



U.S. Department of Justice
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February 1, 2012

VIA E-MAIL

Jesse C. Trentadue
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8 E Broadway, Ste. 200
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Re: Trentadue v. CIA et al., No. 2:08-cv-788-CW

Dear Jesse,

I'm writing in response to your letter to me of January 27, 2012. First of all, thank you for acknowledging that your earlier suggestion, in your letter of January 23, 2012, that you had previously made complaints to me regarding the Regency Towers videotape footage was inaccurate. In regard to your inquiry concerning the videotape footage from which the photographs mentioned in Special Agent Hersley's testimony were produced, the FBI has indicated to me that this footage was provided to you in the release that accompanied Mr. Hardy's letter of July 16, 2009, in the DVD labeled "1B260 Regency tower 4/19/95 Q5." The FBI has also asked me to relay to you that the photographs mentioned by Special Agent Hersley bear time stamps indicating that the specific time period of that footage, from which the photographs were produced, is April 19, 1995 between 08:56:53 and 08:57:15. It is not surprising that you did not notice any image on the footage that could be a Ryder truck because, from what I understand, the truck is not visible without enhancement, except perhaps as a faint blur. As you know, nothing in the FOIA requires the FBI to respond to questions about materials that it has already released or about testimony that was given in an entirely unrelated court proceeding. By providing you with this specific information, the FBI has once again exceeded its obligations.

In your letter of January 27, 2012, you make various statements of opinion regarding what certain videotapes "would have shown," and you also indicate that you do not believe Special Agent Hersley's testimony. I am simply unable to credit any of your statements because, as has repeatedly been the case, the only basis for your ideas seems to be the "Timeline" document that you have previously attached to your court filings. As you know, this is not a FBI document, and nothing in this document purports to describe any materials as in the possession of the FBI. Moreover, as far as I know, this document has never been regarded by anyone other than yourself as an authoritative, or even reliable, source of information. Even the Secret Service, which apparently created the document, has acknowledged, in sworn testimony that was reported in the April 20, 2004, *USA Today* article that you were sent some time ago, that it would not vouch for the Timeline's reliability, and that it is unaware of any videotape footage of the bombing itself. (I also note that your letter of January 27, 2012, purports to quote the Timeline as referencing "surveillance footage recovered from the Regency Hotel" that was "enhanced and shows the Ryder truck moving to the OKC Federal Building," but this language does not appear anywhere in the Timeline excerpt that you have previously filed.)

Again, the FBI has repeatedly informed you that it has provided you with unredacted copies of all videotape footage that it found during its reasonable search for information responsive to your FOIA request. The parties' arguments regarding the adequacy of the FBI's search are currently pending before the Court. I therefore see no basis for any further filing on your part. As I mentioned in my previous letter, and as I'm sure you are aware, motions to compel are used in the discovery context as a means of attempting to compel the other side to respond to pending discovery requests. No discovery requests are pending in this case. Rather, this case involves your FOIA request to the FBI. Even if the FBI had not already fully responded to your request, you could not properly move to "compel production" of the very same material that you requested in your FOIA request. And obviously, even if you had any procedural basis for your proposed motion, the FBI cannot be "compelled" to provide what it has already given you. I would therefore regard any "motion to compel" that you might file at this point as entirely frivolous.

Sincerely,

/s/

Kathryn L. Wyer