MR. WOODS: Okay. We would move into evidence 1803, your Honor, and this is the copy with those markings off of the side.

THE COURT: All right.

MR. WOODS: Redacted copy.

MR. GOELMAN: No objection.

THE COURT: D1803 received.

MR. WOODS: May I publish it, your Honor?

THE COURT: Yes.

MR. WOODS: And may I read this to the jury, your Honor?

THE COURT: Yes.

MR. WOODS: If I can get it focused.

BY MR. WOODS:

Q. Mr. Pipins, was this addressed to someone initialed SC?

A. Yes.

MR. WOODS: "SC: I will try to keep this generic, in case it is intercepted. First off, I cannot be 100 percent certain of your legitimacy. This is the same way Randy Weaver was initially arrested, so I planned a rendezvous with sniper overwatch. No sense in all that until you are screened to your intentions.

"I am not interested in anyone who has money/gain as an underlying motive -- conscious or subconscious. This same

an underlying motive -- conscious or subconscious. This came

Donald Pipins - Direct

out in another 'patriot' as his knee-jerk reaction to the crime bill. 'Shit. It passed! I better sell my guns before they take them!'

"Tell me what is wrong with that whole mind-set."

I'm sorry, your Honor. I was not moving it up.

"On the other hand, if you are sincere, then you

could

be a valued asset. A man with nothing left to lose is a very dangerous man and his energy/anger can be focused towards a common/righteous goal.

"What I'm asking you to do, then, is sit back and be honest with yourself. Do you have kids/wife? Would you back out at the last minute to care for the family? Are you interested in keeping your firearms for their current/future monetary value, or would you drag that '06 through rock, swamp and cactus and" -- I can't read that word -- "it to hell to get off the needed shot?"

"In short, I'm looking for talkers" -- excuse me --

"I'm not looking for talkers, I'm looking for fighters.

"Keep in contact. Notify me of any change of address or situations and respond to my other concerns.

"I do have a safe haven for your 'goods.' If interested, I would pick them up and transfer them to said 'haven' but could not take you."

"If after your initial 'leap of faith' you remain committed, I would eventually (one to two months) reveal our

Donald Pipins - Direct

location but again. But again, on your end that is a risky proposition. You have to decide what risk to take to achieve a given goal.

"(What is your goal?)

"All, Tim T."

And by agreement and stipulation with Government counsel, this is stipulated to be the writing of Timothy McVeigh, your Honor.

MR. GOELMAN: Agreed, your Honor.

THE COURT: That's agreed. All right.

BY MR. WOODS:

Q. The third page is a P.S., is that correct, Mr. Pipins?

A. Yes, sir.

Q. "P.S. And if you are a fed, think twice. Think twice about the Constitution you are supposedly enforcing (isn't 'enforcing freedom' an oxymoron?) And think twice about catching us with our guard down -- you will lose just like Degan did -- and your family will lose."

Is that the letter that you retrieved from that tower, Mr. Pipins?

A. Yes, sir.

O. And you retrieved it on November 30, 1994?

A. Yes, sir.

Q. Now, do you make the rounds and inspect those towers and the line on a routine basis?

Donald Pipins - Direct

A. Yes, sir, we do it monthly.

Q. What was the prior day that you had been by that tower?

A. The 3rd. November 3.

Q. So November 3, '94, was the prior occasion?

A. Yes, sir.

Q. Did you notice it on that occasion?

A. No, sir.

Q. And then you found it on November 30, '94?

A. Yes, sir.

Q. Could you tell from the appearance of the outside envelope whether or not it was weathered or had been there for some period?

A. No, sir, it didn't look like it had been weathered too much.

Q. And could you tell anything from that light stick as to the age of it breaking and burning out?

A. No, sir.

MR. WOODS: Okay. Thank you very much, Mr. Pipins.

No further questions, your Honor.

THE COURT: All right. Mr. Goelman?

CROSS-EXAMINATION

BY MR. GOELMAN:

Q. Good morning, Mr. Pipins.

A. Good morning.

Q. I'm showing you what's already been admitted into evidence

Donald Pipins - Cross

as D1804. And that's the map that you previously identified.

A. Yes.

Q. Can you look down on your screen and can you find Interstate 40, sir?

A. Yes.

Q. And that's the road that connects Needles to Kingman, Arizona; is that right?

A. Yes, sir.

Q. And you estimated it was about 70 miles to the east of Needles?

A. Yes, sir.

Q. If you continue going east on I-40, do you get to Kansas eventually?

A. Yeah. I would assume.

Q. And can you mark again on this map where that tower was where you found a letter on November 30?

A. Approximately right in this area here.

Q. What's that line indicating a road right to the right of that area? Is that Highway 95?

A. This one here?  
Q. No, to the right.  
A. Oh, right here. That's the old 66.  
Q. Now, go a little bit more to the right.  
A. This one here?  
Q. The one that's going up and down.

Donald Pipins - Cross

A. This one here?  
Q. That goes into Nevada. Is that 95?  
A. Yeah. That's 95 to Vegas.  
Q. If you go north on that, you get to -- right around Henderson, Nevada. Is that right?  
A. Yes, sir.  
Q. Now, you can't see it on this map; but is Henderson, Nevada, a suburb of Las Vegas?  
A. Yes, sir.  
Q. So if this map was just a little bit bigger, we would see Las Vegas here?  
A. Yes.  
Q. You testified that you found this package on the tower on November 30, 1994. Is that right?  
A. Yes.  
Q. And you had last patrolled the area on November 3, sir?  
A. Yes.  
Q. You don't know when in between November 3 and November 30 the package was left, do you, sir?  
A. No, sir.  
Q. You could only tell by the glow stick no longer was working that it was at least some amount of time before you found it?  
A. Yes, sir.  
Q. And you don't from your own knowledge, sir, know what SC stands for, do you, sir?

Donald Pipins - Cross

A. No.  
Q. And you don't from your own knowledge know what the content of that letter means, do you, sir?  
A. No.  
Q. The only thing you do know, sir, is that SC never got this letter. Is that right?  
A. No. I don't -- no, he didn't get it. I did.  
MR. GOELMAN: Thank you. I have nothing further.  
MR. WOODS: Nothing further, your Honor.  
Thank you, Mr. Pipins.  
THE COURT: All right. You may step down. You're excused.  
MR. NEUREITER: If I could confer with counsel for a moment, your Honor.  
THE COURT: Yes.  
MR. WOODS: Norma Koalska, your Honor.  
THE COURT: All right.

THE COURTROOM DEPUTY: Raise your right hand, please.  
(Norma Koalska affirmed.)

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

THE WITNESS: Norma Chloe Koalska, K-O-A-L-S-K-A.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

Norma Koalska - Direct

BY MR. NEUREITER:

Q. Hello, Mrs. Koalska. How are you today?

A. Fine.

Q. Are you a little nervous?

A. Yes.

Q. If we could ask you to lean towards the microphone when you  
respond -- it's there to your left -- and speak up so that way  
everybody in the room can hear you.

A. Okay.

Q. How old are you, Mrs. Koalska?

A. 25.

Q. Are you married?

A. Yes, I am.

Q. Do you have a daughter?

A. Yes, I do.

Q. How old is she?

A. She's 6.

Q. What do you do for a living?

A. I'm a teacher's assistant.

Q. Do you know Lori Fortier?

A. Yes, I do.

Q. Do you know Michael Fortier?

A. Yes, I do.

Q. How do you know them?

A. They're friends of mine.

Norma Koalska - Direct

Q. Where are you from?

A. Kingman.

Q. Is Lori Fortier your best friend?

A. Yes, she is.

Q. How long have you known Lori Fortier?

A. 20 years.

Q. Did you know them in Kingman in the 1994-1995 time period?

A. Yes, I did.

Q. Did your daughter have a birthday in 1994?

A. Yes, she did.

Q. And what date was that birthday?

A. Her birthday is July 6, and we celebrated it on the 9th.

Q. Did you invite the Fortiers to that birthday party?

A. Yes, I did.

Q. Did the Fortiers ask if someone else could come to that

Q. Did the Fortiers ask if someone else could come to that birthday party?

A. Yes, they did.

Q. Who did they ask could attend that birthday party along with them?

A. Timothy McVeigh.

Q. And had you known Timothy McVeigh prior to that day?

A. Yes.

Q. And how was that?

A. Through Mike and Lori.

Q. Tell the jury about how you came to know Timothy McVeigh

Norma Koalska - Direct

through Mike and Lori.

A. He moved in with them in -- I believe it was 1992, and I had met him then.

Q. Would you and your husband socialize with the Fortiers?

A. Yes, we did.

Q. When you socialized with the Fortiers, would Timothy McVeigh be there as well?

A. Yes, he was.

Q. And were these large parties that were thrown, or were these smaller gatherings?

A. Small gatherings.

Q. And who was present at the small gatherings, would you say?

A. My husband and I, the Fortiers, and Tim.

Q. And on how many occasions would you say you had these kind of small gatherings with the Fortiers and Tim McVeigh?

A. From 10 to 15 times.

Q. Did Timothy McVeigh come to your daughter's birthday party on that day?

A. Yes, he did.

Q. Do you remember what he was wearing?

A. Yes, I do.

MR. NEUREITER: If I could approach the witness -- actually, I think this has been admitted into evidence.

No. This as photograph of an exhibit that is in evidence, and so I would just put it on the ELMO. It has not

Norma Koalska - Direct

yet been admitted. It is D1802A. It's one photograph.

BY MR. NEUREITER:

Q. Do you recognize that as the front of the T-shirt that Mr. McVeigh was wearing at your daughter's birthday party?

A. Yes.

Q. And I'm now putting up D1082B. Is that the back of the same shirt?

A. Yes, it is.

MR. NEUREITER: Move the admission of D1802A and B.

MR. MEARNS: No objection.

THE COURT: Received.

MR. NEUREITER: Move to publish D1802A.

THE COURT: All right.

BY MR. NEUREITER:

Q. Is this the T-shirt that Timothy McVeigh wore to the birthday party of a three-year-old in the summer of 1993?

A. Yes, it is.

Q. And --

MR. NEUREITER: And move to publish D1802B.

THE COURT: Yes.

BY MR. NEUREITER:

Q. Is this the back of that same T-shirt?

A. Yes, it is.

Q. Now, during your 10 or 15 social occasions when you met Timothy McVeigh in the company of the Fortiers, would the

Norma Koalska - Direct

subject of Waco come up?

A. Yes, it had.

Q. Did you come to learn Mr. McVeigh's beliefs with respect to Waco?

A. Yes.

Q. Could you tell the jury what those were?

A. He did not agree with what the federal government had done in Waco.

Q. Did there come a time when you attended the Fortiers' wedding?

A. Yes.

Q. What was your role at that wedding?

A. I was the maid of honor.

Q. Who was the best man at that wedding?

A. Timothy McVeigh.

Q. What date was that, if you recall?

A. July 25, 1994.

Q. Between your daughter's birthday party and the wedding that you attended with Timothy McVeigh and the Fortiers, did Mr. McVeigh come to your home?

A. I believe so, yes.

Q. Was he accompanied by anyone?

A. No. He was by himself.

Q. How many times did Mr. McVeigh come to your home alone unaccompanied by the Fortiers?

Norma Koalska - Direct

A. None. Just that time.

Q. What did Mr. McVeigh do on that occasion?

A. He handed me some literature.

Q. And to the best of your recollection, what did he do when he handed you the literature? What did he say?

A. Something along the lines of he would like Dean and I to look at this for our own information and to possibly contact him about it.

Q. And do you remember specifically what that -- what that pamphlet was about?

A. Not specifically.



Q. And you said pamphlet. Was it a pamphlet? Was it a book?  
A. It was a -- I believe it was paper stapled together.  
Q. And do you recall the general subject matter?  
A. It was something about politics.  
Q. Government?  
A. Government.  
Q. Gun control maybe?  
A. Possibly, yes.  
Q. Did he have gloves on when he handed that to you?  
A. No, he did not.  
Q. Did you have gloves on when you got it?  
A. No, I did not.  
Q. What did you do with that document?  
A. I placed it on the desk in my kitchen and basically forgot

Norma Koalska - Direct

about it.

Q. Did the FBI ask you to look for it?  
A. Yes, they did.  
Q. And did you?  
A. Yes, I did.  
Q. Were you able to find it?  
A. No.

MR. NEUREITER: One moment, your Honor?

THE COURT: Yes.

MR. NEUREITER: Pass the witness.

THE COURT: Mr. Mearns?

MR. MEARNs: We have no questions, your Honor. She may be excused.

MR. NEUREITER: Oh, your Honor, I'm sorry. One subject did escape me, if I may inquire. It's one subject matter.

THE COURT: Very well. Go ahead.

BY MR. NEUREITER:

Q. You were friends with Lori Fortier for 20 years?  
A. Yes.  
Q. Were you close friends?  
A. Yes.  
Q. Would you talk on average -- how often would you talk over the course of your high school and subsequent years?

MR. MEARNs: Objection. Relevance.

Norma Koalska - Direct

THE COURT: Sustained.

BY MR. NEUREITER:

Q. Did you ever learn why your friendship -- did your friendship in 1994 and 1995 with the Fortiers become strained?  
A. Yes, it did.

MR. MEARNs: Objection, relevance.

THE COURT: I don't know where you're going with this.

MR. NEUREITER: It goes to the issue of drug use,

your  
Honor

HONOR.

THE COURT: Go ahead.

BY MR. NEUREITER:

Q. Why did your friendship with the Fortiers become strained in the late 1994, early 1995 time period?

A. At the time, I didn't really know. I thought I had upset Lori in some way and that she just chose not to socialize with me anymore.

Q. Did you come to learn why your relationship was strained?

MR. MEARNS: Objection to "come to learn."

THE COURT: Foundation.

BY MR. NEUREITER:

Q. How did you come -- did -- did Lori Fortier tell you why, in fact, your relationship with the Fortiers was strained?

MR. MEARNS: Objection.

THE COURT: Sustained.

MR. NEUREITER: Pass the witness.

Norma Koalska - Direct

MR. MEARNS: Still don't have any questions, your Honor.

THE COURT: All right. You're excusing her, I take it.

MR. NEUREITER: Safe trip home.

THE WITNESS: Thank you.

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

THE WITNESS: Thank you.

MR. WOODS: Yes, your Honor. Morris Kuper.

THE COURT: Thank you.

MR. MACKEY: Your Honor, excuse me. May we approach?

THE COURT: Yes.

(At the bench:)

(Bench Conference 109B2 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

Norma Koalska - Direct

(In open court:)

THE COURT: I'll just remind the jury as I did earlier: We don't have these folks just lined up outside the courtroom here, so sometimes it takes a little while to fetch them in here.

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

(Morris Kuper affirmed.)

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

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

THE WITNESS: Morris John Kuper, Jr. It's spelled  
K-U-P-E-R.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MR. NEUREITER:

Q. Hello, Mr. Kuper. How are you today?

A. Pretty good.

Q. Where are you from, Mr. Kuper?

A. Oklahoma City, Oklahoma.

Q. Where do you work?

A. Kerr-McGee Corporation.

Q. Were you working there on April 19, 1995?

A. Yes, I was.

Morris Kuper - Direct

Q. Are you married?

A. Yes, I am.

Q. And how old are you?

A. 45 years old.

Q. What do you do for Kerr-McGee?

A. I'm a data communications specialist.

Q. Do you work with computers?

A. I work with computers.

Q. Tell us a little bit about what you specifically do as a  
data communications specialist.

A. Data communication links computers. We link them over all  
over the world, because we have offices all over the world.  
And then we also build local area networks.

Q. Are you a programmer?

A. No. Hardware specialist.

Q. Are you a detail person?

A. Yes.

Q. Did you drive to work the morning of April 19, 1995?

A. Yes, I did.

Q. Where did you drive?

A. South on 5th Street. I came down Broadway extension, got  
off on 10th and went south on Broadway and turned into the  
Kerr-McGee parking lot at 5th and Broadway.

Q. If I were to put up an exhibit that has been previously  
admitted as G940 -- do you recognize that map?

Morris Kuper - Direct

A. Yes.

Q. There should be a pen up there that's attached to a wire.  
If you could reach under the table onto the screen itself and  
hold the pen vertical and describe with that pen where you were  
driving that day.

A. Okay. I was proceeding south on Broadway. And there is an

entrance to this parking lot right here, and I pulled into the parking lot right there. This doesn't show where the parking places are, but there are kind of parking places right here and a row here. And they also park along here, here, and here.

There is also an entrance here, and I believe there is an entrance right here.

I paused here for a second, because if you aren't careful, there is an alley that extends all the way this way. Actually, my parking line is a little off.

Q. If you could use the words "north" and "south," rather than "this way" and "that way," it might help the jury figure out --

A. The alley runs north and south, and it actually separates Kerr-McGee's parking lot from the top of the hill that's up there. But I paused right here for, I don't know, a matter of a couple seconds to look left and then look right to make sure a car wasn't going to come. I was a few minutes late.

Q. When you say you paused right here, go ahead and put an X where you say you paused.

A. That's not drawing too well, but right there. I paused

Morris Kuper - Direct

there to look for traffic and noticed two men walking --

Q. Hold on. Before you tell us what you saw --

A. Okay.

Q. What time was this?

A. This was about maybe 2 minutes, 3 minutes after 8:00.

Q. Okay. How do you know with that kind of accuracy what time it was?

A. I set my clock against the atomic clock through WWV off of radio.

Q. Is it your practice to regularly glance down at your watch?

A. Yes. I get very lost without a watch.

Q. How often do you look down at your watch?

A. Every few minutes, generally.

Q. So you can say with some precision based on the atomic clock and the Naval Observatory in Washington, D.C., that this was about 8:02?

A. Yeah. I didn't look at that particular moment because I was driving. I looked as soon as I got out of my car to see how late I was.

Q. And were you late that morning?

A. Yes. 5 minutes.

Q. So now tell us what you saw.

A. Okay. I paused, like I said, to keep from getting run into by another car, because you have to watch. There were two men walking -- can I show it?

Morris Kuper - Direct

Q. Sure.

A. They were -- let me get my reference. They were about right here on the sidewalk -- that's not really too cool -- and

they were on the south side of 5th Street.

Q. Okay. By the way, just to orient us, the Alfred Murrah Building: Is that one block left of this parking lot that we're talking about?

A. Yes. Just over the top of the hill.

Q. Just put a big X where the Murrah Building is located.

Okay. All right. So you saw these two men walking?

A. They were walking -- everything disappeared.

Q. You pressed that button on the side. That makes everything disappear.

A. Oh, I'm sorry.

They were walking. I pulled in, which this is where

I paused. I pulled across. I paused again because I was cutting through parking places. You aren't supposed to do that, but I did it consistently every morning; and I paused again because there is another row of traffic that could approach from either the left or the right. I looked to the left; and when I looked to the right, the two men were now approaching a car and they were at the front of the car.

Q. Can you tell us what that car looked like?

A. It was a pre-1980 Ford product, most likely a Mercury, light-colored, sloping rear, had big, massive bumpers in the

Morris Kuper - Direct

back of it.

Q. How many doors did it have?

A. Four.

Q. Some people are car people and some people aren't. Are you a person who tends to notice makes and models of vehicles?

A. Yes. I restore cars.

Q. Is this a vehicle that stood out in some way, shape, or form from other vehicles in that parking lot?

A. Yes.

Q. How so?

A. It was not the type of car you would normally see in that parking lot. I usually drove the oldest cars in the parking

lot. This one was just wasn't normally there, and I've never seen it since.

Q. You've never seen it in person since?

A. Never seen it in person since then, or I don't remember ever seeing it before then.

Q. Have you seen photographs of a car that you think was similar to that one?

A. Yes, I have.

Q. And where have you seen those photographs?

A. On the news media.

Q. Is that the car Timothy McVeigh was driving?

A. Yes, it was.

Q. So tell us what you saw next.

Morris Kuper - Direct

A. As I said, I paused right here to look again; and when I looked to the right, the two gentlemen were now approaching the front of the car. The driver was on the driver's side, the passenger had gone on the passenger's side, but they were still at the front bumper. They were just starting to make an approach.

I pulled on in and parked my car about right there, and I was in the second slot behind a pickup truck. If you park on the alley, you can get out fairly quick, you know, in the afternoon when it's time to leave.

I got out of the car, stood up, looked around, had my sunglasses on; and these two guys were now -- that didn't work -- they were standing by with their car doors open, they were actually going to get into the car -- looking at me.

And I just looked back, took off my sunglasses, threw them in the car because I didn't --

Q. How far away were you from the two men standing next to the yellow Merc -- yellow Ford product?

A. 30 feet -- about 30 feet. The closest I was was when I was about right here, but they were still at the front of the car at that point.

Q. You have not as yet given a description of the two gentlemen to the jury. Why don't you go ahead and describe to the best of your recollection what the gentlemen looked like that you saw that day.

Morris Kuper - Direct

A. The driver of the car was a white male, probably 6 -- I'd say 6' 1" or 6' 2", weighed 180, 190 pounds. He was not a very heavy-set person. He was not a real skinny person, but he wasn't -- he was just kind of the average guy. You know, he wasn't real muscular.

He had short, light-colored hair -- neat. He was wearing a white or light-colored T-shirt with dark pants.

The other man was about 5' 8", 5' 9", stockier build. He was also wearing a light-colored shirt, dark pants. He was dark-complected, and I won't say nationalities. I'll just say dark-complected -- I had sunglasses on. His hair was dark. It was not real long. It was somewhat short but kind of average. I mean, it wasn't out of place.

And I say he was muscular because his T-shirt was full. You know, the arm filled up the shirt. There wasn't a lot of loose sleeve like the other man had a lot of loose sleeve on him.

Q. Then what happened? You saw them near the car doors with the doors open?

A. When I got out, I took my sunglasses off, threw it in. They were standing at their doors looking at me. I looked back at them. And I don't have a tendency to stand and stare at people downtown. I shut the door, locked. Started down the alley, looked at my watch. It was 8:05, and I thought: Pretty nice, these guys are going home from work, I have to go to

Morris Kuper - Direct

work. I used to work nights, so it's pretty common for me to see people go home at that time of the day. And I went on into the building.

Q. Was it your impression that these two gentlemen were going somewhere?

A. Yeah, they were off work or going somewhere.

One of them had a blue bag, I believe, that I noticed when they were walking on the sidewalk.

Q. And at 9:02 a.m., you heard the explosion in the Kerr-McGee building?

A. Yes, I did.

Q. And did your boss in that building lose a daughter in the explosion?

A. Yes, he did. We found out that several days later.

Q. And did at some point after the bombing, did the FBI contact you with respect to what you had seen that morning at 8:02 a.m.?

A. They did.

Q. And did they ask you if the individuals you had seen were Timothy McVeigh and Terry Nichols?

A. Yes, they did.

Q. How many times did they ask you if the second person you had seen besides Timothy McVeigh was Terry Nichols?

A. At least twice and possibly three.

Q. Would they take your "no" for an answer?

Morris Kuper - Direct

A. The first --

MR. RYAN: I'm going to object.

THE COURT: Sustained.

MR. NEUREITER: Pass the witness.

THE COURT: Mr. Ryan?

MR. RYAN: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. RYAN:

Q. Good morning.

A. Hi.

Q. Mr. Kuper, my name is Pat Ryan. I'm the United States Attorney in Oklahoma City. We've never spoken, have we?

A. Not to my knowledge.

Q. Now, you didn't testify before the grand jury in Oklahoma City, did you?

A. No, sir, I did not.

Q. And the reason you didn't testify before the grand jury, or one of the reasons, is you hadn't told the FBI what you've told this jury today in August of 1995.

A. Till --

MR. NEUREITER: Objection, your Honor.

THE WITNESS: Pardon me.

BY MR. RYAN:

Q. You had not told --

THE COURT: Well --

Morris Kuper - Cross

MR. NEUREITER: Objection to "reason."

THE COURT: I don't know the man knows the reason he wasn't called before the grand jury.

THE WITNESS: It wasn't in August.

THE COURT: Just a moment. Let me handle the objection.

BY MR. RYAN:

Q. As of August, 1995, had you told the FBI what you've told this jury?

A. I tried to tell the FBI on April 21, the Friday morning, that I had saw something in that parking lot and had requested they use cameras that were located around the public library and Southwestern Bell to look into that area because it was bothering me, but they took my name and phone number and never contacted me again.

Q. My question is had you told the FBI in August of '95 what you've told this jury?

A. No.

Q. First time you told the FBI about what you've told us today was on October 24, more than six months after the bombing.

A. Correct. Now, I had been sick.

Q. Now, you're a man who pays constant attention to his watch. Correct?

A. Correct.

Q. But you were late this morning.

Morris Kuper - Cross

A. Correct.

Q. And you told us today that you saw a Mercury, late-model Mercury; correct?

A. Correct.

Q. You had read that in the media, hadn't you?

A. By that time, yes.

Q. There had been many articles in the Oklahoma City papers talking about a late-model, four-door Mercury; correct?

A. Correct.

Q. And you told us that you saw the driver. Did you see anyone driving?

A. No, sir. They were just standing by the door.

Q. So you didn't see a driver?

A. I saw what appeared would be a driver. He was standing with an open car door by the driver's side.

Q. He was standing up. Right?

A. Right.

Q. And you told the jury today that he was white; correct?

A. Correct.

Q. Not muscular.

A. Not real muscular.

Q. Now -- and you told us that the other man was more muscular



Q. Now and you told us that the other man was more muscular than the man that you've described as the driver.

A. Correct.

Q. Now, do you recall telling the FBI on October 24 -- Agent

Morris Kuper - Cross

Beck -- that the man standing by the driver's door had a muscular build?

A. Yes. Muscular build but thin. It's not, you know, real highly weight-lifting-style muscular.

Q. Did you tell him he was thin?

A. I said that he was -- his arm didn't fill the sleeve. There was sleeve blowing a little bit.

Q. Did you tell him he was thin?

A. Thin, muscular, yes.

Q. Well, which is it? Thin, or muscular?

A. I'll say he was somewhat muscular but not real heavy-set.

Q. And did you tell the FBI that the other man was more muscular, not less muscular, than the driver (sic)?

A. Yes.

Q. But today, your story is that the other man was more muscular? Is that what you're saying?

A. Yes, he was.

Q. The passenger was more muscular than the driver?

A. Correct.

Q. But you told the FBI that the driver was more muscular than the passenger back two years ago?

A. I don't remember telling it that way, but that was two years ago.

Q. Well, it was fresher in your mind then; right? Correct?

A. Pardon me?

Morris Kuper - Cross

Q. It was fresher in your mind back in October of '95 than it is today, more than two years since then?

A. I don't know that it was fresher then than it is now.

Q. Well --

MR. RYAN: Your Honor, may I approach?

THE COURT: Yes.

BY MR. RYAN:

Q. Let me show you the interview of the FBI and direct your attention to this third paragraph and ask you to read that to yourself, please.

MR. NEUREITER: If I could have the date.

MR. RYAN: It's the first FBI 302.

THE COURT: October 24?

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

MR. NEUREITER: Third paragraph?

MR. RYAN: Just a second.

BY MR. RYAN:

Q. Have you read it?

A. Yes.

Q. Now, you told the FBI at that time, did you not, sir, that

the passenger was not as muscular as the driver?

A. I don't remember telling him that. That's what's written, but I do not remember describing him that way. I remember describing the T-shirt and the arm filling the shirt.

Q. And you also remember telling the FBI that the driver could

Morris Kuper - Cross

have made -- weighed as much as 210 pounds.

A. That's a possibility. I'm not a real good judge of weight from that distance.

Q. Well, did you get a good look?

A. From the distance, yes.

Q. Let me put on the -- on your screen there what's been received in evidence as Exhibit 421. Do you see that?

A. Yes.

Q. Does that look like somebody who weighs 210 pounds to you?

A. No. Still looks like somebody who weighs about 185, 190.

Q. You say the man that you saw was wearing pants. Is that correct?

A. Correct.

Q. Not jeans?

A. They were dark-colored. I didn't notice if they were jeans or exactly what the material make was.

Q. You told the FBI "pants"?

A. Pants.

Q. Now, when the -- after the bombing occurred, you went back outside; correct?

A. Correct.

Q. And you went to this same parking lot?

A. Correct.

Q. And you saw two men again about where you had seen them before the bombing; right?

Morris Kuper - Cross

A. Not quite the same place. A little closer to where my car would have been parked, exactly due north of me.

Q. And you thought these were the same two men?

A. No. I said I didn't think they were because these two men had white dress shirts. They weren't wearing ties but they were white shirts.

Q. Did you tell the FBI you were unable to tell whether they were the same men or not?

A. Correct.

I remember wanting a cigarette because they were lighting a cigarette and I smelled the smoke.

Q. And you say the FBI asked you if the men you saw were Terry Nichols and Tim McVeigh and they asked you that two or three times?

A. Correct.

MR. RYAN: No further questions, your Honor.

THE COURT: Any redirect?

REDIRECT EXAMINATION

BY MR. NEUREITER:

Q. There were some questions asked on cross-examination about why you did or did not tell the FBI some things. Did you have a serious illness?

A. I did.

Q. In the fall of 1995?

A. I did.

Morris Kuper - Redirect

Q. Was the illness so serious that it would have incapacitated you and made you unable to conduct an interview with anyone?

A. It did. I was off for almost five months from September through February of the next year.

Q. What was that illness, without prying into your personal situation?

A. Well, it -- my colon ruptured. I had diverticulosis and didn't know it. And the colon actually ruptured two times. And I stayed at home for four days like an idiot.

Q. So had you been able to and had the FBI asked, would you have informed them?

A. Yes. I informed them -- an E-mail was sent out through the company asking to talk to everybody in those parking lots. And when I got well enough to actually get on my PC and look at the E-mail, I responded saying, "Yes, I did see something but I will not be in until the end of October."

Q. After the bombing occurred, did you take some steps with your boss to go around the area --

A. Yes, we did.

Q. -- surrounding the building? And would you be able to, if asked, retrace with precision every single step you took that morning after the bombing?

A. Yes, I believe I could.

Q. And did you with the FBI take those precise steps?

A. Yes, I did.

Morris Kuper - Recross

MR. NEUREITER: I think I'm done. Pass the witness.

MR. RYAN: Just a couple more questions, your Honor.

THE COURT: All right.

RE-CROSS-EXAMINATION

BY MR. RYAN:

Q. Mr. Kuper, you got sick in September, 1995?

A. Yes, I did.

Q. But you were not sick from April 19 to the end of April?

A. No, I was not.

Q. Or May?

A. No.

Q. Or June?

A. No. But I did try to call them in April.

Q. Excuse me. June?

A. I did -- no.

Q. July?

A. No.

A. NO.

Q. August?

A. No.

Q. The time you took the steps with the FBI was in November of '95; is that correct?

A. Correct.

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

THE COURT: Are you excusing the witness?

MR. NEUREITER: Yes, your Honor.

THE COURT: All right. Is that agreed, Mr. Ryan?

MR. RYAN: Yes, your Honor.

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

I think we'll take our morning recess at this point.

MR. WOODS: Your Honor, may we approach the bench?

It

may help in scheduling matters.

THE COURT: All right.

(At the bench:)

(Bench Conference 109B3 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

(In open court:)

THE COURT: We've agreed to go ahead, as I said, to take the morning recess now. And we are moving along a little bit faster than scheduled, so that's probably favorable news for you, but -- and that's why we have a little -- a few changes in scheduling here; and thus, we were talking about it.

So we will at this time excuse you for the usual period of 20 minutes, or could be a few minutes longer, depending upon the need to confer with counsel. And of course, during this time, please do as you've been doing, withholding judgment in your own minds, withholding conversation with others about anything connected with the case, and being careful to avoid anything outside the evidence which could in any way seem to influence you in this case. You're excused now, 20 minutes.

(Jury out at 10:38 a.m.)

THE COURT: Okay. Counsel.

(At the bench:)

(Bench Conference 109B4 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

(In open court:)

THE COURT: All right. We'll be in recess, 20 minutes.

(Recess at 10:45 a.m.)

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REPORTER'S CERTIFICATE

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. Dated at Denver, Colorado, this 5th day of December, 1997.

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Paul Zuckerman

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