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January 27, 2012

**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  
*Avoiding a Motion to Compel*

Dear Ms Wyer and Mr. Bennett:

I am writing to follow up with you both on Ms. Wyer's letter to me of January 25, 2012, regarding the Regency Tower surveillance camera videotapes. You are correct when you say that I never voiced any complaints to you regarding missing footage from the security camera videotapes that the FBI produced to me as a result of this lawsuit. I voiced those complaints to the Associated Press.<sup>1</sup> But, you are incorrect when you say that the FBI has already provided me with a copy of the videotape from the exterior of the Regency Tower Apartment building

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that scanned the parking lot and 5<sup>th</sup> Street in Oklahoma City on the morning of April 19, 1995.

For your reference, I have included a link to a satellite map of 5<sup>th</sup> Street in Oklahoma City<sup>2</sup> and, as you can clearly see, this map confirms Agent Hersley's testimony with respect to what that camera would have shown. This map shows the location of the Regency Tower Apartments next to the *Bombing Memorial* where the Murrah Building stood on April 19, 1995, and the parking lot across the street from the Regency. The camera located on the exterior of the Regency that Agent Hersley said "scans in front of the Tower building and also over towards the parking lot"<sup>3</sup> would have recorded the Ryder Truck which Hersley said that he saw, in still photographs made from that camera's videotape, moving in an "easterly direction on Fifth Street" towards the Murrah Building and the ensuing explosion which Hersley said he did not see because he never watched the entire videotape.

I find incredible, however, Agent Hersley's testimony that he never bothered to view the entire videotape when he said, under oath, that his role in the *Bombing* investigation was "to identify and locate other individuals who may have been involved in the bombing on April 19<sup>th</sup>, 1995." I say this because the *Time Line* that the Secret Service prepared in the *McVeigh* case repeatedly references other suspects seen in security camera videotapes:

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<http://maps.google.com/maps?q=333+Northwest+5th+Street,+Oklahoma+City,+OK&hl=en&sl=37.0625,-95.677068&sspn=55.586984,134.736328&oq=333+nw+5th+street,+oklahoma+ci&hnear=333+NW+5th,+Oklahoma+City,+Oklahoma+73102&t+h&z+17>

<sup>3</sup> *Hersley Testimony*, April 27, 1995, Preliminary Hearing.

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**A surveillance film recovered from the Regency Hotel, has been enhanced and shows the Ryder truck moving to the OKC Federal 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. 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 [parking] slot in front of the building. It is speculated that the woman was signaling the truck when a slot became available.**

\* \* \*

**Security video tapes** from the area show the truck detonation 3 minutes and 6 seconds after the **suspects** exited the truck.<sup>4</sup>

✓  
Now I find it noteworthy that this *Time Line* has so many references to surveillance camera tapes, including the tape Agent Hersley testified about, but none of which I have ever seen.

Finally, it is also noteworthy that the FBI does not say that it cannot find the Regency Tower surveillance tape. Rather, you say in your January 25, 2012, letter to me that the photographs made from this videotape which Agent Hersley saw, “were produced

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<sup>4</sup> Secret Service *Time Line* (Doc. 48, Ex. 3)(emphasis added).

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through enhancement techniques” and, that since I am now supposedly in possession of the videotape, I am “certainly free to apply whatever enhancement techniques . . . [I] wish to that footage. . . .” However, as I have repeatedly said, I was never given that videotape notwithstanding your contention that it was provided to me by the FBI, which brings me to a reasonable solution to this dispute.

The FBI charged me \$15 for each DVD containing the Regency Tower surveillance camera videotapes. Please have the FBI send me “another copy” of the videotape which was the subject of Agent Hersely’s testimony. I will gladly pay the \$15, and when I get the tape I will do whatever “enhancement” may be necessary. But judging from the description of the videotapes in the *Time Line*, I suspect that little or no enhancement will be necessary.

I am sure that you will agree with me that this proposal is certainly preferable to my having to file a *Motion to Compel* the FBI to produce that tape. And it is certainly preferable to needlessly involving the Court on a matter that we should be able to resolve amongst ourselves.

Thank you.

SUITTER AXLAND  
/s/  
jesse c. trentadue