



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

\_\_\_\_\_)  
 JESSE C. TRENTADUE, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 CENTRAL INTELLIGENCE AGENCY, et al. )  
 )  
 Defendants. )  
 \_\_\_\_\_)

Civ. A. No. 2:08-CV-00788

**DECLARATION OF DAVID M. HARDY**

I, David M. Hardy, declare as follows:

(1) I am the Section Chief of the Record/Information Dissemination Section (“RIDS”), Records Management Division (“RMD”), formerly at Federal Bureau of Investigation Headquarters (“FBIHQ”) in Washington, D.C., and now relocated to Winchester, Virginia. I have held this position since August 1, 2002. Prior to joining the FBI, from May 1, 2001 to July 21, 2002, I was the Assistant Judge Advocate General of the Navy for Civil Law. In that capacity, I had direct oversight of Freedom of Information Act (“FOIA”) policy, procedures, appeals, and litigation for the Navy. From October 1, 1980 to April 30, 2001, I served as a Navy Judge Advocate at various commands and routinely worked with FOIA matters. I am also an attorney who has been licensed to practice law in the state of Texas since 1980.

(2) In my official capacity as Section Chief of RIDS, I supervise approximately 275 employees who staff a total of ten (10) units and two field operational service center units whose collective mission is to effectively plan, develop, direct, and manage responses to requests for

access to FBI records and information pursuant to the FOIA; Privacy Act; Executive Order 13526; Presidential, Attorney General, and FBI policies and procedures; judicial decisions; and Presidential and Congressional directives. The statements contained in this declaration are based upon my personal knowledge, upon information provided to me in my official capacity, and upon conclusions and determinations reached and made in accordance therewith.

(3) Due to the nature of my official duties, I am familiar with the procedures followed by the FBI in responding to requests for information from its files pursuant to the provisions of the FOIA, 5 U.S.C. § 552, and the Privacy Act of 1974, 5 U.S.C. § 552a. Specifically, I am aware of the treatment which has been afforded by the FBI in responding to plaintiff's October 12, 2008 FOIA requests.

(4) The FBI has processed and released a total of 164 pages and 30 videos responsive to plaintiff's requests. This declaration is being submitted in support of defendant FBI's motion for summary judgment.

#### **CORRESPONDENCE RELATING TO PLAINTIFF'S FOIA REQUESTS**

(5) By letter dated October 12, 2008, plaintiff submitted two separate FOIA requests, one to FBIHQ and one to the FBI's Oklahoma City Field Office ("OCFO") seeking:

"Copies of certain videotapes related to the April 19, 1995, Oklahoma City Bombing. First, pursuant to the Freedom of Information Act, I request a copy of all surveillance videos taken from the area surrounding the Alfred P. Murrah Building on April 19, 1995. These would include, but not be limited to videos taken from: (1) interior camera of Regency Tower Apartment; (2) exterior camera of Regency Tower Apartment; security camera from west corner of Murrah Building; and the security camera on south side of Journal Record Building. This request would also include the "[s]ecurity video tapes from the area [that] show the [Ryder] truck detonation 3 minutes and 6 seconds after the SUSPECTS exited the truck," which is referenced in the Secret Services' Log of Agents' Activities. I would also like copies of all reports, including 302's that describe and/or reference the FBI taking possession of these videotapes."

"Next, I am likewise writing to request a copy of all videotapes collected by the FBI and/or others in Oklahoma from April 15, 1995 through April 19, 1995. I am especially interested in those with footage of the Murrah Building, suspects in the Oklahoma City Bombing and/or government informants. Again, I would also like copies of all reports, including 302's that describe and/or reference the FBI taking possession of these videotapes."

"Finally, I would like a copy of the videotape taken from Oklahoma Highway Patrol Officer Charlie Hanger's patrol car, which recorded the arrest of Timothy McVeigh on April 19, 1995. I am particularly interested in the video of the pick-up truck that was accompanying McVeigh at the time of his arrest. Once more, I would also like copies of all reports, including 302's that describe and/or reference the FBI taking possession of this videotape." (See Exhibit A.<sup>1</sup>)

(6) By letter dated October 14, 2008, via facsimile, plaintiff requested confirmation of the FBI's receipt of his FOIA request. (See Exhibit B.)

(7) By letter dated October 14, 2008 via U.S. mail and by e-mail dated October 15, 2008, the FBI acknowledged receipt of plaintiff's FOIA requests. The FBI advised plaintiff that it was searching the indices to the Central Records System ("CRS") at FBIHQ and at the FBI's OCFO for responsive records, and that his requests were assigned FOIA Request Number 1120866. (See Exhibit C.)

(8) By letter dated January 23, 2008,<sup>2</sup> the FBI made its first interim release consisting of one copy of the videotape in its possession from the Oklahoma Highway Patrol/Trooper Charlie Hanger. The FBI released this tape in full without redactions and assessed \$15.00 for duplication of the DVD. (See Exhibit D.)

(9) By letter dated March 24, 2009, the FBI advised plaintiff that it had located

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<sup>1</sup> The material that plaintiff attached to his requests has been omitted from Exhibit A.

<sup>2</sup> The FBI noted the incorrect date on its letter. The actual date of the letter is January 23, 2009. As a courtesy to the plaintiff, the FBI released the Trooper Hanger videotape prior to the release of other responsive videotapes.

approximately 244 videotapes, as well as approximately 200 pages of supporting documentation responsive to his request. The FBI advised plaintiff that the search and duplication fees associated with his request totaled \$6,835; therefore, the FBI requested advance payment within sixty (60) days. **(See Exhibit E.)**

(10) By letter dated April 3, 2009, the FBI advised plaintiff that following its review of the Central Records System at FBIHQ, it was unsuccessful in locating FBIHQ records responsive to his request. The FBI advised plaintiff that he could administratively appeal the FBI's action to the Department of Justice, Office of Information Policy ("DOJ/OIP") within sixty (60) days from the date of the letter. **(See Exhibit F.)**

(11) By letter dated April 8, 2009, plaintiff indicated his willingness to reduce the scope of his FOIA request and accordingly limited his request for surveillance videotapes to the following: Murrah Federal Building; Journal Record Building; Regency Tower Apartment Building; U.S. Post Office; Water Resource Building; South West Bell Building; YMCA Building; U.S. Federal Courthouse; Old U.S. Federal Courthouse; Former Oklahoma City Main Library Building; and the parking lot security camera for the lot at the northwest corner of 6th Street and Hudson, N.W. Plaintiff noted that he especially wanted video coverage of the Murrah Building taken on the morning of April 19, 1995, specifically any video showing the Ryder truck. Moreover, plaintiff requested the approximately 200 pages of supporting documentation. **(See Exhibit G.)**

(12) By letter dated April 9, 2009, plaintiff wrote to the FBI's counsel stating that the videotape that the FBI released in response to his request for the Trooper Hanger videotape had

been edited. Plaintiff attached a newspaper article that he said discussed the tape. (See Exhibit H.)

(13) By letter dated April 13, 2009, plaintiff further defined/modified his request for videotapes from the Murrah Federal Building; Journal Record Building; Regency Tower Apartment Building; U.S. Post Office; Water Resource Building; South West Bell Building; YMCA Building; U.S. Federal Courthouse; Old U.S. Federal Courthouse; Former Oklahoma City Main Library Building; and the parking lot security camera for the lot at the northwest corner of 6th Street and Hudson, N.W. Plaintiff again noted that he especially wanted video coverage of the Murrah Building taken on the morning of April 19, 1995, specifically any video showing the Ryder truck. (See Exhibit I.)

(14) By letter dated April 23, 2009, the FBI advised plaintiff that it received his letters dated April 8 and April 13, 2009 advising his willingness to narrow the scope of his FOIA request for videotapes. The FBI requested advance payment in the amount of \$130.00 before it would begin processing his FOIA request. (See Exhibit J.)

(15) By letter dated April 26, 2009, the plaintiff wrote to FBI's counsel, indicating that he had mailed the requested advance payment. In addition, plaintiff inquired whether the FBI would be willing to send the original Trooper Hanger videotape to the FBI's Salt Lake City Field Office for plaintiff to view. (See Exhibit K.)

(16) By letter dated May 6, 2009, Kathy Wyer (FBI's Counsel) on behalf of the FBI advised plaintiff that his request to view the original Trooper Hanger videotape simply goes far beyond the scope of anything the FOIA requires, and that the FBI provided a complete and unedited copy of the Trooper Hanger videotape. (See Exhibit L.)

(17) By letter dated April 9, 2009,<sup>3</sup> the plaintiff wrote to FBI's counsel, requesting that the FBI reconsider its rejection of his request to view the original Trooper Hanger videotape.

**(See Exhibit M.)**

(18) By letter dated May 28, 2009, the FBI advised plaintiff it had reviewed 200 pages of supporting documentation and was releasing 164 pages in whole or in part to plaintiff. The FBI assessed duplication fees of \$6.40 for its release of these documents to plaintiff. The FBI withheld information pursuant to FOIA Exemptions (b)(3), (b)(6) and (b)(7)(C). Additionally, the FBI referred material which originated with other government agencies to those agencies for a direct response to the plaintiff.<sup>4</sup> Furthermore, the FBI advised plaintiff he could administratively appeal the FBI's action to DOJ/OIP within sixty (60) days from the date of the letter. **(See Exhibit N.)**

(19) By letter dated June 23, 2009, the FBI released to plaintiff twenty-three (23) DVDs in their entirety, responsive to his request. The DVDs consisted of surveillance footage from the Journal Record Building (2 DVDs); Oklahoma City Public Library (1 DVD); U.S. Post Office (2 DVDs); and Southwestern Bell Building (18 DVDs). The FBI assessed duplication fees in the amount of \$345.00 to plaintiff. **(See Exhibit O.)**

(20) By letter dated July 16, 2009, the FBI released to plaintiff six (6) DVDs in their entirety, responsive to his request. The DVDs consisted of surveillance footage from the

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<sup>3</sup> The plaintiff noted the incorrect date on his letter. The actual date of his letter is May 8, 2009.

<sup>4</sup> The FBI referred 35 pages to the Federal Emergency Management Agency ("FEMA") and one page to the General Services Administration ("GSA") for direct responses to the plaintiff.

Regency Tower Building. The FBI assessed duplication fees in the amount of \$90.00. (See Exhibit P.)

(21) By letter dated August 21, 2009, FEMA provided a direct response to plaintiff regarding the FBI's referral of thirty-five (35) pages of responsive supporting documentation. FEMA provided the FBI with a copy of its response. (See Exhibit Q.)

(22) By letter dated October 7, 2009, the plaintiff wrote to FBI's counsel, providing a list of "missing tapes" that he had not received in response to his FOIA request, and specifically identifying videotapes of a "Ryder truck pulling up to the Federal Building" immediately before the bombing as one of the videotapes missing. Plaintiff attached to this letter a document entitled "Oklahoma City, OK Bombing Timeline," which included reference to security video footage of such a Ryder truck. The plaintiff also asked again to view the original Trooper Hanger videotape. (See Exhibit R.)

(23) By letter dated November 23, 2009, the FBI responded to plaintiff's letters of April 13 and October 7, 2009 concerning videotapes showing the Ryder truck. The FBI advised plaintiff that it did not locate any such videotape during its search for records responsive to his request. Additionally, the FBI responded to the plaintiff's statement that he had a "government document" showing a Ryder truck. The FBI identified the timeline attached to plaintiff's letter as a Secret Service timeline, and provided plaintiff with a copy of an April 20, 2004, *USA Today* article reporting on the testimony of a Secret Service agent, at the trial of Terry Nichols, that the government had no knowledge of the existence of any videotape such as that referenced in the timeline. (See Exhibit S.)

(24) By letter dated April 9, 2009,<sup>5</sup> plaintiff wrote to the FBI, inquiring again regarding videotapes from the Murrah Federal Building. (**See Exhibit T.**)

(25) By letter dated February 1, 2010, plaintiff wrote to the FBI, inquiring again regarding videotapes from the Murrah Federal Building, Water Resource Building, YMCA Building, U.S. Federal Courthouse, Old U.S. Federal Courthouse, and the parking lot located at the northwest corner of 6th Street and Hudson, N.W. Plaintiff again inquired about video surveillance showing the Ryder truck. (**See Exhibit U.**)

(26) Although the FBI had referred a one-page document to the GSA for a direct response to plaintiff, after the GSA processed this one-page document, it returned the document to the FBI and requested that the FBI send it to plaintiff. By letter dated April 29, 2010, the FBI provided plaintiff with the GSA's response regarding the one-page document the FBI referred to the GSA on or about May 27, 2009. (**See Exhibit V.**)

#### **EXPLANATION OF THE FBI'S CENTRAL RECORDS SYSTEM**

(27) The Central Records System ("CRS") enables the FBI to maintain information which it has acquired in the course of fulfilling its mandated law enforcement responsibilities. The records maintained in the CRS consist of administrative, applicant, criminal, personnel, and other files compiled for law enforcement purposes. This system consists of a numerical sequence of files, called FBI "classifications," which are broken down according to subject matter. The subject matter of a file may relate to an individual, organization, company, publication, activity, event, or foreign intelligence matter (or program). Certain records in the CRS are maintained at

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<sup>5</sup> The plaintiff noted the incorrect date on his letter. The actual date of his letter is January 22, 2010.



FBIHQ, whereas records that are pertinent to specific field offices of the FBI are maintained in those field offices. Although the CRS is primarily designed to serve as an investigative tool, the FBI searches the CRS for documents that are potentially responsive to FOIA/Privacy Act requests. The mechanism that the FBI uses to search the CRS is the Automated Case Support System (“ACS”).

(28) On or about October 16, 1995, the ACS system was implemented for all Field Offices, Legal Attaches (“Legats”), and FBIHQ in order to consolidate portions of the CRS that were previously automated. ACS can be described as an internal computerized subsystem of the CRS. Because the CRS cannot electronically query the case files for data, such as an individual’s name or social security number, the required information is duplicated and moved to the ACS so that it can be searched. More than 105 million records from the CRS were converted from automated systems previously utilized by the FBI. Automation did not change the CRS; instead, automation has facilitated more economic and expeditious access to records maintained in the CRS.

(29) The retrieval of data from the CRS is made possible through the ACS using the General Indices, which are arranged in alphabetical order.<sup>6</sup> Entries in the General Indices fall into two categories:

- (a) A “main” entry — A “main” entry, or “main” file, carries the name corresponding with a subject of a file contained in the CRS.
- (b) A “reference” entry — “Reference” entries, sometimes called “cross-references” are generally only a mere mention or reference to an individual, organization, or other subject matter contained in

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<sup>6</sup> The General Indices, which became fully automated on September 24, 1987, also include Index cards which allow a manual search for records prior to that date.

a document located in another "main" file on a different subject matter.

(30) Searches made in the General Indices to locate records concerning a particular subject, such as the Oklahoma City Bombing ("OKBOMB"), are made by searching the subject requested in the index.

(31) The ACS consists of three integrated, yet separately functional, automated applications that support case management functions for all FBI investigative and administrative cases:

(a) Investigative Case Management ("ICM") – ICM provides the ability to open, assign, and close investigative and administrative cases as well as set, assign, and track leads. The Office of Origin ("OO"), which sets leads for itself and other field offices, as needed, opens a case. The field offices that receive leads from the OO are referred to as Lead Offices ("LOs"). When a case is opened, it is assigned a Universal Case File Number ("UCFN"), which is used by FBIHQ, as well as all FBI field offices and Legats that are conducting or assisting in the investigation. Using fictitious file number "111-HQ-12345" as an example, an explanation of the UCFN is as follows: "111" indicates the classification for the specific type of investigation; "HQ" is the abbreviated form used for the Office of Origin of the investigation, which in this case is FBI Headquarters; and "12345" indicates the individual case file number for the particular investigation.

(b) Electronic Case File ("ECF") – ECF serves as the central electronic repository for the FBI's official text-based documents. ECF supports the universal serial concept in that only the creator of a document serializes it into a file. This provides a single-source entry of serials into the computerized ECF system. All original serials are maintained in the OO case file.

(c) Universal Index (“UNI”) – UNI continues the universal concepts of ACS by providing a complete subject/case index to all investigative and administrative cases. Only the OO is required to index; however, the LOs may index additional information as needed. UNI, an index of approximately 108.5 million records, functions to index names to cases, and to search names and cases for use in FBI investigations. Names of individuals or organizations are recorded with identifying applicable information such as date or place of birth, race, sex, locality, Social Security number, address, and/or date of event.

(32) The decision to index names other than subjects, suspects, and victims is a discretionary decision made by the FBI Special Agent (“SA”) - and on occasion, support employees - assigned to work on the investigation, the Supervisory SA (“SSA”) in the field office conducting the investigation, and the SSA at FBIHQ. The FBI does not index every name in its files; rather, it indexes only that information considered to be pertinent, relevant, or essential for future retrieval. Without a “key” (index) to this enormous amount of data, information essential to ongoing investigations could not be readily retrieved. The FBI files would thus be merely archival in nature and could not be effectively used to serve the mandated mission of the FBI, which is to investigate violations of federal criminal and national security statutes. Therefore, the General Indices to the CRS files are the means by which the FBI can determine what retrievable information, if any, the FBI may have in its CRS files on a particular subject matter or individual, i.e., OKBOMB.

**SEARCH FOR RECORDS RESPONSIVE TO PLAINTIFF'S REQUESTS**

(33) In response to plaintiff's FOIA requests directed to FBIHQ and the OCFO concerning videotapes and records pertaining to the Oklahoma City bombing, RIDS personnel were assigned to conduct a search of the CRS through the General Indices. These personnel determined that any files likely to contain records responsive to plaintiff's request would be identifiable through their connection to the Oklahoma City bombing. Therefore, RIDS personnel used the search term OKBOMB in order to search the CRS to locate main investigatory files or references concerning the Oklahoma City bombing maintained at FBIHQ and/or the OCFO. As a result of the FBI's search efforts, one Oklahoma City main file (174-OC-56120) was identified as potentially responsive to plaintiff's requests. From handling prior FOIA requests for information contained in the OKBOMB file, RIDS personnel had institutional knowledge that a ZyIndex (see description of ZyIndex at ¶34) had been created for the OKBOMB investigatory file located at OCFO. ZyIndex would enable FBI personnel to perform text searches within the OKBOMB file for potentially responsive records. Therefore, RIDS personnel contacted OCFO for assistance in locating any and all responsive records, including videotapes, within the OKBOMB file.

**THE ADDITIONAL EXTRAORDINARY SEARCH  
FOR RECORDS RESPONSIVE TO PLAINTIFF'S REQUESTS**

(34) In addition to the FBI's search of the CRS for material responsive to plaintiff's requests, the OCFO conducted an additional extraordinary search for responsive material by using a specialized software tool called ZyIndex. ZyIndex is not a shared drive, but rather an automated system component which was installed at the OCFO especially for use by the OKBOMB Task Force. ZyIndex is an off-the-shelf software application that indexes words and phrases to allow an electronic retrieval of documents. Duplicate copies of documents already

indexed into the FBI's CRS, including FD-302s and/or FD-192s that recorded the FBI's collection of materials during the OKBOMB investigation, were either retyped or uploaded from a floppy disk into the ZyIndex to allow an investigator quick retrieval of all documents that mentioned a particular name. ZyIndex allows the FBI to perform full text searches of documents that have been input into the ZyIndex. ZyIndex also allows for the retrieval of evidence, such as videotapes, by searching terms like -- surveillance, video, tape, and camera.

(35) In an effort to locate material responsive to plaintiff's requests, OCFO personnel conducted burdensome text searches<sup>7</sup> of the ZyIndex using the following search terms, including spelling and wording variations: Murrah Federal Building; Journal Record Building; Regency Tower Apartment Building; U.S. Post Office; Water Resource Building; South West Bell Building; YMCA Building; U.S. Federal Courthouse; Old U.S. Federal Courthouse; Former Oklahoma City Main Library Building; parking lot at the northwest corner of 6th Street and Hudson, N.W.; Ryder truck; Hanger; Oklahoma Highway Patrol; OHP. OCFO personnel also conducted burdensome "generic" text searches using terms: surveillance; video; tape; and camera. These generic text searches produced hits that OCFO personnel then reviewed for responsiveness.

(36) Due to institutional knowledge of the OCFO FBI personnel, who have maintained the OKBOMB file since 1995 and who are most familiar with the OKBOMB file, the Trooper

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<sup>7</sup> ZyIndex is not available for all main investigatory files. Additionally, the FBI does not routinely conduct text searches using the ZyIndex because these searches produce an extraordinary amount of non-responsive material. Additionally, FBI personnel expend an enormous amount of time and money that is grossly disproportionate to any potentially responsive documents discovered. An exception was made in this case because of the specificity of plaintiff's FOIA requests. The FBI estimates that it expended approximately 140 hours of manpower searching for and retrieving all responsive material to plaintiff's FOIA requests.

Hanger video was located. OCFO personnel advised RIDS personnel that the FBI maintained only a "copy" of the original video. The original Trooper Hanger video is retained by the Oklahoma Highway Patrol. Additionally, OCFO personnel performed a ZyIndex search for supporting documentation pertaining to the Hanger video, and for any other copies of the Hanger video, using the search terms listed in paragraph 35.

### **RESULTS OF THE SEARCH**

(37) The FBI located 200 pages of supporting documentation responsive to plaintiff's FOIA requests.<sup>8</sup> The material was processed and released with minimal withholdings pursuant to FOIA Exemptions (b)(3), (b)(6), and (b)(7)(C). The FBI reviewed all the material to achieve maximum disclosure consistent with the access provisions of the FOIA. The FBI made every effort to provide plaintiff with all reasonably segregable portions of the releasable material. The plaintiff has indicated that he is not challenging the FOIA Exemptions asserted by the FBI with respect to these 200 pages of supporting documentation.

(38) The FBI located 30 videotapes responsive to plaintiff's narrowed FOIA requests.<sup>9</sup> The FBI provided unprocessed, unedited, true and accurate copies of all 30 videotapes to plaintiff. The FBI released these videotapes in full, without redactions.<sup>10</sup>

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<sup>8</sup> The FBI referred 35 pages of material to FEMA and one page to GSA for direct responses to the plaintiff. The plaintiff has received responses from both of these agencies.

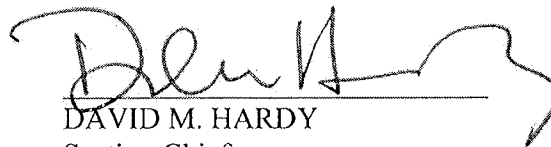
<sup>9</sup> Summary of 30 videotapes: Trooper Hanger (1); Journal Record Building (2); Oklahoma City Library (1); U.S. Post Office (2); Southwestern Bell Building (18); and Regency Tower Building (6).

<sup>10</sup> Although accounted for above, the Trooper Hanger videotape merits separate discussion because of plaintiff's allegations that the FBI provided him with an edited version. As stated in this paragraph, this is a true and accurate copy of the only copy of the Hanger videotape which the FBI located in its search.

(39) After the FBI provided plaintiff with the records that it had located, plaintiff made several inquiries about why the FBI did not produce videotapes for the Murrah Federal Building, Water Resource Building, YMCA Building, U.S. Federal Courthouse, Old U.S. Federal Courthouse, parking lot located at the northwest corner of 6th Street and Hudson, N.W., as well as surveillance showing a Ryder truck. However, plaintiff did not suggest a location where these tapes might be found, other than the locations that the FBI had already searched, and his inquiries did not raise a suggestion of any new search terms that might be used. RIDS personnel consulted with the OCFO after each of plaintiff's inquiries, but the Field Office did not have any new ideas on how to locate additional material. Instead, the FBI concluded after these inquiries that all locations likely to contain responsive records had already been searched, and that all search terms likely to lead to these records had already been employed. After being contacted about plaintiff's inquiries, OCFO personnel with institutional knowledge of OKBOMB recalled, and located through a ZyIndex search, an Investigative Report from Timothy McVeigh's defense team (report was provided to the FBI through discovery). While this document is not responsive to plaintiff's FOIA requests, the FBI reviewed the document in an effort to be thorough in responding to plaintiff's requests and inquiries. The document references a statement by one individual that the Murrah Federal Building surveillance cameras were not hooked up after the installation of a new security system two years before the Oklahoma City bombing. (See Exhibit W).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct, and that Exhibits A through W attached hereto are true and correct copies.

Executed this 16<sup>th</sup> day of July, 2010.

A handwritten signature in black ink, appearing to read "David M. Hardy", written over a horizontal line.

DAVID M. HARDY  
Section Chief  
Record/Information Dissemination  
Section  
Records Management Division  
Federal Bureau of Investigation  
Winchester, Virginia



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

<hr/>		)	
JESSE C. TRENTADUE,		)	
		)	
Plaintiff,		)	
		)	
v.		)	Civ. A. No. 2:08-CV-00788
		)	
CENTRAL INTELLIGENCE AGENCY, <u>et al.</u>		)	
		)	
Defendants.		)	
<hr/>		)	

EXHIBIT A

## FREEDOM OF INFORMATION ACT REQUEST

**JESSE C. TRENTADUE**

8 East Broadway, Suite 200

Salt Lake City, Utah 84111

Phone: (801) 278-0114

Fax: (801) 532-7355

jesse32@sautah.com

October 12, 2008

Federal Bureau of Investigation  
935 Pennsylvania Ave. N.W..  
Washington, D.C. 20535-0001

FBI Record Information/Dissemination Section  
170 Marcel Drive  
Winchester, VA 22602-4843

Special Agent In Charge  
Federal Bureau of Investigation  
Oklahoma City Field Office  
3301 West Memorial Road  
Oklahoma City, OK. 73099

Dear Sir/Madam:

Pursuant to the *Freedom of Information Act*, 5 U.S.C. §§ 552 *et seq.*, I am writing to request copies of certain videotapes related to the April 19, 1995, Oklahoma City Bombing. First, pursuant to the *Freedom of Information Act*, I request a copy of **all surveillance videos taken from the area surrounding the Alfred P. Murrah Building on April 19, 1995**. These would include, but not be limited to videos taken from: (1) interior camera of Regency Tower Apartment; (2) exterior camera of Regency Tower Apartment; security camera from west corner of Murrah Building; and the security camera on south side of Journal Record Building. This request would also include the “[s]ecurity video tapes from the area [that] show the [Ryder] truck detonation 3 minutes and 6 seconds after the SUSPECTS exited the truck,” which is referenced in the Secret Services’ *Log of Agents’ Activities*. I would also like copies of all reports, including 302's that describe and/or reference the FBI taking possession of these videotapes.

Next, I am likewise writing to request a copy of **all videotapes collected by the FBI and/or others in Oklahoma from April 15, 1995 through April 19, 1995**. I am especially interested in those with footage of the Murrah Building, suspects in the Oklahoma City Bombing and/or government informants. Again, I would also like **copies of all reports, including 302's that describe and/or reference the FBI taking possession of these videotapes**.

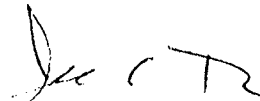
Finally, I would like a copy of **the videotape taken from Oklahoma Highway Patrol Officer Charlie Hanger's patrol car, which recorded the arrest of Timothy McVeigh on April 19, 1995**. I am particularly interested in the video of the pick-up truck that was accompanying McVeigh at the time of his arrest. Once more, I would also like **copies of all reports, including 302's that describe and/or reference the FBI taking possession of this videotape**.

For your information and assistance in identifying and locating these materials, it may help you to know that these same videotapes were the subject of a *Freedom of Information Act* lawsuit in 1998. That case was captioned *David Hoffman v. United States Department of Justice*; it was brought in the United States District Court for the Western District of Oklahoma; and it was CIV-98-1733-A.

In that lawsuit, the FBI acknowledged the existence at least 23 such videotapes but asked the Court to deny Mr. Hoffman's request for them based upon *Exemption 7A* of *FOIA*. *Exemption 7A* allows the FBI to withhold materials-evidence if the release of such could interfere with an ongoing criminal proceeding. The Court sided with the FBI, and refused to order the release of the tapes.

But there are no longer any ongoing criminal proceedings in this matter, which means *Exemption 7A* does not apply. That point aside, however, I have enclosed a copy of the *Hoffman* Court's *Order* describing the location of these videotapes within the FBI's evidence keeping system. Armed with that *Order*, I trust that it will not be difficult for you to find and produce these tapes, reports and 302's to me.

I thank you in advance for your prompt reply.

  
Jesse C. Trentadue

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

_____	)	
JESSE C. TRENTADUE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. A. No. 2:08-CV-00788
	)	
CENTRAL INTELLIGENCE AGENCY, <u>et al.</u>	)	
	)	
Defendants.	)	
_____	)	

EXHIBIT B

OCT. 14. 2008 4:16PM

SUITTER\_AXLAND

NO. 890 P. 1

**FREEDOM OF INFORMATION ACT REQUEST**

**JESSE C. TRENTADUE**

8 East Broadway, Suite 200

Salt Lake City, Utah 84111

Phone: (801) 278-0114

Fax: (801) 532-7355

jesse32@sautah.com

October 14, 2008

Via facsimile  
Federal Bureau of Investigation  
935 Pennsylvania Ave. N.W..  
Washington, D.C. 20535-0001

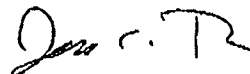
FBI Record Information/Dissemination Section  
170 Marcel Drive  
Winchester, VA 22602-4843

Special Agent In Charge  
Federal Bureau of Investigation  
Oklahoma City Field Office  
3301 West Memorial Road  
Oklahoma City, OK. 73099

Dear Sir/Madam:

Could you please confirm by e-mail or facsimile your receipt of my *Freedom of Information Act* request for videotapes and related documents involving the Oklahoma City Bombing. That request was sent to you by facsimile on October 12, 2008.

Thank you.

  
Jesse C. Trentadue

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

_____	)	
JESSE C. TRENTADUE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. A. No. 2:08-CV-00788
	)	
CENTRAL INTELLIGENCE AGENCY, <u>et al.</u>	)	
	)	
Defendants.	)	
_____	)	

EXHIBIT C



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

October 14, 2008

MR. JESSE C. TRENTADUE  
SUITE 200  
8 EAST BROADWAY  
SALT LAKE CITY, UT 84111

Request No.: 1120866- 000  
Subject: OKBOMB/VIDEOTAPES

Dear Mr. Trentadue:

- This acknowledges receipt of your Freedom of Information-Privacy Acts (FOIPA) request to the FBI. The FOIPA number listed above has been assigned to your request.
- For an accurate search of our records, please provide the complete name, alias, date and place of birth for the subject of your request. Any other specific data you could provide such as prior addresses, or employment information would also be helpful. If your subject is deceased, please include date and proof of death.
- To make sure information about you is not released to someone else, we require your notarized signature or, in place of a notarized signature, a declaration pursuant to Title 28, United States Code 1746. For your convenience, the reverse side of this letter contains a form which may be used for this purpose.
- If you want the FBI's Criminal Justice Information System (CJIS) to perform a search for your arrest record, please follow the enclosed instructions in Attorney General Order 556-73. You must submit fingerprint impressions so a comparison can be made with the records kept by CJIS. This is to make sure your information is not released to an unauthorized person.
- We are searching the indices to our central records system at FBI Headquarters and at the FBI field office in Oklahoma City for the information you requested, and will inform you of the results as soon as possible.
- Processing delays have been caused by the large number of requests received by the FOIPA. We will process your request(s) as soon as possible.

Your request has been assigned the number indicated above. Please use this number in all correspondence with us. Your patience is appreciated.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", is written over the "Sincerely yours," text.

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division

**From:** Comer, Matthew C.  
**Sent:** Wednesday, October 15, 2008 10:51 AM  
**To:** jesse32@sautah.com  
**Subject:** FOIPA Request

Dear Mr. Trentadue,

FOIPA Number: 1120866

Subject: OKBomb/Videotapes

This is to acknowledge receipt of your Freedom Of Information-Privacy Act request to the FBI. The FOIPA number above has been assigned to your request.

We are searching the indices to our central records system at FBI Headquarters and the FBI field office in Oklahoma City for the information you requested. We will inform you of the results of this search as soon as possible.



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

_____	)	
JESSE C. TRENTADUE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. A. No. 2:08-CV-00788
	)	
CENTRAL INTELLIGENCE AGENCY, <u>et al.</u>	)	
	)	
Defendants.	)	
_____	)	

EXHIBIT D



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

January 23, 2008

MR. JESSE C. TRENTADUE  
SUITE 200  
8 EAST BROADWAY  
SALT LAKE CITY, UT 84111

*Jesse C. Trentadue v. FBI*  
*Civil Action Number: 2:08-cv-00788*  
FOIA Request No.: 1120866- 000  
Subject: OKBOMB/VIDEOTAPES

Dear Mr. Trentadue:

This is in response to your Freedom of Information Act (FOIA) request referenced above, seeking "the videotape taken from the Oklahoma Highway Patrol Officer Charlie Hanger's patrol car, which recorded the arrest of Timothy McVeigh on April 19, 1995."

In an effort to expedite the release of information to you, enclosed is an interim release of material consisting of one DVD labeled "OHP Vehicle Search - McVeigh." The enclosed DVD is being furnished to you in its entirety.

The duplication fee per DVD is \$15.00. Please submit your check or money order in the amount of \$15.00, payable to the Federal Bureau of Investigation, upon receipt of this release. To ensure proper credit of your payment, please include FOIA request number 1120866 with your payment.

We continue to search the indices to our Central Records System at FBI Headquarters and at the FBI field office in Oklahoma City for additional information responsive to your FOIA request, and will inform you of the results as soon as possible. Your patience is appreciated.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D Hardy", is positioned above the typed name of David M. Hardy.

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division

Enclosure

cc: Kathryn L. Wyer (w/o encl.)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

_____	)	
JESSE C. TRENTADUE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. A. No. 2:08-CV-00788
	)	
CENTRAL INTELLIGENCE AGENCY, <u>et al.</u>	)	
	)	
Defendants.	)	
_____	)	

EXHIBIT E



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

March 24, 2009

MR. JESSE C. TRENTADUE  
SUITE 200  
8 EAST BROADWAY  
SALT LAKE CITY, UT 84111

Jesse C. Trentadue v. FBI  
Civil Action Number: 2:08-cv-00788  
FOIA Request No.: 1120866-000  
Subject: OKBOMB/VIDEOTAPES

Dear Mr. Trentadue:

This is in response to your Freedom of Information Act (FOIA) request referenced above.

Search Fees (28 C.F.R. § Section 16.11(c)(1)):

Search fees are computed for each quarter hour spent on searching and retrieving the potentially responsive material outlined in your FOIA request. For each quarter hour spent by clerical personnel, research fees will be assessed in the amount of \$4.00. For each quarter hour spent by professional personnel, the fees will be assessed in the amount of \$7.00. Moreover, for each quarter hour spent by managerial personnel, the assessed fees will be in the amount of \$10.25. Search fees will be assessed even if the records located are entirely exempt from disclosure pursuant to FOIA exemptions. No search fees are assessed for the first two hours of search time. We estimate that the FBI will absorb approximately 130 hours of search time on your FOIA request. Therefore, to date, we estimate search fees to be \$3,165. It is emphasized that this is only an estimate; and that the actual charges, after completion of processing of these records could change.

Duplication Fees (28 C.F.R. § 16.11(c)(2)):

Documents which appear to be responsive to your FOIA request consist of approximately 244 videos, along with approximately 200 pages of supporting documentation. If all videos and pages are determined to be releasable, duplication costs of \$3,870 could result, representing a charge of \$15 per video and ten cents per page for supporting documentation. No fees are assessed for the first 100 pages of duplication. It is emphasized that this is only an estimate; and that the actual charges, after completion of processing of these records, will most likely be less. No duplication fees will be charged for pages that are withheld in their entirety pursuant to any FOIA exemptions.

Advance Payment (28 C.F.R. § 16.11(i)):

When anticipated fees exceed \$250, an advance payment of an amount up to the estimated fees may be required. Therefore, payment in full is requested. Please send a check or money order, payable to the Federal Bureau of Investigation in the amount of \$6,835. Please include the above-referenced FOIA request number with your payment. If we do not receive this payment within sixty (60) days from the date of this letter, your request will be closed. If you wish to discuss alternative payment methods, please contact David P. Sobonya, Public Information Officer at (540) 868-4593.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", is written over the typed name.

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division

cc: Kathryn L. Wyer, Esquire  
Civil Division - Federal Programs Branch

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

_____	)	
JESSE C. TRENTADUE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. A. No. 2:08-CV-00788
	)	
CENTRAL INTELLIGENCE AGENCY, <u>et al.</u>	)	
	)	
Defendants.	)	
_____	)	

EXHIBIT F



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

April 3, 2009

MR. JESSE C. TRENTADUE  
SUITE 200  
8 EAST BROADWAY  
SALT LAKE CITY, UT 84111

FOIA Request No.: 1120866-000  
Subject: OKBOMB/VIDEOTAPES

Dear Mr. Trentadue:

This is in response to your Freedom of Information Act (FOIA) request referenced above for FBI Headquarters ("FBIHQ") records.

To respond promptly to your request, we concentrated on identifying main files in the Central Records System at FBIHQ. No records responsive to your FOIA request were located by a search of the automated indices at FBIHQ.

You may file an administrative appeal by writing to the Director, Office of Information Policy, United States Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, within sixty days from the date of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIA number assigned to your request so that it may be easily identified.

Enclosed for your information is a copy of the FBI File Fact Sheet.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", is positioned above the typed name of the sender.

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division

cc: Kathryn L. Wyer, Esquire  
Civil Division - Federal Programs Branch

## FBI FILE FACT SHEET

- The primary function of the FBI is law enforcement.  
**The FBI does not keep a file on every citizen of the United States.**
- **The FBI was not established until 1908 and we have very few records prior to the 1920's.**
- **FBI files generally contain reports of FBI investigations of a wide range of matters, including counterterrorism, foreign counter-intelligence, organized crime/drugs, violent crime, white-collar crime, applicants, and civil rights.**
- **The FBI does not issue clearances or nonclearances for anyone other than its own personnel or persons having access to FBI facilities.** Background investigations for security clearances are conducted by many different Government agencies. Persons who received a clearance while in the military or employed with some other government agency should write directly to that entity.
- **An FBI Identification record or "rap sheet" is NOT the same as an FBI "file" - it is simply a listing of information taken from fingerprint cards submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. The subject of a "rap sheet" may obtain a copy by submitting a written request to FBI, CJIS Division, Attn: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306. Each request must have proof of identity which shall consist of **name, date and place of birth and a set of rolled-ink fingerprint impressions** placed upon fingerprint cards or forms commonly utilized for applicant or law enforcement purposes by law enforcement agencies, plus **payment of \$18.00** in the form of a certified check or money order, payable to the Treasury of the United States.**
- **The National Name Check Program (NNCP)** conducts a search of the FBI's Universal Index to identify **any** information contained in FBI records that may be associated with an individual and provides the results of that search to the requesting Federal, State or local agency. For the NNCP, a name is searched in a multitude of combinations and phonetic spellings to ensure all records are located. The NNCP also searches for both "main" and "cross reference" files. A main file is an entry that carries the name corresponding to the subject of a file while a cross reference is merely a mention of an individual contained in a file. The results from a search of this magnitude can result in several "hits" and "idents" on an individual. In each instance where UNI has identified a name variation or reference, information must be reviewed to determine whether it is applicable to the individual in question.
- **The Record/Information Dissemination Section/Freedom of Information-Privacy Acts (FOIPA)** search for records provides copies of FBI files relevant to a FOIPA request for information. FOIPA provides responsive documents to requesters seeking "reasonably described information." For a FOIPA search, the subject name, event, activity, business, or event is searched to determine whether there is an investigative file associated with the subject. This is called a "main file search" and differs from The NNCP search.

**FOR GENERAL INFORMATION ABOUT THE FBI,  
CHECK OUT OUR WEBSITE AT  
<http://www.fbi.gov>**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

_____	)	
JESSE C. TRENTADUE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. A. No. 2:08-CV-00788
	)	
CENTRAL INTELLIGENCE AGENCY, <u>et al.</u>	)	
	)	
Defendants.	)	
_____	)	

EXHIBIT G



SUITTER AXLAND, PLLC

Judge Building  
8 East Broadway, Suite 200  
Salt Lake City, Utah 84111  
Telephone: (801) 532-7300  
Facsimile: (801) 532-7355

E-mail: jesse32@sautah.com  
www.sautah.com

Jesse C. Trentadue

April 8, 2009

**VIA E-MAIL AND U.S. MAIL**

Ms. Kathryn L. Wyer, Esq.  
Assistant U.S. Attorney  
20 Massachusetts Avenue N.W.  
Washington, D.C. 20530

Mr. Jared C. Bennett  
Assistant United States Attorney  
185 South State Street, #300  
Salt Lake City, Utah 84111

Re: *Trentadue v. CIA, et. al.*  
Case No. 2:08-CV-788-CW  
Hardy Letter of March 24, 2009

Dear Ms Wyer and Mr. Bennett:

I am writing in response to the letter dated March 24, 2009, that I received from Mr. David M. Hardy, Section Chief of the FBI's *Records Management Division*. Mr. Hardy wrote me regarding the surveillance tapes and related documents that are the subject of the above captioned case that is currently pending in the District of Utah. The substance of Mr. Hardy's letter was to inform me that the FBI had 244 surveillance videotapes and approximately 200 pages of supporting documentation which would be released to me upon advance payment of \$6,835, and that if I do not pay this money within 60 days, "your request will be closed." For your reference, a copy of Mr. Hardy's letter is enclosed.

There are a number of troubling things about that letter. To begin with, we are beyond the administrative proceeding in this matter. I have exhausted my administrative remedies and have brought an action to obtain these records, and the FBI has until April 13, 2009, in which to respond. And I do not consider Mr. Hardy's letter to be an acceptable response. Nor do I believe Mr. Hardy can make this lawsuit disappear by closing my *FOIA* request for non-payment of the \$6,835.

Another troubling thing to me about Mr. Hardy's letter is the inconsistency of that response with an earlier *FOIA* request to the FBI by David Hoffman for the same materials. Mr. Hoffman request was made in 1999, two years after the McVeigh trial. In

Kathryn L. Weyer, Esq.  
Jared C. Bennett, Esq.  
April 8, 2009  
Page 2

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response Hoffman's request, the FBI found a total of 23 surveillance videotapes and 1,950 pages of related documents. Interestingly, one of these videotapes and 1,500 pages of documents were being secreted at FBI Headquarters, with the remainder being housed at the FBI Oklahoma City Field Office.<sup>1</sup>

The FBI asserted the ongoing criminal proceedings exemption contained in section 7(A) of *FOIA* as the basis for not releasing these materials. Hoffman sued to obtain the videotapes and documents but lost. Judge Alley of the United States District Court for the Western District of Oklahoma entered an *Order* denying Hoffman access to these records because of then ongoing McVeigh and Nichols cases, which have long since concluded. I file an identical request as Hoffman's, and now there are suddenly 244 tapes but only 200 pages of documents! Moreover, it will cost me almost \$7,000 to obtain these tapes and documents; whereas the cost to Hoffman would only have been a few hundred dollars.

Given the detailed description of both Hoffman's *FOIA* request and the FBI's response to that request contained in Judge Alley's *Order*, I think the sudden increase in the number of tapes may be a tactic on the part of Mr. Hardy to deny me access to these materials. Similarly, the sudden disappearance of 1,700 pages of responsive documents appears to be an attempt at concealment. But more importantly, all of this has the aroma of "bad faith" on the part of your clients.

But the most troubling thing about Mr. Hardy's letter are his repeated references to provisions of the *Code of Federal Regulations* governing how the FBI is to respond to *FOIA* requests. This appears to be an attempt by Mr. Hardy to pull this lawsuit back into the *FOIA* administrative quagmire for which the FBI is so famous. The FBI is renown for delaying responses to *FOIA* requests for years even decades.

It is my position that those provisions of the *Code of Federal Regulations* regarding prepayment to which Mr. Hardy refers have no application now that we are in federal court. But if they do, then Mr. Hardy has omitted some very important counterbalancing prepayment provisions. For example, he omits any reference to 28 *C.F.R.* §16.11(e), which provides that: "A notice . . . [of anticipated fees] will offer the requester an opportunity to discuss the matter with Department personnel in order

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<sup>1</sup> I understand that then Attorney General Reno also had a copy of the same videotape that was being secured at FBI Headquarters.

Kathryn L. Weyer, Esq.  
Jared C. Bennett, Esq.  
April 8, 2009  
Page 3

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to reformulate the request to meet the requester's needs at a lower cost." (emphasis added). That certainly was not done. There is no mention of this compromise provision in Mr. Hardy's letter to me.

While I do not agree that the *Code of Federal Regulations* have any applicability now that we are in federal court, I am willing to compromise under *Federal Rule of Evidence* 408 and reduce the scope of my request. With respect to the surveillance video tapes, I would like copies of all of those taken on April 19, 1995, by cameras at the following locations:

1. *Murrah Federal Building* (at least two cameras, one on East side and one on West side)
2. *Journal Record Building* (at least two cameras, one covering alley on south side and one covering the main entrance on the East side)
3. *Regency Tower Apartment Building* (at least two cameras - one external on the East side, and one inside covering the main entrance and lobby)
4. *U.S. Post Office* (old post office -- diagonally northwest across 5th Street from northwest corner of *Murrah Federal Building*, damaged by bomb and later torn down, at the northwest corner of 5th St. and Harvey, NW).
5. *Water Resource Building* (directly north across 5th St. from northwest corner of *Murrah Federal Building*, at the northeast corner of 5th and Harvey, NW).
6. *South West Bell Building* (two blocks directly north of *Murrah Federal Building*)
7. *YMCA Building* (one block east of *Murrah Federal Building*, and on the north side of 5th Street)
8. *US Federal Courthouse* (newer building, facing north onto 4th Street)

Kathryn L. Weyer, Esq.  
Jared C. Bennett, Esq.  
April 8, 2009  
Page 4

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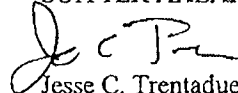
9. *Old US Federal Courthouse* (older building, facing south onto Dean A. Magee Ave.)
10. *Former Oklahoma City Main Library building* (adjacent to Robinson Street NW.)
11. *Parking Lot security camera* for lot at the northwest corner of 6th St. and Hudson, NW.

I want to make clear, however, that whether or not they are among those taken from the above locations, the tapes I want most are the ones taken of the Murrah Building on the morning of April 19, 1995. FBI documents currently in my possession describe the "security videotapes" as showing "the Ryder truck pulling up to the Federal Building and then pausing (7-10 seconds) before resuming into a slot in the front of the building" and "the truck detonation 3 minutes and 6 seconds after the suspects exited the truck." (emphasis added). To repeat myself for emphasis, I would like copies of these tapes showing McVeigh and another person, who I suspect was an FBI operative, delivering the bomb to the Murrah Building on the morning of April 19, 1995, and the detonation of that bomb immediately outside of the day care center. I want these videotapes even if they are not among those videotapes I have asked for in paragraphs 1 through 11 above.

Mr. Hardy also refers to "approximately 200 pages of supporting documentation", which will cost me ten cents per page to produce. I want all 200 pages and I presume these can be provided immediately. If the FBI already has prepared indices-logs describing the contents of each of the 244 videotapes, date the tape was taken and/or camera location, I would like a copy of those, too.

Finally, you asked for and received from the District Court two extensions for answering in the civil suit so that your clients could purportedly work towards obtaining the materials I had sued to obtain and thereby furthering "judicial economy" by avoiding the continued litigation of this dispute. Now that I am willing to compromise and significantly reduce the scope of what I seek by way of this lawsuit, how long will it take the FBI to produce the videotapes, indices-logs and documents? I look forward to your response.

SUITTER AXLAND

  
Jesse C. Trentadue

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

_____	)	
JESSE C. TRENTADUE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. A. No. 2:08-CV-00788
	)	
CENTRAL INTELLIGENCE AGENCY, <u>et al.</u>	)	
	)	
Defendants.	)	
_____	)	

EXHIBIT H

SUITTER AXLAND, PLLC

Judge Building  
8 East Broadway, Suite 200  
Salt Lake City, Utah 84111  
Telephone: (801) 532-7300  
Facsimile: (801) 532-7355

E-mail: jesse32@sautah.com  
www.sautah.com

Jesse C. Trentadue

April 9, 2009

*VIA E-MAIL AND U.S. MAIL*

Ms. Kathryn L. Wyer, Esq.  
Assistant U.S. Attorney  
20 Massachusetts Avenue N.W.  
Washington, D.C. 20530

Mr. Jared C. Bennett  
Assistant United States Attorney  
185 South State Street, #300  
Salt Lake City, Utah 84111

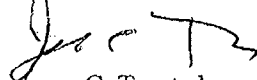
Re: *Trentadue v. CIA, et. al.*  
Case No. 2:08-CV-788-CW  
Hanger Videotape

Dear Ms Wyer and Mr. Bennett:

I am writing to again follow up with you regarding the FBI's production of the videotape from the dash board camera in Oklahoma Patrolman Hanger car that was taken on the morning of April 19, 1995, the day he arrested Tim McVeigh. As I previously brought to your attention, that tape has been edited. It does not show the arrest of McVeigh or, more importantly, the brown pick up truck traveling with McVeigh that was being driven by Steve Colbern. In fact, it only shows McVeigh's empty Mercury parked along side of the highway following his arrest.

I have attached a story from the *Houston Chronicle* that was published May 12,, 1995. This story discusses that tape, including Colbern and his truck. I would appreciate it if you would have the FBI send me the unedited tape. Meanwhile, I have contacted the authors of the *Chronicle* story and hope to get a declaration from them on this matter. My purpose in writing is to avoid having to take this to the Court. Also, what is the status of the CIA's production? I look forward to your response.

SUITTER AXLAND



Jesse C. Trentadue

## HOUSTON CHRONICLE ARCHIVES

**Paper:** HOUSTON CHRONICLE

**Date:** FRI 05/12/1995

**Section:** A

**Page:** 1

**Edition:** 3 STAR

**Third suspect identified in Oklahoma bombing** □□By DAN THOMASSON, PETER COPELAND □Scripps Howard News Service, Newsday

A third man wanted in the Oklahoma City bombing has been identified as Steven Colbern, a fugitive from a previous firearms charge.

Colbern, aged 35 or 36, is described as 6-foot-1 and 195 pounds with green eyes, which roughly matches the description of John Doe II.

Law enforcement sources said Thursday night that Colbern was identified through his brown pickup. It was captured, by chance, on video taken from the state trooper's car that stopped Timothy McVeigh for speeding only 80 minutes after the blast.

"That trooper had a hell of a day," a federal investigator said.

An automatic camera in the car of Trooper Charles Hanger was taping the arrest of McVeigh. In the background was the image of the pickup, which also pulled over while McVeigh was being questioned.

Sophisticated enhancement techniques were used to improve the video until investigators could read the license plate number.

The truck, registered to Colbern, contained traces of ammonium nitrate, believed to be the main explosive ingredient used in the bombing.

Colbern's age is uncertain. His address is unknown, but he shared a mail drop with McVeigh in Kingman, Ariz., sources said. The truck was found parked outside an abandoned mobile home in Kingman.

Colbern already was wanted on a federal firearms charge, officials said. He was arrested last summer in San Bernadino, Calif., for carrying a gun with a silencer. He was allowed to post bail but skipped.

The FBI revealed evidence Thursday that Terry Nichols, another of the alleged Oklahoma bombers, had amassed huge quantities of explosive material.

Storage sheds and a Ryder truck were rented using false names, and 80 bags of fertilizer -- 4,000 pounds -- were purchased during the weeks before the April 19 bombing.

Nichols heard the evidence against him at a hearing at El Reno, Okla., Thursday. His next hearing was set for May 18.

Although the information was not released until Thursday, Nichols, 40, of Herington, Kan., was charged Tuesday with destroying a federal building, a federal crime, and with aiding and abetting the bombing.

After the hearing, U.S. Attorney Patrick Ryan said, "Since the crime resulted in the loss of life, it would qualify for the death penalty."

The FBI affidavit said Nichols acknowledged that he was with McVeigh in downtown Oklahoma City three days before the explosion, but "denied involvement in or knowledge of the bombing."

And it said the FBI had obtained a letter from Nichols to McVeigh dated last Nov. 22, the day before Nichols left on a trip to the Philippines.

"In the letter, Terry Nichols tells Timothy McVeigh that he will be getting this letter only in the event of Nichols' death," the affidavit said. Nichols instructs McVeigh to "clear everything out ... liquidate" two of the storage lockers, the document said, adding, "Terry Nichols also tells McVeigh he is on his own and to 'Go for it!!' "

McVeigh, arrested in Perry, Okla., for speeding and carrying a weapon, was charged in the bombing. The address he gave police was a farm in Michigan owned by James Nichols, brother of Terry.



Terry Nichols turned himself in on April 21, but not before he took some of the ammonium nitrate in his house and "placed it on his yard as fertilizer."

"Nichols said that he did this after reading in several different newspapers that ammonium nitrate was used in the Oklahoma City bombing," according to the affidavit.

Nichols also said he hoped the FBI "would not mistake household items" for bomb-producing materials.

Meanwhile, FBI Director Louis Freeh told Congress that federal agents have had to be relocated after they received death threats from members of extremist militia groups. It was unclear from Freeh's remarks whether the threats were made before or after the bombing.

Also Thursday, the government awarded contracts to demolish the bombed building. Within 10 days, it will be destroyed by implosion, according to the General Services Administration.

Implosion is controlled explosion where debris collapses into the center of a building site rather than flying outward. Some Oklahomans have expressed concern that an explosion of any kind at the site might be psychologically damaging.

GSA said it has determined that the other common method of destroying a building, using wrecking balls, could pose a greater physical hazard to workers.

In another development, O.J. Simpson lawyer Johnnie Cochran Jr. filed a lawsuit in federal court in Oklahoma City against ICI Explosives U.S.A. Inc., the manufacturer of the fertilizer used in the bomb. The lawsuit, filed on behalf of four survivors but seeking class action status, seeks \$50,000 per plaintiff on the grounds that the company didn't attempt to reduce the explosive potential of the fertilizer.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

_____	)	
JESSE C. TRENTADUE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. A. No. 2:08-CV-00788
	)	
CENTRAL INTELLIGENCE AGENCY, <u>et al.</u>	)	
	)	
Defendants.	)	
_____	)	

EXHIBIT I

SUITTER AXLAND, PLLC

Judge Building  
8 East Broadway, Suite 200  
Salt Lake City, Utah 84111  
Telephone: (801) 532-7300  
Facsimile: (801) 532-7355

E-mail: jesse32@sautah.com  
www.sautah.com

Jesse C. Trentadue

April 13, 2009

VIA E-MAIL AND U.S. MAIL

Ms. Kathryn L. Wyer, Esq.  
Assistant U.S. Attorney  
20 Massachusetts Avenue N.W.  
Washington, D.C. 20530

Mr. Jared C. Bennett  
Assistant United States Attorney  
185 South State Street, #300  
Salt Lake City, Utah 84111

Re: *Trentadue v. CIA, et. al.*  
Case No. 2:08-CV-788-CW  
Hardy Letter of March 24, 2009

Dear Ms Wyer and Mr. Bennett:

I am writing to follow up on my correspondence to you of April 8, 2009, regarding videotapes from security and/or surveillance cameras. Specifically, I am able to further define/modify my request for videotapes taken on the morning of April 19, 1995. With respect to the security and/or surveillance camera videotapes, I would like copies of all of those taken on April 19, 1995, by cameras at the following locations:

1. *Murrah Federal Building* ( tapes taken by externally mounted cameras on North, South, East and West sides of the Building)
2. *Journal Record Building* ( tapes taken by externally mounted cameras on South and East sides of the Building)
3. *Regency Tower Apartment Building* (tapes taken by externally mounted cameras on East side of Building, and from one camera inside covering the main entrance and lobby)

Kathryn L. Weyer, Esq.  
Jared C. Bennett, Esq.  
April 13, 2009  
Page 2

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4. *U.S. Post Office* (old post office tapes taken by externally mounted cameras on North, South, East and West sides of Building).
5. *Water Resource Building* (tapes taken by externally mounted cameras on South, East and West sides of Building).
6. *South West Bell Building* (tapes taken by externally mounted cameras on South and East sides of Building)
7. *YMCA Building* (tapes taken by externally mounted cameras on West and South sides of Building)
8. *US Federal Courthouse* (tapes taken by externally mounted cameras on North, South, East and West sides of Building)
9. *Old US Federal Courthouse* (tapes taken by externally mounted cameras on North, South, East and West sides of Building)
10. *Former Oklahoma City Main Library Building* ( tapes taken by externally mounted cameras on North, South, East and West sides of the Building)
11. *Parking Lot* located at the northwest corner of 6th St. and Hudson, NW ( tapes taken by all externally mounted cameras).

I again want to make clear, however, that whether or not they are among those taken from the above locations, the tapes I want most are the ones taken of the Murrah Building on the morning of April 19, 1995. FBI documents currently in my possession describe the "security videotapes" as showing "the Ryder truck pulling up to the Federal Building and then pausing (7-10 seconds) before resuming into a slot in the front of the building" and "the truck detonation 3 minutes and 6 seconds after the suspects exited the truck." (emphasis added). To repeat myself for emphasis, I would like copies of these tapes showing McVeigh and another person, delivering the bomb to the Murrah Building on the morning of April 19, 1995,

Kathryn L. Weyer, Esq.  
Jared C. Bennett, Esq.  
April 13, 2009  
Page 3

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and the detonation of that bomb. I want these videotapes even if they are not among those videotapes I have asked for in paragraphs 1 through 11 above.

I look forward to your response.

SUITTER AXLAND



Jesse C. Trentadue

T:\60006201\1\FOIA Appeal\CL\FBI SPECIFICS.wpd

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

<hr/>		)	
JESSE C. TRENTADUE,		)	
		)	
Plaintiff,		)	
		)	
v.		)	Civ. A. No. 2:08-CV-00788
		)	
CENTRAL INTELLIGENCE AGENCY, <u>et al.</u>		)	
		)	
Defendants.		)	
<hr/>		)	

EXHIBIT J



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

April 23, 2009

VIA U.S. MAIL & E-MAIL

MR. JESSE C. TRENTADUE  
SUITE 200  
8 EAST BROADWAY  
SALT LAKE CITY, UT 84111

Jesse C. Trentadue v. FBI  
Civil Action Number: 2:08-cv-00788  
FOIA Request No.: 1120866-000  
Subject: OKBOMB/VIDEOTAPES

Dear Mr. Trentadue:

This is in response to your Freedom of Information Act (FOIA) request referenced above, as well as your letters dated April 8 and April 13, 2009, directed to Ms. Wyer and Mr. Bennett.

The FBI appreciates your willingness to narrow the scope of your request for videotapes. Based on the guidelines set forth in your limited request and pursuant to 28 C.F.R. § 16.11(c)(2), we estimate that we have 26 videotapes which are potentially responsive to your limited request. If all 26 videos are determined to be releasable, duplication costs of \$390.00 could result, representing a charge of \$15 per video.

As stated previously in our letter dated March 24, 2009, we estimate that we have approximately 200 pages of supporting documentation which may be potentially responsive to your original request. If all 200 pages are determined to be releasable, duplication costs of \$10.00 could result. No fees are assessed for the first 100 pages of duplication; however, excess pages are subject to a fee of ten cents per page.

It is emphasized that the above-referenced video count and page count of potentially responsive material is only an estimate. If you agree to limit the scope of your request as described in your letters dated April 8 and April 13, 2009, the FBI is willing to consider a waiver of search fees as described in our letter dated March 24, 2009.

Pursuant to 28 C.F.R. § 16.11(i), when anticipated fees exceed \$250, an advance payment of an amount up to the estimated fees may be required. Therefore, payment in the amount of \$130.00 is hereby requested. Please send a check or money order, payable to the Federal Bureau of Investigation in the amount of \$130.00. Please include the above-referenced FOIA request number with your payment. Once payment is received, we will begin processing your request.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", is located below the "Sincerely yours," text.

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division

cc: Kathryn L. Wyer, Esquire

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

<hr/>		)	
JESSE C. TRENTADUE,		)	
		)	
Plaintiff,		)	
		)	
v.		)	Civ. A. No. 2:08-CV-00788
		)	
CENTRAL INTELLIGENCE AGENCY, <u>et al.</u>		)	
		)	
Defendants.		)	
<hr/>		)	

EXHIBIT K



SUITTER AXLAND, PLLC

Judge Building  
8 East Broadway, Suite 200  
Salt Lake City, Utah 84111  
Telephone: (801) 532-7300  
Facsimile: (801) 532-7355

E-mail: [jesse32@sautah.com](mailto:jesse32@sautah.com)  
[www.sautah.com](http://www.sautah.com)

Jesse C. Trentadue

April 26, 2009

*VIA E-MAIL AND U.S. MAIL*

Ms. Kathryn L. Wyer, Esq.  
Assistant U.S. Attorney  
20 Massachusetts Avenue N.W.  
Washington, D.C. 20530

Mr. Jared C. Bennett  
Assistant United States Attorney  
185 South State Street, #300  
Salt Lake City, Utah 84111

Re: *Trentadue v. CIA. et. al.*  
Case No. 2:08-CV-788-CW  
Status Letter

Dear Ms Wyer and Mr. Bennett:

I am writing to follow up with you on several matters regarding the above captioned case. First, I have attached copies of my personal checks each in the amount of \$130. made payable to the Federal Bureau of Investigation. I sent each check attached to a highlighted copy of Mr. Hardy's April 23, 2009, letter. I sent two \$130 checks to Mr. Hardy because it was not clear from his April 23, 2009 letter where I was to send the \$130 dollars. Consequently, I sent \$130 (for a total of \$260) to Mr. Hardy at each of the following addresses: FBI Record Information/Dissemination Section, 935 Pennsylvania Avenue, N.W., Washington, D.C. 20535-0001 **AND** FBI Record Information/Dissemination Section, 170 Marcel Drive, Winchester, VA. 22602-4843. The FBI can apply the excess to any additional production costs and refund the balance.

Now having more than pre-paid the production costs requested by Mr. Hardy, I would like all 26 videotapes plus the 200 pages of supporting documentation referenced in Mr. Hardy's letter to me. How long do you anticipate that it will take for me to receive the tapes and documents? I should think not long since: (1) these materials have already been identified, located and/or gathered; and (2) surveillance-security videotapes of common or public areas enjoy no constitutional protections from disclosure. See *United States v. Gonzalez*, 328 F.3d 543 (9<sup>th</sup> Cir. 2003). In other words, no exemptions apply to these materials, which means that there is nothing to edit. It is merely a matter

Kathryn L. Weyer, Esq.  
Jared C. Bennett, Esq.  
April 26, 2009  
Page 2

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of having the documents and videotapes reproduced and sent to me. And that should not take very long.

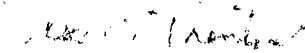
Similarly, have you had a chance to review the CIA documents? If so, when can I expect the release of these materials? If you have not had an opportunity to review the CIA materials, when do you expect to do so?

Next, I have a question about the videotape from the dash board camera in Oklahoma Patrolman Hanger car that was taken on the morning of April 19, 1995, the day he arrested Tim McVeigh. Is the FBI willing to send the original videotape to Salt Lake City so that I can view it at either your office or the FBI Salt Lake City Field Office? If so, when do you expect that tape to be sent? If not, would you consider either myself or my agent viewing the tape where it is being kept by the FBI?

I again wish to emphasize that by cooperating with you in this manner to obtain these records, I am not abandoning or giving up the underlying civil action. In other words, I have not agreed and do not agree to go back into the administrative process, which was exhausted prior to bring this lawsuit. Moreover, by working with you and your clients to obtain these materials I do not intend to waive or relinquish nor have I waived or relinquished my right, if necessary, to obtain these videotapes and documents through that lawsuit by way of an *Order* from the Court.

That having been said, I do appreciate and thank you for the cooperation and courtesies extended.

SUITTER AXLAND

  
Jesse C. Trentadue

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

_____		)
JESSE C. TRENTADUE,		)
		)
Plaintiff,		)
		)
v.		)
		)
CENTRAL INTELLIGENCE AGENCY, <u>et al.</u>		)
		)
Defendants.		)
_____		)

Civ. A. No. 2:08-CV-00788

EXHIBIT L



U.S. Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Ave, N.W.  
P.O. Box 883 Ben Franklin Station  
Washington, D.C. 20530

Kathryn L. Wyer  
Trial Attorney

Tel: (202) 616-8475  
Fax: (202) 616-8470

May 6, 2009

VIA E-MAIL

Jesse C. Trentadue  
Switter Axland, PLLC  
8 E Broadway, Ste. 200  
Salt Lake City UT 84111

Re: Trentadue v. CIA et al., No. 2:08-cv-788-CW

Dear Mr. Trentadue,

I am writing to let you know that I forwarded your letter of April 26, 2009, to the FBI and asked them for an estimated time frame for processing the approximately 200 pages that the FBI located as potentially responsive to your original request, and the 26 videotapes that it identified as potentially responsive to your narrowed request. At this point, the FBI has received one of the checks that you submitted and is beginning to process these records. The FBI estimates that the 200 pages will take approximately two weeks to process, and the 26 videotapes will take approximately 10-12 weeks. Regardless of whether the FBI determines that any information on the videotapes is exempt, it will still be necessary for FBI staff to watch all the videotapes, which will take some time.

In regard to your request to review the original of the videotape that was previously sent to you, that simply goes far beyond the scope of anything the FOIA requires. The FBI has previously indicated that the copy you received is a complete and unedited copy of the videotape.

In regard to the CIA requests, I have been able to review the documents, and the CIA expects that the release will be sent within the next one or two weeks. A significant number of the documents that were located had to be referred to other agencies. Most of these have been returned, but the CIA is still waiting for responses from a few agencies before it can finalize the release.

Both agencies have indicated they appreciate your patience as they continue working on processing their response.

Sincerely,

Kathryn L. Wyer

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

_____		)	
JESSE C. TRENTADUE,		)	
		)	
Plaintiff,		)	
		)	
v.		)	Civ. A. No. 2:08-CV-00788
		)	
CENTRAL INTELLIGENCE AGENCY, <u>et al.</u>		)	
		)	
Defendants.		)	
_____		)	

EXHIBIT M

SUITTER AXLAND, PLLC

Judge Building  
8 East Broadway, Suite 200  
Salt Lake City, Utah 84111  
Telephone: (801) 532-7300  
Facsimile: (801) 532-7355

E-mail: jesse32@sautah.com  
www.sautah.com

Jesse C. Trentadue

MAY 8  
~~April 9, 2009~~

VIA E-MAIL AND U.S. MAIL

Ms. Kathryn L. Wyer, Esq.  
Assistant U.S. Attorney  
20 Massachusetts Avenue N.W.  
Washington, D.C. 20530

Re: *Trentadue v. CIA, et. al.*  
Case No. 2:08-CV-788-CW  
Your Letter of May 6, 2009

Dear Ms. Wyer:

Thank you very much for your letter of May 6, 2009 and for following up so promptly with your clients regarding the status of production. If it will help speed up release of the videotapes, I am willing to stipulate that all 26 are responsive and to pay the \$15 duplication fee for each tape. In other words, if some of the tapes are not responsive to my request I will not complain about having paid for that tape. This should save the Bureau the time and effort of reviewing the tapes prior to release.

I would, however, ask your client to reconsider its position on the Hanger videotape. Toward that end, I have enclosed another news paper story about the contents of that tape, including the presence of Steven Colbern's truck in the tape. This story is about the initial appearance of Colbern in federal court in Arizona. The tape is discussed in this story and, interestingly, then United States Attorney Janet Napolitano appeared at that hearing which Ms. Napolitano described as a "routine administrative proceeding." In all of the jurisdiction in which I have practiced, including my two years as a law clerk for a federal judge, I have never seen the United States Attorney appear on such a low profile matter as the initial appearance of a person apprehended for interstate flight to avoid prosecution on resisting arrest and possession of unregistered guns charges.

As you know, I am entitled under *FOIA* to conduct discovery when there is reason to believe, as in this case, that the agency is either withholding records or did not conduct an adequate "good faith" search for the materials:

Discovery in a Federal *FOIA* action is permitted in order to determine whether complete disclosure of documents has been made and whether those withheld are exempt from disclosure. Whether a thorough search

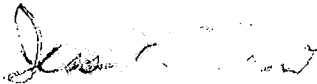
Kathryn L. Weyer, Esq.  
May 8, 2009  
Page 2

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for documents has taken place and whether withheld items are exempt from disclosure are permissible avenues for discovery. **If the Plaintiff or the Agency's response raises serious doubts as to the completeness and good faith of the Agency's search, discovery is appropriate.**

(37A Am. Jur.2d Freedom of Information Acts, § 503)(emphasis added). The discovery permitted under *FOIA* also includes depositions designed to disclose the "malfeasance" of the government. See *Judicial Watch, Inc. v. United States Dept. Of Commerce*, 127 F.Supp.2d 228 (D.C. D.C. 2000.). Of course, I would like to avoid that if possible, which is why I am asking your client to reconsider to allow me or my agent to view the original Hanger videotape.

SUTTER AXLAND



Jesse C. Trentadue

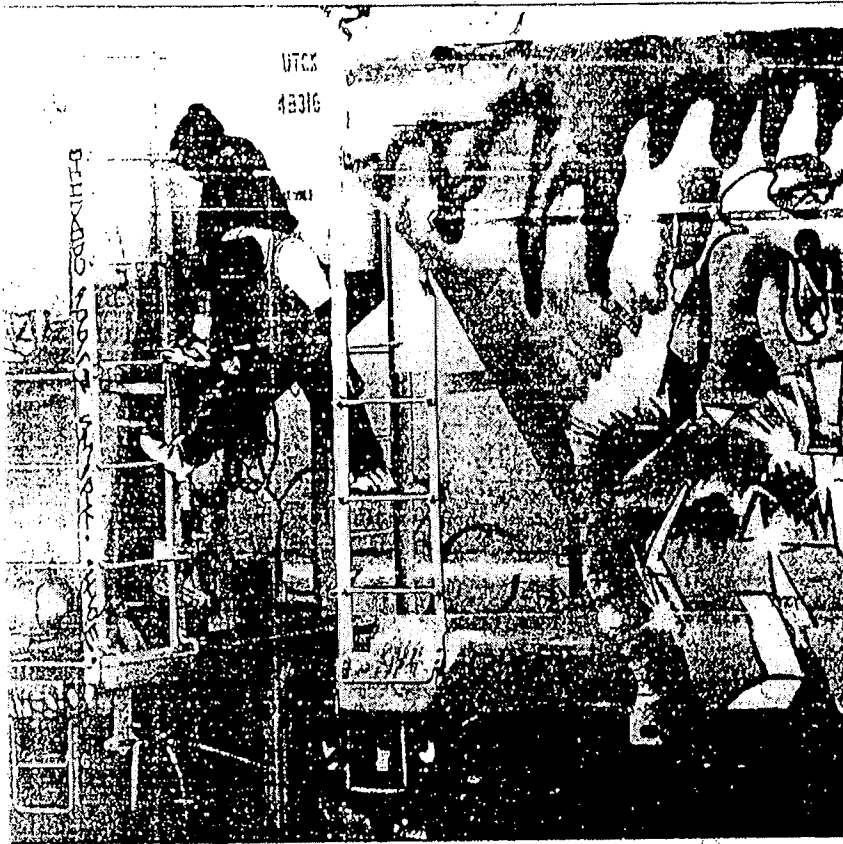
cc: Mr.Jared Bennet via E-mail

community.

... living room in central Phoenix.

See FAMILY, page A12

### Taggers bent on defying law



Photos by Christine Keith/The Arizona Republic

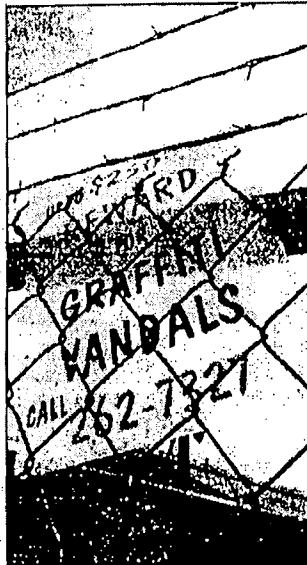
## rowl, night

Two weeks later, SUS was left crowing in undisputed triumph.

Its six members had blitzed the freeways and billboards, the freight cars and walls of west Phoenix. Juggling jobs and classes at Phoenix College, they had sneaked out nearly every night and worked until sometimes 5 a.m., ducking headlights and shaking paint cans.

They returned the next day to snap pictures of their murals for a scrapbook.

See DEFIANT, page A9



A couple of taggers show off their designs, which took 70 cans of spray paint, on a freight train in Phoenix. A sign to discourage graffiti writers hangs on a fence around the freight-car yard. Most graffiti vandals are teen-age boys swept up in a trend offering a sense of identity, a chance to rebel and a form of self-expression.

# Probe nets 2nd man in Oatman

## Reportedly admits Kingman-blast tie

By Mark Shaffer  
The Arizona Republic

**OATMAN** -- The probe into the bombing of the Oklahoma City Federal Building added another Arizona connection Saturday with the arrest of an Oatman man over a February bombing south of Kingman.

Dennis Kemp Malzac, 37, was charged with one count of arson of an occupied structure in connection with the explosion, which some federal authorities have speculated was a practice run for Oklahoma City bombing suspect Timothy McVeigh.

Malzac's roommate, 35-year-old Steven Colbern, was arrested Friday in Oatman by federal authorities on

**COLBERN:** Profile of chemist questioned in bombing, A6

an unrelated weapons charge. Colbern's ties to McVeigh and a brown pickup near the site of McVeigh's arrest in Perry, Okla., also are being examined.

Malzac was being held in lieu of \$50,000 bail after an initial appearance before Kingman Judge pro tem Stanley LaBossier on Saturday.

According to court records, Malzac, who refused to be interviewed, admitted his role in the Kingman-area bombing and told investigating officers that he is "fearful of others who are involved in this incident."

Malzac, who listed his occupation as miner, said that he had lived at the Oatman trailer of Preston Haney for 2 1/2 months. Haney said Colbern had

See BOMB, page A12

# Loving came to choose death



# Bomb probe nets 2nd in Oatman

— BOMB from page A1

lived with him for four months.

"I've got to be more selective in my roommates," Haney said.

The Feb. 21 bombing, which blew out five windows of the home of former Kingman resident Francis McPeak, a one-time business partner of McVeigh, has been the focus of much speculation since McVeigh's ties to the Kingman area were established after the Oklahoma City bombing.

Ammonium nitrate, a common fertilizer, was believed to be used in both bombings, and the Kingman bombing occurred just off Route 66 less than a quarter mile from a trailer that McVeigh had rented in 1993.

Federal officers concluded a four-hour search of Colbern's room and two nearby sheds on Haney's property early Saturday.

They found five rifles and shotguns, four cases of ammunition and several smaller ammunition cans, and chemicals and beakers consistent with methamphetamine production, said Lt. Rick Armstrong of the Oatman Fire Department.

"Some of it was machine-gun ammunition, and it appeared to have a Chinese manufacturer," Armstrong said. "The other things you would associate with producing meth, but there also were some chemicals missing."

Meanwhile, in Phoenix, Colbern made his initial appearance Saturday afternoon in front of federal Magistrate Barry Silverman.

He is charged with resisting arrest, possession of unregistered guns and failure to appear for trial on an firearms charge in California.

He was ordered held without bail until a detention hearing scheduled for Tuesday afternoon.

Dressed in tan jail pants, a tan shirt over his white T-shirt and blue jail shoes, Colbern was barely audible, answering "yeah" and "no" to the judge's questions. He was not handcuffed or shackled for the appearance.

Assistant federal public defenders Jon Sands and John Hannah were appointed to represent Colbern.

"The proceeding this morning was a routine administrative proceeding," said Janet Napolitano, U.S. attorney for Arizona. "It is normal in a fugitive situation where someone has already been a fugitive to request detention."

Colbern, 35, is being held at a federal corrections facility north of Phoenix.

Authorities said Colbern owns the

brown pickup that was caught on an Oklahoma trooper's video camera when McVeigh, the prime suspect in the April 19 bombing, was stopped on a traffic violation 90 minutes after the blast.

Napolitano, who appeared in court with Assistant U.S. Attorney Tom Hannis, refused to answer questions about whether the FBI was investigating a link between Colbern and the bombing in Oklahoma City, which killed 168 people in the nation's worst domestic terrorist attack.

In Oatman, Catherine Mauro, owner of Oatman Mining Co. Food & Spirits, where Colbern worked as a cook and dishwasher, said she was shocked by his arrest.

Mauro spent much of Saturday afternoon talking to other Oatman residents about Colbern while leaning on a rail in front of her business.

"He was supposed to have been at work Friday night," Mauro said. "I think everything is going to be cool for him. I don't think anyone in Oatman thinks that he has anything to do with the (Oklahoma) bombing."

Haney said that Colbern had been at his home during the bombing and that the two had watched televised reports of the disaster together.

But Mauro said that Colbern had not worked at the restaurant for a two-week period before and after the bombing.

"I was under the impression that he had gone to California, because he said that he had a family emergency to tend to," Mauro said. "But some of my friends said they saw him here during that time, so I guess that isn't a problem."

Mauro described Colbern as a meticulous dishwasher who had an strong interest in UFOs.

But now, Mauro said, she will remember Colbern primarily for the bombing and another image it has given this Old West town of 150 residents, along with burros, bars and bikers.

She looked up the street to a mock 1800s gunfight before a large crowd of tourists near East Fanny's Place and the Clasy Coyote.

"This thing is kind of like 'oh, well.' It's not nearly as big around town as when the bikers come," Mauro said. "Every person here has something in their background. We don't pry or ask about it."

Contributing to this article was Judi Villa of *The Arizona Republic*.

## NATIONAL NEWS

### Girl born, mom dies after car accident

WASHINGTON — A premature baby girl was in stable condition in a hospital Saturday, two days after her mother drove her car into a river and died.

Courtney Gamble was delivered by Caesarean section at 32 weeks, eight weeks premature, doctors at D.C. General Hospital said. She weighed 3 pounds, 12 ounces.

Her mother, Lila Gamble, 39, died after her car plunged into the Anacostia River on Thursday. Doctors said they couldn't save her because of water damage to her lungs. She died about three hours after the baby was born.

### For mammogram site, call 1-800-4CANCER

WASHINGTON — Women looking for a quality mammogram near their homes can call a government hotline for help.

Beginning Monday, the Cancer Information Service will provide the names and locations of facilities that have been certified by the Food and Drug Administration as capable of performing quality mammograms to detect breast cancer.

Women can call 1-800-4CANCER on weekdays from 6 a.m. to 5 p.m. Arizona time to find the nearest certified mammography facility.

### ELSEWHERE

■ WASHINGTON — In the United States, the government and its police forces protect democracy and are not, as some claim, instruments of repression or "thugs," FBI Director Louis Freeh said Saturday. Delivering the commencement address at Catholic University, Freeh said he was startled after last month's bombing of the Federal Building in Oklahoma City to hear some Americans say they fear the police and believe that the government is out to deprive them of their constitutional rights.

■ WASHINGTON — A determined President Clinton said Saturday that he's tired of "hitting a brick wall" in trying to open Japanese markets to American autos. He promised to proceed with proposed sanctions against Tokyo. "We are prepared to act, and we will act soon if we must," Clinton said in his weekly radio address.

Compiled from reports by *The Associated Press*.

To hear more national news, call PRESSLINE at 271-5656 and push 2258.



Five generations of women in the Mitchell family pose for a Mother's Day portrait: lola Mitchell, 79, with great-great-granddaughter, 9-month-old Alyse Williamson; granddaughter Jackie Williamson (from left); daughter Bobby Stegall; and great-granddaughter Diane Williamson.

...about Maggie She's getting short... she's softly at her grand... working out just fine"

### rs say

...new lives. Like documents is no... is available on the... point, including a 1976... Department report that... again on how to get a... birth certificate and use... a driver's license, and... Security number, a... checking account and... payments.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

JESSE C. TRENTADUE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. A. No. 2:08-CV-00788
	)	
CENTRAL INTELLIGENCE AGENCY, <u>et al.</u>	)	
	)	
Defendants.	)	

EXHIBIT N



MR. JESSE C. TRENTADUE

The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

See additional information which follows.

Please be advised that this is the first interim release of materials responsive to your request for information pertaining to the Oklahoma City bombing videotapes and supporting documentation. Additional releases consisting of videotapes will be made until the processing of your request is complete.

There is a fee of ten cents per page for duplication of the enclosed documents. No fees are assessed for the first 100 pages. Therefore, duplication costs in the amount of \$ 6.40 have been deducted from your advance payment received in our office on or about April 29, 2009.

Sincerely yours,



David M. Hardy  
Section Chief  
Record/Information Dissemination Section  
Records Management Division

Enclosure(s)

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ( A ) could be reasonably be expected to interfere with enforcement proceedings, ( B ) would deprive a person of a right to a fair trial or an impartial adjudication, ( C ) could be reasonably expected to constitute an unwarranted invasion of personal privacy, ( D ) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, ( E ) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or ( F ) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

JESSE C. TRENTADUE,

Plaintiff,

v.

CENTRAL INTELLIGENCE AGENCY, et al.

Defendants.

Civ. A. No. 2:08-CV-00788

EXHIBIT O



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

June 23, 2009

MR. JESSE C. TRENTADUE  
SUITE 200  
8 EAST BROADWAY  
SALT LAKE CITY, UT 84111

*Jesse C. Trentadue v. FBI*  
Civil Action Number: 2:08-cv-00788  
FOIA Request No.: 1120866-000  
Subject: OKBOMB/VIDEOTAPES

Dear Mr. Trentadue:

Enclosed please find the following videos responsive to your FOIA request noted above:

1. Journal Record Building (2 DVDs);
2. Oklahoma City Public Library (1 DVD);
3. U. S. Post Office (2 DVDs)<sup>1</sup>; and
4. Southwestern Bell (18 DVDs)<sup>2</sup>.

These videos represent our second interim release in this matter; and are being furnished to you without redactions. The duplication fee per DVD is \$15.00. After crediting you for your prior payments of \$260.00, there is a balance due of \$91.40; an account summary is enclosed. Upon receipt of this interim release, please submit your check or money order in the amount of \$91.40, payable to the Federal Bureau of Investigation. To ensure proper credit of your payment, please include FOIA request number 1120866 with your payment and mail it directly to 170 Marcel Drive, Winchester, VA 22602-4843, within 45 days of the date of this letter in order to receive future interim releases.

We will continue to review and process additional videotapes potentially responsive to your FOIA request, and will inform you of the results as soon as possible. Your patience is appreciated.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", is positioned below the "Sincerely yours," text.

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division

Enclosures

cc: Kathryn L. Wyer (w/o encl.)

---

<sup>1</sup> We have provided all video coverage available for the U. S. Post Office. This coverage appears to be of the stairwell of the postal building, beginning on February 27, 1995 and runs in fast-forward until April 17, 1995. The coverage then jumps to May 25, 1995. While this tape does not appear to be within the time frame of your request (April 19, 1995), we are providing you a copy of the unedited and unredacted video, since your letter dated May 8, 2009 specified a desire to receive all 26 "potentially responsive" videotapes described in our letter dated April 23, 2009.

<sup>2</sup> Three of the Southwestern Bell videos (labeled 1B22/Q77B) depict the incorrect time and date of the explosion.

Jesse. C. Trentadue  
FOIA Request No.: 1120866-000  
Subject: OKBOMB/VIDEOTAPES

ACCOUNT SUMMARY

04/29/09	Payment Received (check #110)	130.00
05/06/09	Payment Received (check #111)	130.00
05/28/09	Release (164 pages)	-6.40
06/23/09	Release (23 DVDs)	<u>-345.00</u>
	<b>BALANCE DUE UPON RECEIPT</b>	<b>\$ 91.40</b>



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

_____	)	
JESSE C. TRENTADUE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. A. No. 2:08-CV-00788
	)	
CENTRAL INTELLIGENCE AGENCY, <u>et al.</u>	)	
	)	
Defendants.	)	
_____	)	

EXHIBIT P



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

July 16, 2009

MR. JESSE C. TRENTADUE  
SUITE 200  
8 EAST BROADWAY  
SALT LAKE CITY, UT 84111

*Jesse C. Trentadue v. FBI*  
*Civil Action Number: 2:08-cv-00788*  
FOIA Request No.: 1120866-000  
Subject: OKBOMB/VIDEOTAPES

Dear Mr. Trentadue:

Enclosed please find video coverage for the Regency Tower (6 DVDs), responsive to your FOIA request noted above.

These videos represent our final release in this matter; and are being furnished to you without redactions. The duplication fee per DVD is \$15.00. After crediting you for your payment of \$91.40, there is an account balance of \$90.00; an account summary is enclosed. Upon receipt of this final release, please submit your check or money order in the amount of \$90.00, payable to the Federal Bureau of Investigation. To ensure proper credit of your payment, please include FOIA request number 1120866 with your payment and mail it directly to 170 Marcel Drive, Winchester, VA 22602-4843, within 45 days of the date of this letter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", is positioned below the "Sincerely yours," text.

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division

Enclosures

cc: Kathryn L. Wyer (w/o encl.)

Jesse. C. Trentadue  
FOIA Request No.: 1120866-000  
Subject: OKBOMB/VIDEOTAPES

ACCOUNT SUMMARY

04/29/09	Payment Received (check #110)	130.00
05/06/09	Payment Received (check #111)	130.00
05/28/09	Release (164 pages)	-6.40
06/23/09	Release (23 DVDs)	<u>-345.00</u>
	Balance	91.40
07/13/09	Payment Received (check #258)	<u>-91.40</u>
	Balance	0.00
07/16/09	Release (6 DVDs)	90.00
	<b>BALANCE DUE UPON RECEIPT</b>	<b>\$ 90.00</b>

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

_____ )		
JESSE C. TRENTADUE, )		
)		
Plaintiff, )		
)		
v. )	Civ. A. No. 2:08-CV-00788	
)		
CENTRAL INTELLIGENCE AGENCY, <u>et al.</u> )		
)		
Defendants. )		
_____ )		

EXHIBIT Q

U.S. Department of Homeland Security  
500 C Street, SW  
Washington, DC 20472



**FEMA**

AUG 21 2009

Jesse C. Trentadue  
8 East Broadway, Suite 200  
Salt Lake City, UT 84111

Re: FEMA 09-582

Dear Mr. Trentadue:

This is the final response to your October 12, 2008, Freedom of Information Act (FOIA) request to the Federal Bureau of Investigation (FBI). Your FOIA request and responsive documents were referred to the Federal Emergency Management Agency (FEMA) for review. This office received your request on June 15, 2009.

We have considered your request under the Freedom of Information Act, 5 U.S.C. § 552. We conducted a review of 35 responsive pages to your request referred from the FBI. The records are partially releasable pursuant to 5 U.S.C. § 552 (b)(6).

We have enclosed a copy of the documents to be released in response to your request. Any redactions are accompanied by the corresponding FOIA exemption.

**FOIA Exemption 6** exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia).

If you need to contact our office again about this matter, please refer to 09-582. This office can be reached at 202-646-3323.

Sincerely,

Handwritten signature of Alisa T. Henderson in black ink.

Alisa T. Henderson  
Chief, Disclosure Branch  
Office of Records Management  
Management Directorate

Enclosure(s): Responsive Documents, 1 CD

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

\_\_\_\_\_  
JESSE C. TRENTADUE,

Plaintiff,

v.

CENTRAL INTELLIGENCE AGENCY, et al.

Defendants.  
\_\_\_\_\_

)  
)  
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) Civ. A. No. 2:08-CV-00788  
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)  
)  
)

EXHIBIT R

SUITTER AXLAND, PLLC

Judge Building  
8 East Broadway, Suite 200  
Salt Lake City, Utah 84111  
Telephone: (801) 532-7300  
Facsimile: (801) 532-7355

E-mail: jesse32@sautah.com  
www.sautah.com

Jesse C. Trentadue

October 7, 2009

*VIA E-MAIL*

Ms. Kathryn L. Wyer, Esq.  
Assistant U.S. Attorney  
20 Massachusetts Avenue N.W.  
Washington, D.C. 20530

Mr. Jared C. Bennett  
Assistant United States Attorney  
185 South State Street, #300  
Salt Lake City, Utah 84111

Re: *Trentadue v. CIA, et. al.*  
Case No. 2:08-CV-788-CW  
Follow Up On Videotapes

Dear Ms Wyer and Mr. Bennett:

I am writing to follow up with you regarding the FBI's response to my *FOIA* request for videotapes from security and/or surveillance cameras located on or near the Murrah Federal Building and the Highway Patrolman Hanger's dashboard camera tape showing the arrest of Tim McVeigh. With respect to the security and/or surveillance camera videotapes, I did not receive any tapes from the following locations:

1. *Murrah Federal Building* ( **tapes taken by externally mounted cameras on North, South, East and West sides of the Building**)
2. *Water Resource Building* (tapes taken by externally mounted cameras on South, East and West sides of Building).
3. *YMCA Building* (tapes taken by externally mounted cameras on West and South sides of Building)



Kathryn L. Weyer, Esq.  
Jared C. Bennett, Esq.  
October 7, 2009  
Page 2

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4. *US Federal Courthouse (tapes taken by externally mounted cameras on North, South, East and West sides of Building)*
5. *Old US Federal Courthouse (tapes taken by externally mounted cameras on North, South, East and West sides of Building)*
6. *Former Oklahoma City Main Library Building ( tapes taken by externally mounted cameras on North, South, East and West sides of the Building)*
7. *Parking Lot located at the northwest corner of 6th St. and Hudson, NW ( tapes taken by all externally mounted cameras).*
8. *Surveillance tape(s) which a government document describes as showing “the Ryder truck pulling up to the Federal Building and then pausing (7-10 seconds) before resuming into a slot in the front of the building” and “the truck detonation 3 minutes and 6 seconds after the suspects exited the truck.”(emphasis added).*<sup>1</sup>

I would appreciate it if you would check with the FBI regarding these missing tapes. Again, the tape(s) I am most interested in is item 8 showing the bomb being delivered to the Murrah Building on the morning of April 19, 1995.<sup>2</sup> If I have been provided these tapes but did

---

<sup>1</sup> You can see the document at:  
<http://intelfiles.egoplex.com/2009/10/secret-service-document-describes.html>

<sup>2</sup> The existence of this tape(s) is further shown by these internet stories about them which I previously forwarded to you.:

[http://www.thenewamerican.com/index.php/usnews/crime/2011-fbi-claims-okc-bombing-tapes-not-edited;](http://www.thenewamerican.com/index.php/usnews/crime/2011-fbi-claims-okc-bombing-tapes-not-edited)

<http://www.thedailybeast.com/blogs-and-stories/2009-10-04/oklahoma-city-accomplice/>

Kathryn L. Weyer, Esq.  
Jared C. Bennett, Esq.  
October 7, 2009  
Page 3

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not recognize them or if they do not exist, I would like a sworn declaration from Mr. Hardy or a similar FBI official to those facts.

Similarly, with respect to the Hanger videotape, I have attached an article describing the contents of the tape. In addition, I have contacted the reporters who wrote that story to confirm the fact that the tape showed the arrest of Tim McVeigh and a pick-up truck traveling with him which the FBI said belonged to Steve Colbern. Yet, the Hanger videotape provided to me is missing the arrest and Colbern footage. I would again ask to see the original of that tape.

I look forward to your response in the hope of avoiding a fight over these tapes but, as you are now aware, according to the holding in *Trentadue v. FBI*, 572 F.3d 794 (10<sup>th</sup> Cir. 2009), discovery is allowed in a *FOIA* case when it is reasonably calculated to lead to the discovery of admissible evidence. And it certainly would be in the instant case.

SUITTER AXLAND

/s/ jesse c. trentadue  
Jesse C. Trentadue

Remove

OKLAHOMA CITY, OK BOMBING  
TIMELINE

PREPARED: May 1, 1995 AS OF 3:39pm

WEDNESDAY, APRIL 19, 1995

1014 This date it was reported there was an explosion at the Federal Building in Oklahoma City, OK. Injuries were reported.

Contact was attempted to be made with the Oklahoma City FO with no response.

Tulsa RA was contacted at 1025. Contact by Tulsa Ra to the Oklahoma City FO was met with negative results.

SA Bob Bray from Tulsa is enroute to Oklahoma City. Arrival is scheduled for two hours.

1025 ATF OKC contact attempted with negative results.

1027 ADPA Judy Sullivan was contacted

1032 ASAIC Investigations - Jim Murphy was contacted

1032 Inspection - John Sullivan was contacted

1032 AD INV Hackenberry contacted

1033 SA Bob Clifford FBI HQ - believes car bomb w/injuries.

1037 SATS Cockell was contacted

1037 DAD PR Sergek was contacted

1040 FBI established command post in Washington, DC.

SA Mackin is enroute to establish liaison with FBI.

Contact with other federal agencies in OKC were met with negative results.

1042 AD ADM Moore was contacted

1045 ASAIC PO John Enright was contacted

1046 Rick Carlson is requesting donations of blood. (CNN)

1053 FBI DC reported that today is the anniversary date for the WACO tragedy/assault.

1055 Dozens of casualties are being reported by CNN.

1055 SAIC's (OKC) wife Mrs. Gallo was contacted and stated the SAIC

remains has stopped for the evening and will resume at 07:30 Hours on 04/20/95. The search of the site and evidence preservation will continue during the evening, due to the threat of deteriorating weather conditions. USSS Personnel will remain on the scene.

2335 SAIC Joe Saitta, Las Vegas, advised that he had been in contact with ASAIC Walt Stowe, FBI/Las Vegas Division, who reported that the subject, Tom Baker, had been interviewed extensively, by FBI agents on this date. The subject provided no additional information that would assist with this investigation. SAIC Saitta advised that details of the interview would be reported upon their receipt from the FBI. (Fichen).

2335 A list of USSS personnel traveling to OK City, from Houston, TX, was provided to ATSAIC Brashear.

THURSDAY, APRIL 20, 1995

0010 Reference is made to the Incident Report of SA Bob Bond, concerning subject, Jamil Eli Nseir. Investigative leads are being pursued by the San Diego Field Office.

0100 The following were provided with an updated briefing:

INV/SAIC Jim Sloan; WFO/SA Linda Williams; PPD/W-16/SA Bob Stewart; VFPD/TOWER SA Parkinson; UD CONTROL/Officer Williams.

0145 ATSAIC Brashear advised that a tentative identification of the body of Kathy Seidl, had been made based upon a description of clothing and a document on her person. The body was located at ground level. A fingerprint comparison will be made in the morning to effect a positive identification.

NOTIFICATIONS:

DIR Bowron	0200
DDIR Griffin	0200
INT/SAIC Dale Wilson	0155
OPR/DAD Sergek	0156
OPO/AD Miller	0155
OPA/AD Samway	0203
INS/AD Huse	0205
ADM/AD Basham	0208
ADM/DAD Vezeris	0208
INV/SAIC Sloan	0210
TNG/AD Holmes	0210
INT/ATSAIC Barton	0159
DIR/SATS Tomlinson	0205
PA/ASAIC Carl Meyer	0207

needed enough to fill 200 ziplock bags. One of the subjects left a name of Terry Tuttle (known alias of Terry Nichols) and a phone number that was one digit off the telephone number at the residence of James Nichols.

Jennifer McVeigh returned to Buffalo, NY tonight, and has been convinced by her father to talk to the FBI. She is being interviewed at this time.

Paulsen was interviewed on this date for 3 hours. He reaffirmed his statements from yesterday. When shown the toll records showing that McVeigh called him over 30 times, Paulsen was visibly shaken and admitted to speaking with McVeigh on a more frequent basis than he reported earlier. When questioned about a long conversation dated 12/18/94, on the toll records, Paulsen advised that McVeigh was arranging a meeting with him to obtain dynamite from him. He advised that McVeigh wanted to meet him in a Denny's restaurant in Chicago, IL. Paulsen advised that he did not actually have the dynamite, and that he did not make the meeting. Paulsen agreed to be polygraphed.

An MCI operator accidentally retrieved James Nichols' phone records and noted that numerous calls were made to a John Broker with a 605 area code (South Dakota).

It was initially reported that the two calls made by Timothy McVeigh from jail were to Prairie, OK. Those calls were actually made to the residence of James Nichols.

A witness to the explosion named Grossman claimed to have seen a pale yellow Mercury car with a Ryder truck behind it pulling up to the Federal Building. Mr. Grossman further claimed to have seen a woman on the corner waving to the truck. ATSAIC McNally noted that this fact is significant due to the fact that the security video shows the Ryder truck pulling up to the Federal Building and then pausing (7-10 seconds) before resuming into a slot in front of the building. It is speculated that the woman was signaling the truck when a slot became available.

A catering truck driver who was traveling east just prior to the explosion noticed the Ryder truck in front of the Federal Building and saw two men leaving the vicinity of the truck and crossing the street heading for a brown pickup truck. The catering truck driver positively ID McVeigh. When questioned about his accuracy in detail, the driver admitted that he was gay and that he was "checking out" McVeigh.

2034 ATSAIC McNally advised that Paulsen failed his polygraph. He will be polygraphed again on 04-25-95.

that Paulsen provided McVeigh with the high explosives required to boost the ANFO to a detonation velocity. However, this is not conclusive. Did Paulsen provide McVeigh with further information on making ANFO even more efficient? By adding aluminum powder or glass beads to the ANFO mixture, this would generate a greater heat within the explosive mixture, producing a better consumption and yield with less residue remaining after the blast.

The initiation device is still unknown at this time. However, based on their military training, the simplest and most reliable initiation system would be TIME FUSE. Security video tapes from the area show the truck detonation 3 minutes and 6 seconds after the suspects exited the truck. A radio controlled (R/C) activation device is possible, if the suspects constructed or purchased such a system. One possible lead could be directed at "Ballisticorp" which stated that they sold three blowguns to the suspect, which normally cost \$20.00 each, however, the COD bill was \$600.00. The company may also sell R/C equipment. (GLOD)

1928 ATSAIC McNally reported that at this time, a fax was received from Topeka, KS stating that a Marsha Morgan an employee of Hypermart located in Topeka, KS had identified McVeigh as having bought a full flatbed truck load of fertilizer (NFI).

Hotel guests of the Dreamland Hotel who had a room next to McVeigh's room have identified McVeigh as an occupant at the Dreamland Hotel. ATSAIC McNally advised these guests also identified a flatbed truck located in the hotel parking lot. McNally's phone call was terminated, however, it is believed that the Ryder truck was also identified by these guests as also having been parked in the Dreamland Hotel parking lot. Attempts are being made to recontact McNally to confirm concerning the Ryder Truck. (HERRON)

1935 SA AU, Lexington, KY advised he had been contacted by Anna LNU, telephone 606-663-5214, who claimed that about one year ago, she dated a person who resembled the composite sketch of John Doe #2. Anna LNU stated that she knows this person Dennis Motowiak (NRID), 5'07", dark complected, black hair, stocky build, early to mid 20's. Anna LNU claimed that Motowiak is originally from North Carolina and had to return there due to his status as a parolee. She stated he has military experience and is part American Indian. Anna LNU provided that Motowiak has a cousin, Avery Crabtree (NRID), and uncle, Chester Crabtree (NRID), 2690 Paint Creek Rd, Stanton, KY, telephone 606-663-9308, who may be able to provide a current address for subject Motowiak.

2010 The individuals in the room next to McVeigh's at the Dreamland Hotel reported seeing the Ryder rental truck, as well as, a

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

_____		)	
JESSE C. TRENTADUE,		)	
		)	
Plaintiff,		)	
		)	
v.		)	Civ. A. No. 2:08-CV-00788
		)	
CENTRAL INTELLIGENCE AGENCY, <u>et al.</u>		)	
		)	
Defendants.		)	
_____		)	

EXHIBIT S



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

November 23, 2009

VIA EMAIL AND U.S. MAIL

MR. JESSE C. TRENTADUE  
SUITE 200  
8 EAST BROADWAY  
SALT LAKE CITY, UT 84111

*Jesse C. Trentadue v. FBI*  
*Civil Action Number: 2:08-cv-00788*  
*FOIA Request No.: 1120866-000*  
*Subject: OKBOMB/VIDEOTAPES*

Dear Mr. Trentadue:

In response to your inquiries of April 13, 2009 and October 7, 2009, concerning videotapes showing "the Ryder truck pulling up to the Federal Building and then pausing (7-10 seconds) before resuming into a slot in the front of the building" and "the truck detonation 3 minutes and 6 seconds after the suspects exited the truck," the FBI did not locate any such videotapes during its search for records responsive to your FOIA request.

Additionally, your letter of October 7th states that you have a "government document" (although your April 13th letter refers to "FBI documents") showing a Ryder truck pulling up to the Federal Building and/or the truck detonation. The FBI has been unable to locate such documentation. If you are referring to the Secret Service Timeline provided as an enclosure to your letters in which a tape purportedly matching the one you seek is described in a log, you will note that the *USA Today* article attached indicates that a Secret Service agent testified at the trial of Terry Nichols, that while the log exists, the government knew of no such videotape. If you are not referring to this Timeline, please provide a copy of the documentation to which you refer to enable the FBI to determine if a further search is necessary.

Moreover, you inquire about the whereabouts of additional videotapes responsive to your request. The FBI has provided all responsive videotapes that it has located concerning your narrowed request.

Lastly, the FBI has received and processed all payments received to date pertaining to FOIA Request No. 1120866; therefore, no additional payments are due at this time.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", is positioned above the typed name.

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division

Enclosure  
cc: Kathryn L. Wyer (w/e)



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## Nation

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Posted 4/20/2004 9:27 AM

### Secret Service cited mystery video in Oklahoma City blast

WASHINGTON (AP) — A Secret Service document written shortly after the 1995 Oklahoma City bombing described security video footage of the attack and witness testimony that suggested Timothy McVeigh may have had accomplices at the scene.

A Secret Service agent testified Monday that the log does, in fact, exist but that the government knows of no videotape. The log that the information was pulled from contained reports that were never verified.

Stacy A. Bauerschmidt, assistant to the special agent in charge of the agency's intelligence division, said the timeline was an internal log developed to help locate personnel lost in the bombing and determine if the agency was a specific target of the attack.

Reports may have been based on mere speculation and the agency does not vouch for its reliability, she said. (Related site: [Documents obtained by the AP](#))

"It's for us. It's a crisis document," Bauerschmidt said during testimony at bombing conspirator Terry Nichols' murder trial in McAlester, Okla.

"Security video tapes from the area show the truck detonation 3 minutes and 6 seconds after the suspects exited the truck," the Secret Service reported six days after the attack on a log of agents' activities and evidence in the Oklahoma investigation.

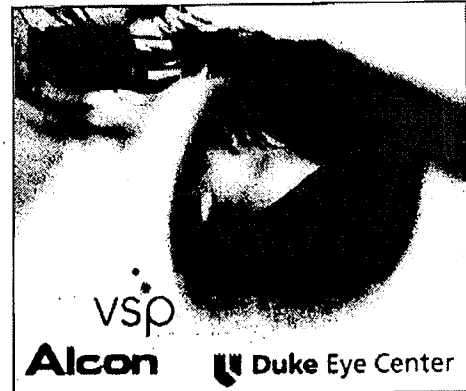
The government has insisted McVeigh drove the truck himself and that it never had any video of the bombing or the scene of the Alfred P. Murrah building in the minutes before the April 19, 1995, explosion.

Several investigators and prosecutors who worked the case told The Associated Press they had never seen video footage like that described in the Secret Service log.

The document, if accurate, is either significant evidence kept secret for nine years or a misconstrued recounting of investigative leads that were often passed by word of mouth during the hectic early days of the case, they said.

"I did not see it," said Danny Defenbaugh, the retired FBI agent who ran the Oklahoma City probe. "If it shows what it says, then it would be significant."

Other documents obtained by AP show the Secret Service in late 1995 gave prosecutors several computer disks of enhanced digital photographs of the Murrah building, intelligence files on several subjects in the investigation and a file detailing an internal affairs inquiry concerning an agent who reconstructed key phone evidence



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against McVeigh.

"These abstract sheets are sensitive documents which we have protected from disclosure in the past," said a Secret Service letter that recounted discussions in late 1995 with federal prosecutors on what evidence would be turned over to defense lawyers.

Lawyers for Nichols say they have never been given the security video, photo disks or internal investigative file referenced in the documents.

The trial judge has threatened to dismiss the death penalty case if evidence was withheld. McVeigh was executed in 2001 on a separate federal conviction. Nichols was sentenced to life in prison on federal charges before being tried by the state this year.

The government has maintained for years that McVeigh parked the Ryder rental truck carrying a massive fertilizer bomb outside the Murrah building and left alone in a getaway car he parked around the corner. The bombing killed more than 160 people.

The only video prosecutors introduced at trial showed the Ryder truck without any visible passengers as it passed a security camera inside a high-rise apartment building a block away from the Murrah building.

But the Secret Service log reported on April 24 and April 25, 1995, that there was security footage showing the Ryder truck pulling up to the Murrah building. The log does not say where such video came from or who possessed it.

A log entry on April 25 states that the security footage allowed agents to determine the time that elapsed between suspects leaving the truck and the explosion.

An entry a day earlier on the same log reported that the security video was consistent with a witness' account that he saw McVeigh's getaway car in the lead before a woman guided the truck to its final parking spot in front of the Murrah building.

"A witness to the explosion named Grossman claimed to have seen a pale yellow Mercury car with a Ryder truck behind it pulling up to the federal building," the log said. The witness "further claimed to have seen a woman on the corner waving to the truck."

A Secret Service agent named McNally "noted that this fact is significant due to the fact that the security video shows the Ryder truck pulling up to the Federal Building and then pausing (7 to 10 seconds) before resuming into the slot in front of the building," the log said. "It is speculated that the woman was signaling the truck when a slot became available."

Defenbaugh said the FBI had talked to several witnesses suggesting two people had left the truck, but prosecutors never introduced the scenario at trial because it couldn't be corroborated. That's why a new security video would be significant, he said.

"It would have taken the investigation in a very specific direction," Defenbaugh said. "Rather than having to go down an eight-lane highway during rush hour, we would have gone down a faster path with just two or four lanes."

Defenbaugh said the FBI kept a log similar to the Secret Service document inside the Oklahoma City investigation command center that might help solve the mystery of the video. Justice officials declined to discuss documents, citing the ongoing Nichols' trial.

In addition to the witness mentioned in the Secret Service document, a woman working in Murrah's Social Security office who was rescued from the rubble and a driver outside the building both reported to the FBI seeing two men leave the truck, according to government documents.

The Secret Service log contained other information about the case — including that McVeigh made 30 calls to an Illinois gun dealer in the months before the attacks to seek dynamite and that the gun dealer subsequently failed a lie detector test. The Secret Service lost six employees in McVeigh's bombing, the single largest loss in agency history.

Nichols' attorneys last week asked the judge to dismiss the case on grounds the government withheld evidence, including the security video footage.

New documents obtained by AP show the Secret Service provided prosecutors other evidence that may not have been provided to defense lawyers, including a file showing the Secret Service agent who reconstructed crucial phone evidence against McVeigh was subjected to an internal affairs investigation and eventually cleared for her conduct in the case.

FBI officials say that file details allegations the agent wrongly collected grand jury-subpoenaed phone information about McVeigh's calls without FBI knowledge, and kept it for weeks while she produced analysis that helped the investigation.

The internal investigation caused complications for prosecutors. They decided it tainted the agent as a witness and they chose instead to hire an outside expert to redo the phone analysis for trial, officials said.

Secret Service spokesman Charles Bopp said the agency did nothing wrong.

"The Secret Service worked cooperatively with the FBI and other federal state and local law enforcement throughout the investigation," Bopp said. "The expertise of the Secret Service on electronic crimes and telecommunications provided unique and timely information to the ongoing investigation."

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

<hr/>	
JESSE C. TRENTADUE,	)
	)
Plaintiff,	)
	)
v.	)
	)
CENTRAL INTELLIGENCE AGENCY, <u>et al.</u>	)
	)
Defendants.	)
<hr/>	

Civ. A. No. 2:08-CV-00788

EXHIBIT T

SUITTER AXLAND, PLLC

Judge Building  
8 East Broadway, Suite 200  
Salt Lake City, Utah 84111  
Telephone: (801) 532-7300  
Facsimile: (801) 532-7355

E-mail: jesse32@sautah.com  
www.sautah.com

Jesse C. Trentadue

January 22, 2010  
~~April 9, 2009~~

*VIA E-MAIL*

Ms. Kathryn L. Wyer, Esq.  
Assistant U.S. Attorney  
20 Massachusetts Avenue N.W.  
Washington, D.C. 20530

Re: *Trentadue v. CIA, et. al.*  
Case No. 2:08-CV-788-CW  
Murrah Building Surveillance Tapes

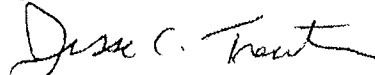
Dear Kathryn:

I am writing to request that you follow up with the FBI regarding the surveillance videotape from the two cameras mounted on the Murrah Building. I specifically requested the videotape from those cameras, but it was not produced.

Prior to writing this letter, I spoke with people who were on scene the morning of April 19, 1995, with knowledge about those cameras. There was a camera mounted on each end of the Building which monitored the street where the Ryder truck carrying the bomb parked. Later that day, several FBI agents were seen removing those cameras.

For your reference, Exhibit A is a photograph taken on the morning of April 19, 1995, after the explosion. It depicts one of the cameras, which I have circled. Exhibit B is another photograph showing both of the cameras, which I have also circled. On Exhibit B, the camera at the far end of the building is attached to a collapsed column. Finally Exhibit C, taken later that day, shows that the camera that was still attached to the Building had been removed by the FBI.

SUITTER AXLAND

  
Jesse C. Trentadue

cc: Mr. Jared Bennet via E-mail

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

_____	)	
JESSE C. TRENTADUE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. A. No. 2:08-CV-00788
	)	
CENTRAL INTELLIGENCE AGENCY, <u>et al.</u>	)	
	)	
Defendants.	)	
_____	)	

EXHIBIT U

SUITTER AXLAND, PLLC

Jesse C. Trentadue

Judge Building  
8 East Broadway, Suite 200  
Salt Lake City, Utah 84111  
Telephone: (801) 532-7300  
Facsimile: (801) 532-7355

E-mail: jesse32@sautah.com  
www.sautah.com

February 1, 2010

*VIA E-MAIL*

Ms. Kathryn L. Wyer, Esq.  
Assistant U.S. Attorney  
20 Massachusetts Avenue N.W.  
Washington, D.C. 20530

Mr. Jared C. Bennett  
Assistant United States Attorney  
185 South State Street, #300  
Salt Lake City, Utah 84111

Re: *Trentadue v. CIA, et. al.*  
Case No. 2:08-CV-788-CW  
Follow Up On Videotapes

Dear Ms Wyer and Mr. Bennett:

I am again writing to follow up with you regarding the FBI's response to my *FOIA* request for videotapes from security and/or surveillance cameras located on or near the Murrah Federal Building. In previous correspondence, I wrote to follow up with about not having received videotape from the Murrah Building cameras. The subject of this letter are missing-not produced tapes from the following locations:

1. *Water Resource Building (tapes taken by externally mounted cameras on South, East and West sides of Building).*
2. *YMCA Building (tapes taken by externally mounted cameras on West and South sides of Building)*
3. *US Federal Courthouse (tapes taken by externally mounted cameras on North, South, East and West sides of Building)*

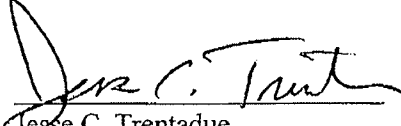
Kathryn L. Weyer, Esq.  
Jared C. Bennett, Esq.  
February 1, 2010  
Page 2

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4. ***Old US Federal Courthouse (tapes taken by externally mounted cameras on North, South, East and West sides of Building)***
5. ***Parking Lot*** located at the northwest corner of 6th St. and Hudson, NW ( **tapes taken by all externally mounted cameras**).

In his letter to me of June 23, 2009, Mr. Hardy stated that he was producing tapes from the U.S. Post Office, Journal Record Building, Oklahoma City Public Library, and Southwestern Bell Building. He made no mention in that letter, however, of tapes from the Murrah Building or tape from the above noted locations. Would appreciate it if you would check with Mr. Hardy to see why these tapes and tapes from the Murrah Building, which have reported by the Secret Service has stated show a "Ryder truck pulling up to the Federal Building and then pausing (7-10 seconds) before resuming into a slot in the front of the building"<sup>1</sup> and "the truck detonation 3 minutes and 6 seconds after the suspects exited the truck," have not been produced?

I thank you for your attention to this request.

  
Jesse C. Trentadue

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<sup>1</sup>S You can see the document at:  
<http://intelfiles.egoplex.com/2009/10/secret-service-document-describes.html>



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

_____		)
JESSE C. TRENTADUE,		)
		)
Plaintiff,		)
		)
v.		)
		)
CENTRAL INTELLIGENCE AGENCY, <u>et al.</u>		)
		)
Defendants.		)
_____		)

Civ. A. No. 2:08-CV-00788

EXHIBIT V



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

April 29, 2010

MR. JESSE C. TRENTADUE  
 SUITE 200  
 8 EAST BROADWAY  
 SALT LAKE CITY, UT 84111

Jesse C. Trentadue v. FBI  
 Civil Action Number: 2:08-cv-00788  
 FOIA Request No.: 1120866- 000  
 Subject: OKBOMB/VIDEOTAPES

Dear Mr. Trentadue:

This is in response to your Freedom of Information Act (FOIA) request referenced above. You were advised on May 28, 2009 that the FBI referred material to another Government agency (General Services Administration "GSA"). GSA has completed its review and processing of the referral. The enclosed material is being released to you with deletions made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552		Section 552a
<input type="checkbox"/> (b)(1)	<input type="checkbox"/> (b)(7)(A)	<input type="checkbox"/> (d)(5)
<input type="checkbox"/> (b)(2)	<input type="checkbox"/> (b)(7)(B)	<input type="checkbox"/> (j)(2)
<input type="checkbox"/> (b)(3) _____	<input checked="" type="checkbox"/> (b)(7)(C)	<input type="checkbox"/> (k)(1)
_____	<input type="checkbox"/> (b)(7)(D)	<input type="checkbox"/> (k)(2)
_____	<input type="checkbox"/> (b)(7)(E)	<input type="checkbox"/> (k)(3)
_____	<input type="checkbox"/> (b)(7)(F)	<input type="checkbox"/> (k)(4)
<input type="checkbox"/> (b)(4)	<input type="checkbox"/> (b)(8)	<input type="checkbox"/> (k)(5)
<input type="checkbox"/> (b)(5)	<input type="checkbox"/> (b)(9)	<input type="checkbox"/> (k)(6)
<input checked="" type="checkbox"/> (b)(6)		<input type="checkbox"/> (k)(7)

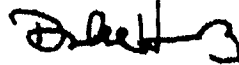
You have the right to appeal any FBI denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

Deletions made by GSA/Department of Homeland Security ("DHS") are also noted in this release. You have the right to appeal any GSA/DHS withholding determinations. Appeals should be directed in writing to the Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528. Your appeal must be received within sixty (60) days from the date of this letter in order to be considered timely. The envelope and letter should be marked "FOIA Appeal" and reference FOIA case number NPPD10F088. Please also include a copy of this letter with your appeal. Copies of the FOIA and DHS regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia).

April 29, 2010  
Mr. Jesse C. Trentadue  
Page 2

☐ See additional information which follows.

Sincerely yours,



David M. Hardy  
Section Chief  
Record/Information  
Dissemination Section  
Records Management Division

Enclosures

We understand that FEMA, the other agency to which the FBI referred material responsive to your request, has already responded directly to you. The processing of your request is therefore completed with the enclosed GSA/DHS referral response.

cc: Kathryn L. Wyer (w/encl.)  
Civil Division, Federal Programs Branch

**EXPLANATION OF EXEMPTIONS**

**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ( A ) could be reasonably be expected to interfere with enforcement proceedings, ( B ) would deprive a person of a right to a fair trial or an impartial adjudication, ( C ) could be reasonably expected to constitute an unwarranted invasion of personal privacy, ( D ) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, ( E ) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or ( F ) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a**

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

_____	)	
JESSE C. TRENTADUE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. A. No. 2:08-CV-00788
	)	
CENTRAL INTELLIGENCE AGENCY, <u>et al.</u>	)	
	)	
Defendants.	)	
_____	)	

EXHIBIT W

MCVEIGH  
INVESTIGATIVE REPORT  
PAGE #000080 through PAGE #000085

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WITNESS [REDACTED]

DATE CONDUCTED: 2/16/96

[REDACTED] WAS PERSONALLY INTERVIEWED AND STATED  
THE FOLLOWING:

[REDACTED] WAS AT 83RD AND WALKER WHEN THE BLAST OCCURRED, SAYING HE HAD JUST COME OUT OF THE DENTIST'S OFFICE. HE AND HIS MEN HAD MET THE GSA INSPECTOR IN THE ALLEY BEHIND THE FEDERAL COURTHOUSE AROUND 9:00 A.M. AND THEY WERE WALKING THROUGH THE TUNNEL WHEN THE MURRAH BUILDING BLEW UP. THEY WENT IN IMMEDIATELY TO DETERMINE IF ANYONE WAS TRAPPED IN THE ELEVATORS AND WERE AMAZED THAT NO ONE WAS. [REDACTED] SAID HE DIDN'T GO DOWN TO THE SITE UNTIL THE SECOND DAY BUT HE HAD TWO MEN ONSITE AND, WITHIN TEN MINUTES, HAD ANOTHER SIX MEN THERE. [REDACTED] REMAINED AT THE OFFICE TO MAN THEIR RADIO COMMUNICATION CENTER FOR THE EFFORT. HE STATED THAT HIS CREWS ALSO WENT IN WITH THE FIRE COMMAND TO ASSIST IF THE ELEVATOR HAD A PROBLEM AND THEY ALSO ASSISTED IN BRINGING OUT THE BABIES FROM THE NURSERY. HE SAID WHEN THE MEN ARRIVED, THE POWER DISTRIBUTION BOXES WERE DOWN ON THE FIRST FLOOR AND THAT, WHEN THE ELEVATORS HAVE NO POWER, THEY STOP WHERE THEY ARE; HOWEVER, THE SMOKE WOULD HAVE CAUSED THEM TO GO ON THE FIRE RECALL AND THEY WOULD RETURN TO THE LOBBY. HE SAID THERE IS AN ATF PERSON AND A DEA PERSON WHO SAID THE ELEVATOR FELL WITH THEM; THAT HE HASN'T GOTTEN TO TALK TO THE MEN, BUT THE ELEVATORS WOULD NOT HAVE FALLEN. HE SAID THE SENSATION ONE WOULD GET ON FIRE RECALL IS THAT IT STOPS, DOESN'T OPEN THE DOORS; THEN TURNS AND GOES BACK DOWN.

[REDACTED] SAID THAT [REDACTED] AND OTHER GUYS WORKED THROUGH UNTIL ABOUT 2:00 P.M. WHEN THEY WERE PULLED OUT BECAUSE THEY WERE DOING ANOTHER BOMB SEARCH. HE STATED THAT HE DIDN'T KNOW UNTIL THIS AFTERNOON (DATE OF THIS INTERVIEW) THAT [REDACTED] WAS BEING INTERVIEWED AGAIN BY THE GOVERNMENT BECAUSE HE HAD SEEN THEM PULL A BOMB FROM SOMEWHERE ON THE SOUTH SIDE OF THE BUILDING. HE SAID HE PERSONALLY DIDN'T SEE ANYTHING THAT WAS STORED IN THE BUILDING, BUT THE OTHER GUYS HAD OBSERVED THE ATF TAKING OUT AUTOMATIC WEAPONS, RIFLES, AMMUNITION, AND UNKNOWN THINGS IN CASES FROM THE ATF STORAGE AREA. HE SAID ATF WAS ONE OF THE MOST DAMAGED SECTION OF THE BUILDING. HE SAID ON THURSDAY NIGHT THEY CLEARED

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THE BUILDING AND TOOK SOMETHING OUT OF THE ATF VAULT THAT THEY HANDLED LIKE A "LAND MINE OR SOMETHING". HE SAID IT WAS AT LEAST FORTY-FIVE MINUTES BEFORE THEY COULD RETURN TO THE BUILDING. HE SAID THAT [REDACTED] HAS BEEN VERY CAUTIOUS AS TO WHAT HE SAYS ABOUT WHAT HE SAW, SAYING THAT ALL HE ([REDACTED]) KNOWS IS THAT HE SAW WHAT THEY CARRIED OUT. [REDACTED] COMMENTED THAT IT WAS COMICAL IN A WAY BECAUSE THE ATF DIDN'T WANT SECRET SERVICE TO SEE THEM REMOVE THINGS AND DEA DIDN'T WANT THE OTHERS TO KNOW WHAT THEY WERE DOING AND SO ON, SAYING THEY ALL ACTED LIKE LITTLE KIDS HIDING STUFF FROM EACH OTHER. HE STATED HE WAS THERE EVERY DAY AFTER THE SECOND DAY AND MAINLY SUPERVISED AND TOOK PICTURES; THAT THE OTHER GUYS WENT IN FOR THREE EIGHT-HOUR SHIFTS BECAUSE IT WAS TOO ROUGH ON THEM TO BE THERE MORE THAN THAT. THEY HAD TO SHORE UP THE WALLS OF TWO FLOORS IN ORDER TO GET THE ELEVATORS OPERATIONAL. HE STATED THAT THE ELEVATORS WERE ALL AT DIFFERENT LEVELS; THAT #1 WAS ON THE THIRD FLOOR; #4 WAS ON THE FOURTH LANDING; #2 WAS AT BASEMENT LEVEL AND #5 WAS BETWEEN THREE AND FOUR AND #6 WAS ON FIRST. HE SAID THEY LITERALLY TOOK PARTS FROM FOUR ELEVATORS AND PIECED TOGETHER ONE REGULAR ELEVATOR, #1 ELEVATOR, AND THE FREIGHT ELEVATOR; THAT THEY WOULD RUN FROM C LEVEL TO THE TOP AND THE FREIGHT ELEVATOR WAS THE MOST IMPORTANT BECAUSE THEY COULD GET THE BIG EQUIPMENT UP AND TAKE LITTERS IN. THEY WORKED TWO CREWS ON FRIDAY AND GOT THE FREIGHT ELEVATOR OPERATIONAL BY SATURDAY MORNING. THEY WERE ASKED TO STAY ONSITE IN CASE SOMETHING WENT WRONG WITH THE ELEVATORS, WHICH THEY DID. A LIFT WAS ALSO PUT UP ON THE OUTSIDE, WHICH WASN'T USED MUCH.

[REDACTED] COMMENTED WHAT A SHAME IT WAS THAT THE SURVEILLANCE CAMERAS WERE NEVER HOOKED UP AGAIN AFTER THEY PUT IN A NEW SECURITY SYSTEM APPROXIMATELY TWO YEARS AGO. HE IS UNAWARE OF ANY OUTSIDE SURVEILLANCE CAMERAS THAT MAY HAVE BEEN ON THE JOURNAL RECORD BUILDING.

[REDACTED] EXPLAINED THAT SOCIAL SECURITY WENT FROM THE EAST END OF THE BUILDING WEST TO THE FIFTH COLUMN; THAT THE FRONT OF THE TRUCK WAS OBVIOUSLY SLIGHTLY FORWARD, EAST OF THE FRONT DOOR AND THE CRATER WAS EXACTLY AT THE FRONT DOOR. ASKED IF HE HAD ANY SPECULATION AS TO WHY THE MAIN PART OF THE DAMAGE WAS TO THE EAST OF THE CRATER, HE STATED THAT HE HAS HEARD A LOT OF THEORIES, INCLUDING GENERAL PARTON, BUT HE CANNOT EXPLAIN WHY AND STATED HE WAS EVEN MORE PUZZLED OVER THE AMOUNT OF DEBRIS FROM UPPER FLOORS WAS ACTUALLY BLOWN BACK INTO THE BACK OF THE BUILDING. HE COMMENTED THAT THERE ARE PHOTOS WHICH SHOW ALL THE SHEET ROCK OFF ON THE BACK OR SOUTH SIDE AND STILL ON THE FRONT OR NORTH SIDE OF THE COLUMNS, SAYING THIS WAS INCONSISTENT

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WITH ALL THE GOVERNMENTS FINDINGS.

HE STATED THE BUILDING WAS CONSIDERED VERY UNSTABLE AND THAT SURVEYORS EQUIPMENT WAS USED TO MEASURE THE MOVEMENT AND WHEN THE WIND BLEW, THE BUILDING MOVED; THAT SEVERAL TIMES THEY HAD TO ABANDON THE BUILDING BECAUSE OF TOO MUCH MOVEMENT. HE BELIEVES THE FIRST BUILDING TO COLLAPSE AFTER THE BOMBING WAS AN AUTO REPAIR SHOP THAT WAS WEST OF BROADWAY, JUST OFF HARVEY.

A SET OF PHOTOS WERE PURCHASED FROM [REDACTED] AND WILL BE SUBMITTED WITH THIS REPORT. HE SAID GENERAL PARTON WAS PARTICULARLY INTERESTED IN THE FOLLOWING: 17-11; 12-23; 12-15; 8-19; 12-22; 3-10A; 11-7A; 12-13; 8-15A; 19-23A; 3-12A; 1-19A; 1-18A; 3-8A; 3-13A; 3-19A; and 3-9A. HE SAID THERE WAS AN EXCELLENT PICTURE OF THE CRATER TAKEN BY [REDACTED] THAT IT WAS TAKEN IMMEDIATELY AFTER THE CRATER WAS UNCOVERED. THE MEN WHO WORKED ON THE SCENE WERE [REDACTED] WHO CAME ON SATURDAY [REDACTED]

[REDACTED] AND [REDACTED] HE STATED ALL WOULD BE HAPPY TO SPEAK WITH US; HOWEVER, HE TOOK ENOUGH CARDS FROM INVESTIGATORS FOR ALL THE MEN AND NO ONE MADE CONTACT EXCEPT [REDACTED] HIS TELEPHONE CONVERSATION WITH [REDACTED] WAS TRANSCRIBED IN WHICH HE SAID HE WAS STILL BEING QUESTIONED CONCERNING A SEPARATE INVESTIGATION INVOLVING WHAT WAS STORED IN THE MURRAH BUILDING AND "OTHER THINGS" [REDACTED] REITERATED THAT HE HAD NOT KNOWN [REDACTED] HAD SEEN THEM REMOVE A BOMB UNTIL THIS DATE; THAT [REDACTED] HAD BEEN OFF WORK SINCE THE BOMBING WITH [REDACTED]

[REDACTED] STATED THAT THE FBI TOOK COPIES OF ALL THE PICTURES TAKEN ONSITE. HE SAID HE BELIEVES THEY SENT ALL THE CONTENTS OF THE CRATER TO QUANTICO, VA. HE SAID HE WAS AWARE WHEN ATF WAS TRYING TO OPEN THEIR SAFE AND WAS TREATING THE CONTENTS WITH KID GLOVES, BUT HE NEVER KNEW WHAT WAS IN IT.

SINCE THERE HAD BEEN SOME QUESTION AS TO WHETHER THE ALLEYWAY SOUTH OF THE JOURNAL RECORD BUILDING WAS OPEN OR CLOSED OFF, IT WAS CLARIFIED BY [REDACTED] THAT IT HAD BEEN AN OPEN ALLEYWAY WITH COMPLETE ACCESS FROM END TO END; THAT THE FENCE WAS PLACED THERE AFTER THE BOMBING.

[REDACTED] MIDWESTERN ELEVATOR IN JANUARY 1995 AND IT WAS MADE A PART OF UNITEC SERVICES WHICH IS OWNED BY [REDACTED]