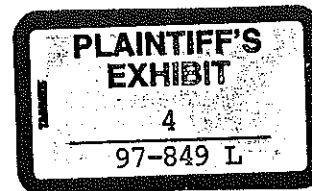


EX 42

- 1 -



FEDERAL BUREAU OF INVESTIGATION

Date of transcription

1/18/96

On January 18, 1996, Investigator KEVIN ROWLAND, Medical Examiners Office, Oklahoma City, Oklahoma, telephonically contacted Special Agent TOM MOON ENG LINN, through telephone number (405) 842-7471 and advised as follows:

While ROWLAND and SA JEFFREY K. JENKINS were in the Federal Transfer Center, on Thursday, November 16, 1995, they were shown a "Special Housing Unit Request Form" signed "VANCE BROCKWAY" with no justification for the transfer. ROWLAND also recalled that the form was witnessed by a Lieutenant.

BROCKWAY's brother told ROWLAND that he receiver a copy of his brother's Special Housing Unit Request Form from the Bureau of Prisons and that the copy did not have signatures on it. ROWLAND received a "FAX" copy of the document.

Investigation on 1/18/96 at Oklahoma City, OK (telephonically)

File # 70A-OC-56502-219

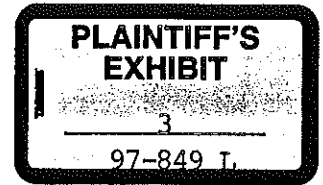
by SA TOM MOON ENG LINN:cmel

Date dictated 1/18/96

57

Ex 43

FEDERAL BUREAU OF INVESTIGATION



Date of transcription 08/12/1997

TRUMAN O. BIDELSPACH, Special Investigative Supervisor, Federal Bureau of Prisons, Federal Transfer Center, Oklahoma City, Oklahoma, was interviewed regarding the Administrative Detention Order for inmate VANCE BROCKWAY, also known as KENNETH MICHAEL TRENTADUE. After being advised of the nature of the interview and the identity of the interviewing agent, BEDELSPOCK provided the following information:

On August 11, 1997, while reviewing file OKL-0028 relating to BROCKWAY's death, BIDELSPACH found the original Administrative Detention Order used to transfer BROCKWAY to the Special Housing Unit (SHU) at the Federal Transfer Center, Oklahoma City, Oklahoma. Captain RON SHEFFER was present with BIDELSPACH when the missing document was found and Associate Warden MAX FLOWERS was immediately notified.

The original document was taken into custody by Special Agent James D. Straight, Federal Bureau of Investigation, Oklahoma City, Oklahoma and a control of evidence form FD-192 was completed. Custody was immediately transferred to Special Agent TOM LINN.

A copy of the original Administrative Detention Order is attached hereto and made a permanent part of this document.

SEARCHED SERIALIZED AUG 12 1997 FBI - OKLAHOMA

Investigation on 08/11/1997 at Oklahoma City, Oklahoma

File # 282A-OC-56502

Date dictated 08/12/1997

by SA James D. Straight:jds

USA007 3128

282A-OC-56502-1031

FTC OKLAHOMA CITY
Institution

Date/Time: 8-20-95 / 7:58am

TO : Special Housing Unit Officer
FROM : R. Howard, Lt (Name/Title)

SUBJECT : Placement of Brockway, Reg. No. 51098-098, in Administrative Detention

- (a) Is pending a hearing for a violation of Bureau regulations;
- (b) Is pending investigation of a violation of Bureau regulations;
- (c) Is pending investigation or trial for a criminal act;
- (d) Is to be admitted to Administrative Detention

(1) Since the inmate has requested admission for protection;

I hereby request placement in Administrative Detention for my own protection.

Inmate Signature/Register No.: X [Signature] Brockway 51098-098

Staff Witness Printed Name/Signature: D. Hendrickson [Signature]

(2) Since a serious threat exists to individual's safety as perceived by staff, although person has not requested admission; referral of the necessary information will be forwarded to the UDC/DHO for appropriate hearing.

- (e) Is pending transfer or is in holdover status during transfer;
- (f) Is pending classification; or
- (g) Is terminating confinement in Disciplinary Segregation and has been ordered into Administrative Detention by the Warden's designee.

It is this officer's decision based on all the circumstances that the above named inmate's continued presence in the general population poses a serious threat to life, property, self, staff, other inmates, or to the security or orderly running of the institution because*

Inmate Brockway requested admission to SHU for his own protection. Inmate Brockway believes other inmates are out to get him.

Therefore, the above named inmate is to be placed in Administrative Detention until further notice. The inmate received a copy of this Order on (date / time) 8-20-95 8:06 AM.

Staff Witness Signature/Printed Name D. Hendrickson [Signature] Date 8/20/95

*In the case of DHO action, reference to that order is sufficient. In other cases, the officer will make an independent review and decision, which is documented here.

- cc: Inmate Concerned (not necessary if placement is a result of holdover status)
- Captain
- Unit Manager
- Operations Supervisor - Administrative Detention Unit
- Central File

USA007 3129

ECN # 248

Administrative Detention Order

ETC OKLAHOMA CITY
Institution

EX 44

Date/Time: 3-29-85 7:33am

TO : Special Housing Unit Officer

FROM : A. Howard, Lt (Name/Title)

SUBJECT : Placement of Brockway, Reg. No. 51098-098, in Administrative Detention

- _____ (a) Is pending a hearing for a violation of Bureau regulations:
- _____ (b) Is pending investigation of a violation of Bureau regulations:
- _____ (c) Is pending investigation or trial for a criminal act:
- _____ (d) Is to be admitted to Administrative Detention

_____ (1) Since the inmate has requested admission for protection:

I hereby request placement in Administrative Detention for my own protection.

Inmate Signature/Register No.: _____

Staff Witness Printed Name/Signature: _____

_____ (2) Since a serious threat exists to individual's safety as perceived by staff, although person has not requested admission; referral of the necessary information will be forwarded to the UDC/DHO for appropriate hearing.

- _____ (e) Is pending transfer or is in holdover status during transfer:
- _____ (f) Is pending classification; or
- _____ (g) Is terminating confinement in Disciplinary Segregation and has been ordered into Administrative Detention by the Warden's designee.

It is this officer's decision based on all the circumstances that the above named inmate's continued presence in the general population poses a serious threat to life, property, self, staff, other inmates, or to the security or orderly running of the institution because*

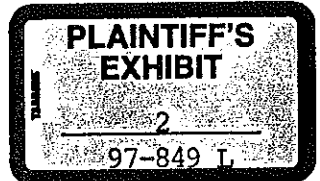
Inmate Brockway requested admission to SHU FOR his own protection. Inmate Brockway believes other inmates are out to get him.

Therefore, the above named inmate is to be placed in Administrative Detention until further notice. The inmate received a copy of this Order on (date / time) _____ Date _____

Staff Witness Signature/Printed Name _____ Date _____

*In the case of DHO action, reference to that order is sufficient. In other cases, the officer will make an independent review and decision, which is documented here.

- cc: Inmate Concerned (not necessary if placement is a result of holdover status)
- Captain
 - Unit Manager
 - Operations Supervisor - Administrative Detention Unit
 - Central File



1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 WESTERN DISTRICT OF OKLAHOMA

3 ESTATE OF KENNETH MICHAEL TRENTADUE,)
4 by and through its Personal)
5 Representative, CARMEN AGUILAR)
6 Trentadue, et al,)

Ex 46

7 Plaintiffs,)

8 vs.)

Case No. CIV-97-849-L

9 UNITED STATES OF AMERICA, et al)

10 Defendants.)

11 REPORTER'S TRANSCRIPT OF PROCEEDINGS
12 HAD ON NOVEMBER 21, 2000
13 JURY TRIAL
14 VOLUME VII

15 BEFORE THE HONORABLE TIM LEONARD,
16 JUDGE PRESIDING

17 A P P E A R A N C E S

18 R. SCOTT ADAMS
19 Adams & Associates
20 204 North Robinson, 25th Floor
21 Oklahoma City, OK 73102

22 CHARLES P. SAMPSON
23 Switter Axland
24 175 South West Temple, Suite 700
25 Salt Lake City, UT 84101-1480

COUNSEL FOR THE PLAINTIFFS

PETER E. SCHLOSSMAN
STEPHEN HANDLER
U.S. Department of Justice
Civil Division, Torts Branch
P.O. Box 888
Washington, D.C. 20044

COUNSEL FOR THE DEFENDANT UNITED STATES

Charyse C. Crawford, CSR, RPR
United States Court Reporter
5012 United States Courthouse
Oklahoma City, OK 73102 - PH. (405)609-5303 5567

DIRECT EXAMINATION OF DAVID WEDEKING

1 THE COURT: Yes.

2 MR. SAMPSON: Nothing further, Your Honor.

3 THE COURT: You may cross-examine.

4 MR. HANDLER: No questions, Your Honor.

5 MR. BARON: No questions, Your Honor.

6 THE COURT: You may be excused, and the Court would
7 advise you that you are not to discuss the testimony you
8 have given here today with other persons who may be a
9 witness in this matter. You may be excused.

10 (WITNESS EXCUSED.)

11 THE COURT: Plaintiffs call their next witness.

12 MR. BARON: May we approach very briefly?

13 THE COURT: What about?

14 MR. BARON: You can be excused -- about this
15 witness's testimony. We can take that up on our break.

16 THE COURT: Why don't we do that, Mr. Baron.

17 MR. SAMPSON: David Wedeking.

18 THE COURT: Mr. Wedeking, if you would raise your
19 right hand and be sworn by the clerk, please.

20 DAVID WEDEKING,

21 having been first duly sworn to tell the truth, the whole
22 truth, and nothing but the truth, testified as follows:

23 D I R E C T E X A M I N A T I O N

24 Q. (BY MR. SAMPSON) Would you state your full name spell?

25 A. David D-a-v-i-d Frank F-r-a-n-k Wedeking

DIRECT EXAMINATION OF DAVID WEDEKING

1 and typed up a couple of documents; correct?

2 A. This is correct.

3 MR. SAMPSON: May I approach, Your Honor?

4 THE COURT: You may approach.

5 Q. (BY MR. SAMPSON) Dr. Wedeking, you have a document in
6 front of you marked Plaintiffs' Exhibit No. 384. Can you
7 identify that document?

8 MR. SCHLOSSMAN: Your Honor, the United States
9 would remove its objections to this document.

10 THE COURT: Excuse me?

11 MR. SCHLOSSMAN: The United States withdraws its
12 objections to this document.

13 THE WITNESS: Yes, 384 is a post-suicide.

14 THE COURT: It will be admitted.

15 Q. (BY MR. SAMPSON) Do you recognize Exhibit No. 384, don't
16 you, Dr. Wedeking?

17 MR. BARON: Excuse me, Your Honor. I would object
18 on relevancy grounds. I understand you want to take that up
19 later.

20 THE COURT: I will reserve the ruling on Mr. Lee's
21 objection on 384 until the break.

22 Q. (BY MR. SAMPSON) Dr. Wedeking, Exhibit 384, the first
23 page is a memo from you; correct?

24 A. Yes, this is a computer-generated memorandum.

25 Q. And it's to all concerned; correct?

DIRECT EXAMINATION OF DAVID WEDEKING

1 A. That's correct.

2 Q. It refers to Vance Paul Brockway?

3 A. That's correct.

4 Q. And it states a suicide watch was begun on Mr. Brockway
5 on August 21, 1995, at 1:00; correct?

6 A. That's what it states.

7 Q. It states that the watch ended on 08-21-95 at 2:00?

8 A. That's what it states.

9 Q. It states that the watch was conducted by staff only?

10 A. Uh-huh.

11 Q. Dr. Wedeking, it's fair to say, isn't it, other than Mr.
12 Brockway's name on the first page of Exhibit 384 that all of
13 the information concerning the suicide watch is not true?

14 A. This was the problem that --

15 Q. Is it true?

16 A. Ask your question again.

17 Q. The information concerning the suicide watch regarding
18 Mr. Brockway is not true?

19 A. That's correct.

20 Q. And it wasn't true when you typed it?

21 A. When you say typing it, that's the thing. I was going
22 through a series of prompts in a program, and this
23 particular report the post suicide watch report was really
24 triggered by the other suicide risks assessment. And it is
25 correct when you look at it it doesn't make any sense

DIRECT EXAMINATION OF DAVID WEDEKING

1 because also the Inspector General came about two or three
2 years later and presented it to me and it didn't make sense
3 to me either at first. And I was trying to remember why I
4 would have done this process, but what was going on was
5 there was on the computer screen there is a number of types
6 of information we are trying to be gathered. One was did
7 the attempted suicide, was it successful yes or no.

8 And in my mind, what I was trying to do was trying to
9 load the computer up and demonstrate at least for the
10 statistical summary that there had been a suicide. So this
11 is actually it says memorandum, which is correct, and it's a
12 form that is generated. And as you go into it, it says from
13 me, and the computer gives me two choices either be me or
14 Dr. Johnson, and I entered -- hit enter, and it would be
15 yes. The post suicide watch report automatically printed
16 the name. In order to get Vance Brockway's name in there
17 before I brought up the screen, I had to enter in his name
18 and number and put it into the data bank, so then I scrolled
19 down and picked that one. The all concerned was automatic.
20 It came -- whenever you used this memorandum, it was
21 automatically to all concerned, and the distribution would
22 be automatic too. But he was not placed on watch, and this
23 does not correctly reflect that.

24 Q. And you didn't have to complete this form, did you?

25 A. In order to get on this computer data bank that there

DIRECT EXAMINATION OF DAVID WEDEKING

1 was a suicide, I would have to go through the screens in
2 order to get to that question, and in hindsight it doesn't
3 make any since.

4 Q. Dr. Wedeking, you didn't have to complete this form to
5 document Mr. Trentadue's suicide, did you?

6 A. No.

7 Q. Let me have you turn to the second page of Exhibit No.
8 384. Can you see that?

9 A. Yes.

10 Q. Page 2 of Exhibit No. 384 talks about a formal suicide
11 watch being instituted immediately; do you see that?

12 A. That's correct.

13 Q. That wasn't true, was it?

14 A. No, he was never on a suicide watch.

15 Q. Like the first page of Exhibit 384, you didn't have to
16 complete this document to document Mr. Trentadue's suicide,
17 did you?

18 A. No.

19 Q. Dr. Wedeking, how many suicides did you have occur while
20 you were psychological administrator of an institution
21 during your career?

22 A. In my career, there was -- in 26 years including the
23 state system there were approximately seven suicides.

24 Q. In none of those instances, did you go back and create
25 documents that showed that those individuals were on a

Ex 47

BROCKWAY, VANCE PAUL 51098-098
TELEPHONE CALL #3 & #4 TO HIS BROTHER
AUGUST 19, 1995 AT 19:45 & 20:01 P.M.
DURATION 0:15:00 & 0:01:04
PHONE # DIALED 08012780114

AUTOMATED OPERATOR: IN ORDER TO PROCESS YOUR COLLECT CALL, PLEASE STATE YOUR NAME AT THE TONE.

BROCKWAY: VANCE.

AUTOMATED OPERATOR: THIS IS LOCKTEL. PLEASE STAND BY. PLEASE STAND BY. PLEASE GO AHEAD, YOU ARE NOW CONNECTED.

JESSE: KEN

BROCKWAY: HEY, WHAT'S UP?

JESSE: NOTHING MUCH. I WAS OUT OF THE

BROCKWAY: UH?

JESSE: I WAS IN THE OFFICE EARLY THIS MORNING.

BROCKWAY: YEAH, THAT'S WHAT RITA WAS SAYING, YOU KNOW SHE.

JESSE: WHEN DID YOU CALL?

BROCKWAY: UH?

JESSE: WHAT TIME DID YOU CALL?

BROCKWAY: AH, RITA.

JESSE: I HAD LEFT ABOUT 5:30 SO.

BROCKWAY: OH, OKAY. SHE SAID YOU'D BE BACK LATER ON YOU KNOW SO I WAITED. YOU KNOW THEY GOT ME IN OKLAHOMA CITY HERE AND AH I JUST WENT IN FRONT OF THE PAROLE BOARD, I'M NOT SURE IF THEY'LL POST THE THING TOMORROW, YOU KNOW.

JESSE: HOWD THEY GET YOU BACK THERE?
BROCKWAY: UH?
JESSE: CAR OR DID YOU FLY?
BROCKWAY: AH, THEY BUSSED ME TO PHOENIX AND FROM PHOENIX I FLEW.

JESSE: WITH MARSHALS?
BROCKWAY: YEAH.
JESSE: HOW MANY PEOPLE?
BROCKWAY: UH?
JESSE: JUST YOU AND HOW MANY MARSHALS?
BROCKWAY: AH, THEY TRANSPORTED A LOT OF PEOPLE. THEY DROPPED ABOUT 90 OFF RIGHT HERE, SEE IT'S LIKE A TRANSFER CENTER.

JESSE: HOW MANY WERE ON YOUR FLIGHT?
BROCKWAY: OH, ABOUT 90 OR SO.
JESSE: DID YOU HAVE A WHOLE PLANE RESERVED?
BROCKWAY: YEAH, THEY, THEY FLY IN NOW. THEY COME IN TO OKLAHOMA CITY AND THEY HAVE UH, LIKE A AH, RIGHT BY THE AIRPORT THEY HAVE GUYS WHERE THEY DUMP PEOPLE OFF AND PEOPLE GET BACK ON THE PLANE AND GO AGAIN, YOU KNOW, AND AH, YOU KNOW FROM AH, HOW WOULD I SAY, LIKE A HOLDING SPACE, YOU KNOW, AND IF YOUR FLYING TO THIS OTHER JOINT IN ANOTHER PART OF THE COUNTRY, THEY PUT YOU ON A FLIGHT LATER ON WHEN THEY GET ENOUGH PEOPLE.

JESSE: YEAH.

BROCKWAY: YOU KNOW WHAT I'M SAYING? SO THEY DECIDED THAT'S WHERE THEY'RE GOING TO HAVE ALL THE PAROLE HEARINGS AND ALL THAT STUFF.

JESSE: HOW'S THE FOOD.

BROCKWAY: UH? AH, SO, SO.

JESSE: YOU GET BISCUITS AND GRAVY THERE?

BROCKWAY: UH?

JESSE: YOU GET BISCUITS AND GRAVY THERE?

BROCKWAY: NO, WE DON'T. YEAH YEAH, CALL SIS AND AH I CALLED HER EARLIER AND I WAS GOING TO CALL HER TOMORROW, BUT CALL SIS AND AH HAVE HER AH, AH, SHE WAS SUPPOSE TO GET SOME UM AH, FIND OUT, I DON'T KNOW IF SHE'S HAVING TROUBLE GETTING THOSE WHEN I HAD DIRTY TESTS OR NO SHOWS. SHE SAID THE GUY DIDN'T WANT TO SHOW THEM UP YOU KNOW TELL HER ABOUT THEM, YOU KNOW WHAT I MEAN?

JESSE: OKAY.

BROCKWAY: AND AH

JESSE: SHE CALLED AND LEFT THAT NUMBER AND I'LL CALL MONDAY.

BROCKWAY: OKAY, AND I, I NEED, FIND THAT OUT TONIGHT.

JESSE: IT WASN'T CLEAR WHAT I NEEDED TO GET FROM THAT GUY.

BROCKWAY: UH?

JESSE: WHAT DO I NEED TO GET FROM HIM?

BROCKWAY: OKAY, WHAT YOU NEED IS UH, YOU NEED TO AH, AH.

JESSE: WHAT HAPPENED, WAS THAT SOMEONE HAD YOUR NUMBER DOWN IN SAN DIEGO AND THE TESTS WERE SHOWING UP ON HIM AND NOT YOU.

BROCKWAY: YEAH. YEAH. WELL SEE WHAT THEY NEED IS AH LIKE I SAID, THEY GOT ME AH, I PUT A DIRTY, I PUT A DIRTY, LIKE HOW WOULD I SAY, MAY OF 88.

JESSE: I REMEMBER MAY.

BROCKWAY: OKAY THAT'S WHEN, THAT'S WHEN I DID THE, THAT'S WHEN I DID THE AH, AH HALFWAY HOUSE THING, OKAY. NOW THAT'S ONE OF MY VIOLATIONS, YOU KNOW AND SECOND ONE IS LIKE I SAY IS AH LIKE WHAT THEY SAY IN THIS I DIDN'T REPORT NOVEMBER, DECEM., OH WELL LET'S SEE, OCTOBER, NOVEMBER OF AH 89, AND I DIDN'T SHOW UP FOR FIVE NO SHOWS IN 89 OCTOBER, NOVEMBER 89, OKAY.

JESSE: UM UM.

BROCKWAY: THEN THEY'RE SAYING THAT AH ??? SAYS THAT MY LAST NO SHOW THAT PEOPLE AT CRC I MEAN CRI TESTING THING, WHAT THEY'RE SAYING IS AH THE LAST TIME I DID AH TEST FOR THEM IS NOVEMBER 15 AND IF ??? SAYS THE LAST TIME I GAVE THE 5TH NO SHOW WAS ON NOVEMBER 14TH I DIDN'T SHOW UP FOR A DIRTY TEST, YOU KNOW. SO IF HE'S SAYING THAT WRONG. YOU KNOW.

JESSE: THAT'S WRONG, BUT WHAT ARE YOU GONNA DO KEEP POUNDING HOME? YOU KNOW.

BROCKWAY: WELL, WELL SEE WHAT I NEED IS, WHAT I NEED IS, SEE I DON'T THINK IT WAS TAKEN BACK IN FRONT AND PUT THE WITH THAT ALCOHOL SIMULATION SHIT ON IT, YOU KNOW WHAT I'M SAYING.

JESSE: UM UM.

BROCKWAY: HE SAID I GAVE HIM 4 DIRTY ALCOHOLS AND I DIDN'T. I MEAN YOU KNOW IF I DID, IT'S NOT SHOWING UP, IT'S NOT SHOWING UP ON THE WARRANT. YOU KNOW WHAT I MEAN? OKAY THE ONE WARRANT IT SAYS I HAVE, LIKE I SAID 5 NO SHOWS IN OCTOBER AND NOVEMBER OF 89, WELL I'M THINKING ITS GONNA BE 4 OR 5 DIRTY ALCOHOLS, YOU KNOW WHAT I MEAN? AND, AND LIKE I SAY, I WANT TO KNOW IF HE ACTUALLY DID PUT ME BACK IN FRONT OF THE BOARD, YOU KNOW WHAT I'M SAYING?

JESSE: ??? HIS LETTER.

BROCKWAY: UH?

JESSE: ??? THE LETTER THE POST OFFICE WAS CLOSED YESTERDAY;
HE MIGHT NOT HAVE DONE IT.

BROCKWAY: YEAH, THAT'S WHAT I THINK. THAT'S WHAT I THINK.

JESSE: THE THING YOU HAVE IS EVERY TIME YOU GET TO OPEN
YOUR MOUTH YOU HAVE TO SAY HE ADMITTED THAT IT IS
TRUE THAT SOMEONE WITH YOUR NUMBER DOWN IN SAN
DIEGO THAT WAS SHOWING UP ON THESE DIRTY TESTS.

BROCKWAY: YEAH.

JESSE: IN THE END HE STILL GOT TRUE, THAT'S WHAT HAPPENED IS
THAT YOU GOT, YOU GOT CHARGED WITH ALL OF IT.

BROCKWAY: YEAH, LIKE I SAY, I DO, WELL SEE THERE'S ANOTHER GUY
HERE THAT HAD FARLEY TOO AND THEY SAID FARLEY HAD
BEEN KNOWN TO LIKE TO TRYING TO BLACK MAIL YOU AND
THAT YOU KNOW WHAT I MEAN AS FAR AS AH YOU KNOW
GET YOU TO GO STRAIGHT WITHOUT AH, AH WITHOUT AH,
LIKE I SAY DOING THINGS YOU KNOW TO SEE IF YOUR GONNA
DO IT ON YOUR OWN, YOU KNOW WHAT I MEAN? AND LIKE I
SAY YEAH, IF THAT'S THE WAY, YOU KNOW LIKE I SAY I, IT'S
JUST THAT IT SOUNDS LIKE THE PEOPLE DIDN'T WANT TO
GIVE UP WHEN I DID, YOU KNOW THE LAST TIME I DID AH
ANY NO SHOWS I DIDN'T DO AND ANY AH DIRTY, IF I DID GIVE
ANY DIRTY ALCOHOL, BY THIS THING WHAT I'M ACCUSED OF
THERE'S NO DIRTY ALCOHOLS IN IT, YOU KNOW WHAT I
MEAN?

JESSE: YUP.

BROCKWAY: AND SO THAT, THAT TAKE AH???

JESSE: ???FROM THE GUY WITH THE SAME NUMBER DOWN IN SAN
DIEGO.

BROCKWAY: YEAH.

JESSE: WHAT IS YOUR ADDRESS THERE?

BROCKWAY: UH?

JESSE: WHAT IS YOUR ADDRESS THERE?

BROCKWAY: I ALREADY GAVE IT TO RITA.

JESSE: OKAY.

BROCKWAY: UH IT'S FEDERAL TRANSFER CENTER, OKLAHOMA CITY. AND LIKE I SAY THOSE, THE ??? OTHER PAPERWORK TO YOU TO COPY.

JESSE: NO.

BROCKWAY: OKAY. WELL, WHEN YOU CALL HER, HAVE HER SEND EM TO ME AND AH.

JESSE: ???VANCE T. BROCKWAY.

BROCKWAY: YEAH. AND HAVE HER, UH?

JESSE: FEDERAL TRANSFER CENTER.

BROCKWAY: YEAH. AND UH HAVE HER SEND THOSE PAPERWORK, BECAUSE AH

JESSE: WHAT'S THE ADDRESS?

BROCKWAY: SHE HAS IT. RITA COPIED IT DOWN WHEN I CALLED HER EARLIER.

JESSE: OKAY.

BROCKWAY: AND THEN PLUS I GAVE IT TO SIS. BUT LIKE I SAY HAVE HER, HAVE HER, LIKE I SAY, GET THOSE IN THE MAIL CAUSE THE ONE ONES I HAD IN MY PACKAGE YOU KNOW THERE AH THEY DIDNT FOLLOW ME YOU KNOW WHAT I MEAN.

JESSE: DID YOU GET THE FORMS I SENT?

BROCKWAY: UH?

JESSE: DID YOU GET THE FORMS I SENT?
BROCKWAY: AH YES, YES.
JESSE: WERE THEY THE RIGHT FORMS?
BROCKWAY: UH?
JESSE: WERE THEY THE RIGHT FORMS?
BROCKWAY: YES, BUT YOU KNOW LIKE I SAY, AH IT EXPLAINS THE STREET VIOLATIONS I YOU KNOW LIKE I SAID I'VE BEEN TALKING AND LIKE I SAY I ???DOING SOMETHING LIKE I SAID AH ACCUSING ME OF LIKE I SAID CHEATING ME OUT OF TIME AND THAT YOU KNOW WHAT I'M SAYING, THAT'S NOT THE CASE HERE YOU KNOW. WELL I'LL FIND OUT MORE, I NEED TO GET THIS BOOK PACKAGE THEY CALL IT AND WHEN I GET THAT UM THAT SHOULD ??? 7 WEEKS YOU KNOW WHAT I MEAN. AND I'LL GET THAT AND AH LIKE I SAY I'LL AH I'LL KNOW MORE ABOUT WHAT IS HAPPENING HERE YOU KNOW. AND LIKE I SAY, YOU KNOW WHATEVER AH GONNA HAPPEN. IT'S LOOKING PRETTY GOOD, YOU KNOW LIKE, YOU KNOW AS FAR AS VIOLATION MINE'S LIGHT WEIGHT THEY'RE JUST STREET VIOLATIONS YOU KNOW. SO HOW'S EVERYBODY?
JESSE: ???OFF CAMPING THE WOODS AND JESSE JUST GOT BACK FROM CAMPING IN THE WOODS.
BROCKWAY: HOW'D HE LIKE HIS TRIP SOUTH?
JESSE: HE DID, HE HAD A GOOD TIME.
BROCKWAY: THAT'S A BUMMER I WASN'T OUT SO I COULD HELP ??? GO TO THE BEACH.
JESSE: I'LL SEND PHOTOGRAPH BACK TO YOU.
BROCKWAY: UH?
JESSE: A GOOD LOOKING BOY.

BROCKWAY: ALRIGHT HE'S A, WELL NO, BETTER NOT SEND THEM HERE
THE MAIL TAKES KIND OF LONG GETTING IN HERE AND DO
NEED THAT THAT'S WHY AH AH LIKE I SAY HAVE AH.

JESSE: I SAVE THAT ???

BROCKWAY: OKAY, YEAH YOU'VE GOT TO DO THAT PUT THAT ON THE
OUTSIDE AND LIKE I SAY HAVE SIS GIVE YOU THAT NUMBER
OF THAT PLACE TO CALL AND SHE CAN YOU KNOW FIND OUT,
WHAT I'M REALLY SAYING ABOUT AH IF AND ANY DIRTY
AFTER THAT ONE ON MAY OF MAY OF 31ST OF 88 YOU KNOW.

JESSE: UM UM.

BROCKWAY: LIKE I SAY AH, AH I'LL KNOW MORE IN THE NEXT COUPLE OF
DAYS WHAT'S HAPPENING WHEN I GET THAT BOOKLET AND
PLUS TALK TO THE COUNSELORS I ALSO KNOW WHERE I'LL
BE GOING TO DO MY AH MY DESTINATION TIME AT YOU
KNOW, YOU KNOW WHERE I'M GOING TO GET DESIGNATED
AND ALL THAT STUFF YOU KNOW.

JESSE: YOU DON'T KNOW YET?

BROCKWAY: NO THEY DIDN'T SAY. YOU KNOW LIKE I SAY.

JESSE: WHAT'S THE WORST PLACE YOU COULD BE ?

BROCKWAY: UH?

JESSE: WHAT'S THE WORST PLACE YOU COULD BE?

BROCKWAY: AH, I DON'T KNOW. PROBABLY WHERE MAYBE WHERE BRIAN
DID HIS TIME, YOU KNOW.

JESSE: WHERE WAS THAT?

BROCKWAY: PHOENIX.

JESSE: THAT'S CLOSE.

BROCKWAY: UH?

JESSE: THAT'S CLOSE.

BROCKWAY:

WELL THAT'S UH

JESSE:

IT'S CLOSER THAN OKLAHOMA.

BROCKWAY:

YEAH, WELL SEE THERE JUST USING THIS A GUIDANCE CENTER TYPE THING YOU KNOW WHAT I'M SAYING AND AH YOU KNOW OF COURSE THEY'RE GETTING DOWN ON PEOPLE SO LOW THAT THEY COULD LIKE I SAY THEY'RE GOING TO AH, THEY WERE GOING FROM INSTITUTE TO INSTITUTE YOU KNOW WHAT I MEAN, BUT THEY GOT SO LOW ON THE PEOPLE??? AS THEY GO DOWN THESE PEOPLE THEY'RE SENDING THEM HERE RATHER THEY ALREADY STARTED NOW BUT THEY'VE BEEN DOING IT, YOU KNOW AND THEY WENT FROM SEEING I GUESS ONCE A MONTH OR SOMETHING TO AH EVERY LIKE A SAY AH TWO WEEKS NOW AND I DON'T KNOW IF THEY'RE GONNA UP IT EVERY WEEK NOW TO SEE PEOPLE HOW THEY'RE GONNA DO YOU KNOW WHAT I MEAN. BUT LIKE RIGHT NOW ON THIS FLOOR HERE THAT'S LIKE AH 100 PEOPLE WAITING TO GO TO THE BOARD, YOU KNOW THEY'RE FROM ALL OVER THE COUNTRY AND THEN LIKE I SAY THERE'S AH AH I DON'T KNOW IF ANY MORE OF US PEOPLE ARE GONNA COME IN, BUT LIKE I SAY, I'LL SEE IF I'M GONNA SEE THEM THIS TIME OR NOT YOU KNOW, I HOPE I DO YOU KNOW, IF NOT THEN I'LL FIND OUT WHETHER ITS ONE MONTH, ONE WEEK, OR TWO WEEKS OR WHATEVER IT IS YOU KNOW THEN I'LL SEE THEM. YOU KNOW LIKE A SAY AH, I DON'T KNOW. YOU KNOW, LIKE I SAY, UNTIL I TALK WITH THAT AH COUNSELOR AND FIND OUT WHAT'S HAPPENING, YOU KNOW AH THEN I DON'T KNOW AH WHAT THE ACTUAL CHARGES ARE GONNA DO I'LL KNOW THE DESIGNATION WHERE I'M GONNA GO WHEN I GET FOUND GUILTY, YOU KNOW WHAT I MEAN. YOU KNOW WE'RE TALKING YOU KNOW GETTING MY TIME HOW LONG MY VIOLATION GONNA BE AND LIKE I SAY AH TAKE IT FROM THERE, YOU KNOW LIKE I SAY AND ALL THAT'S ALL I CAN DO YOU KNOW LIKE I SAID.

JESSE:

WHEN WILL YOU GO BEFORE THE BOARD?

BROCKWAY:

AH I'LL FIND THAT OUT THE NEXT COUPLE DAYS IF I'M GONNA HIT THIS BOARD RIGHT HERE.

JESSE:

WILL THEY GIVE YOU A LAWYER?

BROCKWAY: UH?

JESSE: WILL THEY GIVE YOU A LAWYER?

BROCKWAY: WELL THEY GOT ONE HERE IF I NEED ONE YOU KNOW WHAT I MEAN.

JESSE: YOU NEED ONE.

BROCKWAY: UH?

JESSE: YOU NEED ONE.

BROCKWAY: WELL NO, LIKE I SAY YOU KNOW, I IT'S LIKE I SAY IT'S A STREET VIOLATION YOU KNOW AND AH THAT'S WHY YOU KNOW I WAS ??? I'LL BE ABLE TO TELL MORE AH WHEN I GO TALK WITH THIS ONE GUY BEFORE GOING AND I CAN ASK THE ONE RIGHT HERE, YOU KNOW WHAT I'M SAYING. I JUST WANTED ONE AT THAT TIME BECAUSE I WAS IN THE DARK OF WHAT WAS HAPPENING AND THAT YOU KNOW AND NEVER DID.

JESSE: YOU GOT TO ???

BROCKWAY: YEAH.

JESSE: WELL OKAY. I'LL GET YOU SOME INFORMATION FROM THE ATTORNEY???

BROCKWAY: YEAH. BUT YOU KNOW LIKE I SAY RIGHT, LIKE I SAY AS OF RIGHT NOW IT'S YOU KNOW THAT DIRTY TEST I ALREADY DID TIME ON AND UH NO SHOWS, YOU KNOW, AND LIKE I SAY.

JESSE: WILL TAKE CARE OF IT.

BROCKWAY: YEAH. OKAY YEAH, HOW'S POP AND THEN DOING?

JESSE: PRETTY GOOD.

BROCKWAY: YEAH, THAT'S GOOD THAT'S GOOD YOU KNOW, AH MOM AND THEM SEEM TO ENJOY GOING DOWN THERE (AUTOMATED PHONE SYSTEMS BEEPS TO SIGNAL CALL WILL END SOON) ARE YOU THERE?

JESSE: YEAH I AM.

BROCKWAY: YOU GOT TO CALL IN ON YOUR PHONE.

JESSE: CALL FOR WHAT?

BROCKWAY: UH?

JESSE: I DON'T KNOW.

BROCKWAY: OH I THOUGHT YOU, I MEAN YOU DON'T GOT THAT HOOKED UP TO YOUR THING?

JESSE: IT MAY BE, BUT I'M NOT AWARE OF IT.

BROCKWAY: OH, NO YOU HAVE TO, IT IT COST EXTRA.

JESSE: NO.

BROCKWAY: LIKE I SAY, YOU KNOW AH TELL AH SIS I'LL PROBABLY CALL TOMORROW NIGHT AND LET HER YOU KNOW IF I FIND OUT BY TOMORROW NIGHT IF I'M GONNA GO OR NOT YOU KNOW. IF THEY FILE THE THING, IF THEY DON'T FILE THE THING THEN THEY'LL FILE IT LATER ON YOU KNOW WHAT I'M SAYING.

JESSE: YES.

BROCKWAY: AND THEN AH LIKE I SAY GO FROM THAT. ARE YOU GONNA BE AROUND TOMORROW NIGHT.

JESSE: I WILL BE.

BROCKWAY: UH?

JESSE: YEAH.

BROCKWAY: OKAY THEN I'LL YELL TO YOU THEN AND UM FIND OUT YOU KNOW LIKE I SAY MAYBE I'LL SEE THAT COUNSELOR WHEN HE COMES IN ON SUNDAY, SUNDAY TO MONDAY I MEAN SUNDAY TO AH AH THURSDAY, HE'S OFF FRIDAY AND SATURDAY. (AUTOMATED PHONE SYSTEM DISCONNECTS PHONE CALL THEN BROCKWAY CALLS BACK)

AUTOMATED OPERATOR: IN ORDER TO PROCESS YOUR COLLECT CALL, PLEASE STATE YOUR NAME AT THE TONE.

BROCKWAY: VANCE.

AUTOMATED OPERATOR: THIS IS LOCKTEL. PLEASE STAND BY. PLEASE STAND BY. PLEASE GO AHEAD, YOU ARE NOW CONNECTED.

BROCKWAY: I'M NOT SURE ON THAT I'M NOT SURE IF THEY AH HAVE AH LIKE I SAY YOU CAN ONLY TALK SO MANY MINUTES HERE OR WHAT YOU KNOW, YOU KNOW I'LL FIND OUT YOU KNOW IT CUT OFF SO I DECIDED TO CALL YOU BACK BEFORE YOU KNOW TO FINISH. BUT I'LL GIVE A YELL TOMORROW NIGHT OKAY.

JESSE: OKAY.

BROCKWAY: AND AH LIKE I SAY, I SHOULD KNOW MORE ABOUT IT AND AH LIKE I SAY THEY GET PEOPLE IN AND OUT OF HERE LIKE I SAY WHAT THEY DO NOW IS THEY AH DESIGNATE YOU FOR HERE THEN WERE YOUR GOING TO DO YOUR TIME, YOU KNOW WHAT I MEAN, SO THEY ??? IT USE TO BE YOU WENT TO THE BOARD, THEN THEY DESIGNATED YOU AND YOU HAD TO WAIT A FEW WEEK, THREE, OR FOUR WEEKS YOU KNOW WHAT I'M SAYING, AND AH LIKE I SAY AH WE'LL SEE TOMORROW LIKE I SAY AFTER I TALK WITH THEM MORE AND MORE, YOU KNOW WHAT'S HAPPENING WITH AH YOU KNOW IF THE BOARD'S GONNA SEE EVERYBODY ON THIS FLOOR OR WHAT, YOU KNOW WHAT I'VE BEEN SAYING?

JESSE: UM, YEAH.

BROCKWAY: OKAY, THEN I'LL YELL BACK TOMORROW THEN, OKAY.

JESSE: OKAY, TAKE CARE.

BROCKWAY: OKAY THEN, LOVE TO EVERYBODY. BYE.

Ex 47



BROCKWAY, VANCE PAUL 51098-098
TELEPHONE CALL #1 TO HIS BROTHER'S WIFE
AUGUST 19, 1995 AT 9:39 A.M.
DURATION 0:04:22
PHONE # DIALED 08012780114

AUTOMATED OPERATOR: IN ORDER TO PROCESS YOUR COLLECT CALL, PLEASE STATE YOUR NAME AT THE TONE.

BROCKWAY: THIS IS VANCE.

AUTOMATED OPERATOR: THIS IS LOCKTEL. PLEASE STAND BY. PLEASE STAND BY. PLEASE GO AHEAD, YOU ARE NOW CONNECTED.

BROCKWAY: HELLO, HELLO.

RITA: KEN?

BROCKWAY: YES.

RITA: THIS IS RITA.

BROCKWAY: HOWDY.

RITA: LET ME SEE IF I CAN GET SOMETHING ??? JUST A SECOND.

BROCKWAY: OKAY. COUGH, COUGH.

RITA: GEESE, I'M SORRY KEN, HE JUST GOT UP AND WENT TO HIS OFFICE.

BROCKWAY: OKAY THEN.

RITA: I JUST TURNED AROUND OUTSIDE HERE AND HE JUST LEFT.

BROCKWAY: OKAY, WELL UH, RITA WHAT WOULD BE A GOOD TIME TO YELL AT HIM.

RITA: UM, COULD YOU DO ANOTHER CALL RIGHT NOW?

BROCKWAY: AH YES.

RITA: AH THAT'S RIGHT, YOU WOULD HAVE TO DO A COLLECT CALL TO HIS OFFICE.

BROCKWAY: UH?

RITA: UM, YOU TRIED TO DO A COLLECT CALL TO HIS OFFICE THAT'S THE PROBLEM. UM.

BROCKWAY: WELL, GIVE ME UH, UH, YOU GOT A PENCIL HANDY?

RITA: JUST A SECOND. HELLO.

BROCKWAY: HELLO.

RITA: YEAH.

BROCKWAY: OKAY, I MEANT TO TELL HIM I'M IN OKLAHOMA NOW FOR A MOMENT. I'M AT THE FEDERAL TRANSFER CENTER, OKAY?

RITA: WHEN DID YOU GET THERE?

BROCKWAY: AH, LAST NIGHT. BUT THIS IS WHERE THEY'RE STARTING TO HOLD ALL THE PAROLE HEARINGS AND I'M NOT SURE HOW LONG I'M GOING TO BE HERE, BUT I'LL HAVE SIS WRITE IT ALL DOWN FOR YOU.

RITA: OKAY

BROCKWAY: LET ME GET, GET THIS ADDRESS DOWN FOR YOU, OKAY, P.O. BOX 898801.

RITA: 898801?

BROCKWAY: YES.

RITA: BUT IS THAT YOUR PERSONAL?

BROCKWAY: NO, THAT'S JUST THE, THE BOX NUMBER HERE.

RITA: FOR THE WHOLE PLACE. OKAY.

BROCKWAY: YEAH, IN OKLAHOMA CITY, OKLAHOMA.

PAGE 2 OF 4

ATTACHMENT 12 PAGE 2

USA003 0308

RITA: AND THE ZIP?

BROCKWAY: 73189-8801. AND UH, JUST YOU KNOW, HE'LL KNOW, JUST PUT MY NAME AND NUMBER, BUT I'LL HAVE SIS CALL HIM LATER ON, I'M GONNA GIVE SIS A YELL RIGHT NOW. THIS IS THE FIRST CHANCE I'VE HAD TO GET ON THE TELEPHONE.

RITA: OKAY. UM, IF YOU CAN TRY AND CALL THIS EVENING, HE'S GONNA BE AT HIS OFFICE ALL DAY, BUT HE OUGHT TO BE BACK LIKE AFTER 5:00.

BROCKWAY: OKAY THEN, I PRAY THAT I CAN GET NEAR THE PHONE, CAUSE I, YOU KNOW, I'LL GIVE A YELL.

RITA: IS THAT CENTRAL TIME DOWN THERE?

BROCKWAY: AH, YES.

RITA: OKAY.

BROCKWAY: IT'S ABOUT 9:30 RIGHT NOW.

RITA: RIGHT, OKAY, OKAY.

BROCKWAY: WHAT ARE YOU 8:30 THERE?

RITA: YEAH, YEAH.

BROCKWAY: OKAY, I WAS GONNA GIVE SIS A CALL IN A LITTLE BIT, LET HER WAKE UP.

RITA: WHAT HAPPENS, UM.

BROCKWAY: WELL, WELL, I'M NOT SURE WHEN I HIT THE BOARD, LIKE I SAID, IF THEY'RE COMING BACK IN HERE NEXT WEEK I MIGHT HIT THEM AND I DON'T KNOW, THEY'RE CHANGING UP NOW MORE PEOPLE ARE COMING IN WITH LIKE MINE UNDER THE OLD LAW AND UH LIKE I SAID THEY'RE GONNA START DOING MORE AND MORE, SO I'LL FIND OUT MORE BY THE TIME I TALK WITH HIM, BUT AS OF RIGHT NOW, THERE'S ONE COMING IN NEXT WEEK, BUT I DON'T KNOW IF I'M GONNA BE ON IT.



RITA: OKAY.

BROCKWAY: YOU KNOW, BUT LIKE I SAID, THIS IS THE GATHERING POINT, LIKE I SAID THEY FLY IN RIGHT AT THE AIRPORT AND YOU TAKE CARE OF THIS AND IT'S TO TRANSFER TO OTHER PEOPLE TRANSFERRING TO OTHER JOINTS, BUT AH, THEY'RE HOLDING PAROLE HEARINGS HERE, FROM HERE I'LL LEAVE TO GO WHEREVER I'M GOING TO DO MY TIME.

RITA: OKAY.

BROCKWAY: YOU KNOW. IT'S THAT JET AGE STUFF. YOU KNOW?

RITA: BUT, YOU'RE STAYING RIGHT THERE.

BROCKWAY: YEAH, BUT YOU KNOW, LIKE I SAID, I COULD BE HERE UH I DON'T KNOW ANYWHERE FROM THREE WEEKS TO A MONTH AND A HALF TO TWO MONTHS, I'M NOT SURE ON THAT YOU KNOW. I'LL FIND OUT MORE AS I GO ALONG RIGHT HERE, TALK TO COUNSELORS AND THAT. OKAY THEN RITA, LOVE TO EVERYBODY.

RITA: ALRIGHT.

BROCKWAY & RITA: OKAY, BYE BYE.

EX49

BROCKWAY, VANCE PAUL 51098-098
TELEPHONE CALL #2 TO HIS SISTER
AUGUST 19, 1995 AT 9:45 A.M.
DURATION 0:03:39
PHONE # DIALED 07148941244

AUTOMATED OPERATOR: IN ORDER TO PROCESS YOUR COLLECT CALL, PLEASE STATE YOUR NAME AT THE TONE.

BROCKWAY: VANCE.

AUTOMATED OPERATOR: THIS IS LOCKTEL. PLEASE STAND BY. PLEASE STAND BY. PLEASE STAND BY. PLEASE GO AHEAD, YOU ARE NOW CONNECTED.

BROCKWAY: HELLO.

SIS: YES.

BROCKWAY: THIS IS KEN.

SIS: YEAH.

BROCKWAY: WHAT ARE YOU UP TO?

SIS: NOT MUCH. WHERE ARE YOU?

BROCKWAY: OKAY, I'M IN OKLAHOMA.

SIS: YEAH, I HAVEN'T CALLED, HE CALLED PROBABLY YESTERDAY, AH TO FIND OUT IF YOU WERE STILL AT.

BROCKWAY: OH, AT THE FTC.

SIS: YEAH, YEAH.

BROCKWAY: WHAT DID THEY SAY, I'D BEEN TRANSFERRED.

SIS: YEAH, AND GAVE HER A NUMBER TO SEE HOW LONG YOU WOULD BE.

BROCKWAY: WHERE, HERE?

SIS: YEAH, OR WHERE ???

BROCKWAY: YEAH, BUT THEY CAN'T TELL YOU, I DON'T KNOW WHEN I'M SEEING THE PAROLE BOARD. WHAT DID THEY TELL HER?

SIS: OH, JUST.

BROCKWAY: OH, I WAS ON THE, GOING THERE TO SEE THE PAROLE BOARD.

SIS: YEAH, YEAH.

BROCKWAY: OKAY, YEAH. THERE SUPPOSE TO BE COMING IN THIS COMING WEEK, BUT I DON'T KNOW IF I, HOW THEY DO IT, WHAT SCHEDULE AND HOW OFTEN, YOU KNOW, WHAT THERE JUST SORT OF, I GUESS MORE PEOPLE COMING IN UNDER THE OLD LAW.

SIS: RIGHT.

ROCKWAY: OKAY, LET ME GIVE YOU THIS ADDRESS REAL QUICK.

SIS: OKAY, HOLD ON. LET ME GO GET SOMETHING.

BROCKWAY: OKAY.

SIS: GET A PEN HERE, OKAY. OKAY.

BROCKWAY: OKAY THEN, THE FEDERAL TRANSFER CENTER.

SIS: THE FEDERAL TRANSFER CENTER.

BROCKWAY: YEAH. P.O.

SIS: P.O.

BROCKWAY: P.O. , P.O. BOX YOU KNOW.

SIS: OH, P.O., OKAY.

BROCKWAY: 898

SIS: 898

BROCKWAY: 801

SIS: 801

BROCKWAY: OKAY, OKLAHOMA CITY, OKLAHOMA, AND AH THE ZIP IS 731

SIS: 731

BROCKWAY: 89-8801

SIS: OKAY.

BROCKWAY: AND AH, IF YOU GET A HOLD OF CARMEN, HAVE HER, YOU KNOW LIKE I SAY, STOP BY, SHE SUPPOSEDLY AH SENT ME A LETTER WITH AH AH MONEY, BUT THAT WAS COMING THE DAY I WAS LEAVING OUT OF THERE. SEE FIRST I WENT TO AH, YOU SHOULD BE GETTING A LETTER TODAY, I WENT TO PHOENIX TO HOP AN AIRPLANE FROM THERE TO HOP TO COME HERE.

SIS: OH YEAH.

BROCKWAY: AND AH, I DON'T KNOW IF ALL MY MAIL GONNA , IF IT FOLLOWING RIGHT BEHIND ME, OR IF THEY'RE JUST GONNA SEND IT WHERE I'M GOING AFTER THIS.

SIS: OH YEAH.

BROCKWAY: I NEED TO TALK TO A COUNSELOR, BUT TELL HER TO SEND ME A, A YOU KNOW, A FEW BOXES.

SIS: OKAY.

BROCKWAY: YOU KNOW AND AH BE SURE TO SEND POSTAL MONEY ORDERS.

SIS: YEAH.

BROCKWAY: SO HOW'S EVERYBODY THAT WAY?

SIS: OKAY. OKAY.

BROCKWAY: YEAH, I WAS GONNA CALL DOWN THERE, BUT YOU CAN'T START CALLING UNTIL AFTER THE 28TH OF THIS MONTH, YOU KNOW, AND THEN THEY'LL START LETTING ME CALL IN THERE, DOWN IN MEXICO, YOU KNOW, AND AH LIKE I SAID, BE SURE AH, AH WELL YOU'LL TALK TO HER TODAY, RIGHT?

SIS: YEAH.

BROCKWAY: OKAY, LET HER KNOW WHERE I'M AT, CAUSE I WROTE HER A LETTER , I WROTE BOTH OF YOU A LETTER THE NIGHT BEFORE LAST BECAUSE I HAD A FEELING I MIGHT BE LEAVING, YOU KNOW AND I THOUGHT I WAS GONNA BE THERE JUST AH, I WAS TALKING WITH THE HOME BOYS AND AH I THOUGHT LIKE I SAY I'LL BE THERE A FEW MORE DAYS AND AH BUT I WASN'T YOU KNOW, I HAD A FEELING I MIGHT BE GETTING ON THAT PLANE TO COME OUT HERE. BUT NOW I'M HERE AND GETTING IT STARTED TO FIND OUT WHAT'S GONNA HAPPEN.

SIS: YEAH.

ROCKWAY: AND AH, OKAY. LOVE TO MOM AND EVERYBODY.

SIS: OKAY.

BROCKWAY: I'LL LET YOU GET BACK TO SLEEP, OKAY.

SIS: OKAY.

BROCKWAY: OKAY SIS, LOVE YOU.

SIS: LOVE YOU.

BROCKWAY & SIS: BYE BYE, BYE, BYE.

U.S. DEPARTMENT OF JUSTICE

EX 50

**FEDERAL BUREAU OF PRISONS
FEDERAL TRANSFER CENTER
7500 S. MacArthur Blvd.
Oklahoma City, Oklahoma 73189-8802**

Telephone FTS: (700) 760-4075
Telephone Comm: (405) 680-4000
Warden's FAX Comm: (405) 680-4041



*** FACSIMILE TRANSMISSION RECORD ***

DATE: March 12, 1996

Total Number of Pages: 20 + cover

TO: Doug Hill
Sup. Special Agent

FROM: Ans Iron
Attorney

COMMENTS: I hope this is helpful. Sorry it took me awhile to
get it to you. Please call if you need anything else. 405/680-4000.

Ans

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE ABOVE-DESIGNATED RECIPIENT(S).

This message may be a communication between an attorney and client and, as such, is privileged and confidential. If the reader of this message is not the intended recipient or any agent responsible for delivering this message to the intended recipient, you are hereby notified that you have received this document in error, and any review, dissemination, distribution or duplication of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return this original to us by mail at our expense. Thank you.

USA001 1615

BROCKWAY, VANCE PAUL 51098-098
TELEPHONE CALL #1 TO HIS BROTHER'S WIFE
AUGUST 19, 1995 AT 9:39 A.M.
DURATION 0:04:22
PHONE # DIALED 08012780114

AUTOMATED OPERATOR: IN ORDER TO PROCESS YOUR COLLECT CALL, PLEASE STATE YOUR NAME AT THE TONE.

BROCKWAY: THIS IS VANCE.

AUTOMATED OPERATOR: THIS IS LOCKTEL. PLEASE STAND BY. PLEASE STAND BY. PLEASE GO AHEAD, YOU ARE NOW CONNECTED.

BROCKWAY: HELLO, HELLO.

RITA: KEN?

BROCKWAY: YES.

RITA: THIS IS RITA.

BROCKWAY: HOWDY.

RITA: LET ME SEE IF I CAN GET SOMETHING ??? JUST A SECOND.

BROCKWAY: OKAY. COUGH, COUGH.

RITA: GEESE, I'M SORRY KEN, HE JUST GOT UP AND WENT TO HIS OFFICE.

BROCKWAY: OKAY THEN.

RITA: I JUST TURNED AROUND OUTSIDE HERE AND HE JUST LEFT.

BROCKWAY: OKAY, WELL UH, RITA WHAT WOULD BE A GOOD TIME TO YELL AT HIM.

RITA: UM, COULD YOU DO ANOTHER CALL RIGHT NOW?

BROCKWAY: AH YES.

PAGE 1 OF 4

RITA: AH THAT'S RIGHT, YOU WOULD HAVE TO DO A COLLECT CALL TO HIS OFFICE.

BROCKWAY: UH?

RITA: UM, YOU TRIED TO DO A COLLECT CALL TO HIS OFFICE THAT'S THE PROBLEM. UM.

BROCKWAY: WELL, GIVE ME UH, UH, YOU GOT A PENCIL HANDY?

RITA: JUST A SECOND. HELLO.

BROCKWAY: HELLO.

RITA: YEAH.

BROCKWAY: OKAY, I MEANT TO TELL HIM I'M IN OKLAHOMA NOW FOR A MOMENT. I'M AT THE FEDERAL TRANSFER CENTER, OKAY?

RITA: WHEN DID YOU GET THERE?

BROCKWAY: AH, LAST NIGHT. BUT THIS IS WHERE THEY'RE STARTING TO HOLD ALL THE PAROLE HEARINGS AND I'M NOT SURE HOW LONG I'M GOING TO BE HERE, BUT I'LL HAVE SIS WRITE IT ALL DOWN FOR YOU.

RITA: OKAY

BROCKWAY: LET ME GET, GET THIS ADDRESS DOWN FOR YOU, OKAY, P.O. BOX 898801.

RITA: 898801?

BROCKWAY: YES.

RITA: BUT IS THAT YOUR PERSONAL?

BROCKWAY: NO, THAT'S JUST THE, THE BOX NUMBER HERE.

RITA: FOR THE WHOLE PLACE. OKAY.

BROCKWAY: YEAH, IN OKLAHOMA CITY, OKLAHOMA.

RITA:

AND THE ZIP?

BROCKWAY:

73189-8801. AND UH, JUST YOU KNOW, HELL KNOW, JUST PUT MY NAME AND NUMBER, BUT I'LL HAVE SIS CALL HIM LATER ON, I'M GONNA GIVE SIS A YELL RIGHT NOW. THIS IS THE FIRST CHANCE I'VE HAD TO GET ON THE TELEPHONE.

RITA:

OKAY. UM, IF YOU CAN TRY AND CALL THIS EVENING, HE'S GONNA BE AT HIS OFFICE ALL DAY, BUT HE OUGHT TO BE BACK LIKE AFTER 5:00.

BROCKWAY:

OKAY THEN, I PRAY THAT I CAN GET NEAR THE PHONE, CAUSE I, YOU KNOW, I'LL GIVE A YELL.

RITA:

IS THAT CENTRAL TIME DOWN THERE?

BROCKWAY:

AH, YES.

RITA:

OKAY.

BROCKWAY:

IT'S ABOUT 9:30 RIGHT NOW.

RITA:

RIGHT, OKAY, OKAY.

BROCKWAY:

WHAT ARE YOU 8:30 THERE?

RITA:

YEAH, YEAH.

BROCKWAY:

OKAY, I WAS GONNA GIVE SIS A CALL IN A LITTLE BIT, LET HER WAKE UP.

RITA:

WHAT HAPPENS, UM.

BROCKWAY:

WELL, WELL, I'M NOT SURE WHEN I HIT THE BOARD, LIKE I SAID, IF THEY'RE COMING BACK IN HERE NEXT WEEK I MIGHT HIT THEM AND I DON'T KNOW, THEY'RE CHANGING UP NOW MORE PEOPLE ARE COMING IN WITH LIKE MINE UNDER THE OLD LAW AND UH LIKE I SAID THEY'RE GONNA START DOING MORE AND MORE, SO I'LL FIND OUT MORE BY THE TIME I TALK WITH HIM, BUT AS OF RIGHT NOW, THERE'S ONE COMING IN NEXT WEEK, BUT I DON'T KNOW IF I'M GONNA BE ON IT.

PAGE 3 OF 4

USA001 1618

RITA:

OKAY.

BROCKWAY:

YOU KNOW, BUT LIKE I SAID, THIS IS THE GATHERING POINT, LIKE I SAID THEY FLY IN RIGHT AT THE AIRPORT AND YOU TAKE CARE OF THIS AND IT'S TO TRANSFER TO OTHER PEOPLE TRANSFERRING TO OTHER JOINTS, BUT AH, THEY'RE HOLDING PAROLE HEARINGS HERE, FROM HERE I'LL LEAVE TO GO WHEREVER I'M GOING TO DO MY TIME.

RITA:

OKAY.

BROCKWAY:

YOU KNOW. IT'S THAT AIDS STUFF. YOU KNOW?

RITA:

BUT, YOU'RE STAYING RIGHT THERE.

BROCKWAY:

YEAH, BUT YOU KNOW, LIKE I SAID, I COULD BE HERE UH I DON'T KNOW ANYWHERE FROM THREE WEEKS TO A MONTH AND A HALF TO TWO MONTHS, I'M NOT SURE ON THAT YOU KNOW. I'LL FIND OUT MORE AS I GO ALONG RIGHT HERE, TALK TO COUNSELORS AND THAT. OKAY THEN RITA, LOVE TO EVERYBODY.

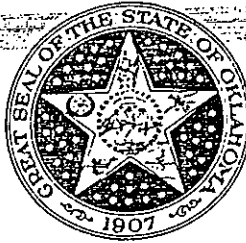
RITA:

ALRIGHT.

BROCKWAY & RITA:

OKAY, BYE BYE.

CENTRAL OFFICE
901 N. Stonewall
Oklahoma City
Oklahoma 73117
Tel: (405) 239-7141
Fax: (405) 239-2430



EASTERN DIVISION
1115 West 17th St.
Tulsa
Oklahoma 74107
Tel: (918) 582-0985
Fax: (918) 585-1549

OFFICE OF THE CHIEF MEDICAL EXAMINER
BOARD OF MEDICOLEGAL INVESTIGATIONS
MEMORANDUM

Ex 51

December 20, 1995

To The File Of Kenneth Trentadue, Case No. 9504017

On Friday the 15 of February an attempt was made to clarify the role that this office should have in investigating deaths within the Federal Transfer Facility in the 7500 block of South MacArthur, Mrs. Moss placed a call to the Office of the Attorney General in Washington, D.C. After several passes through various personnel we were advised that we would be called back by someone. I specifically asked to speak to an Assistant Attorney General about the prison and about the Trentadue case.

Having not been optimistic about the results of the first call I placed a call to the Office of Mr. Eric Holder the U.S. Attorney for the District of Columbia. Mr. Holder is someone I met on a recent trip to Washington and had indicated the customary cordialities, if being able to assist please call.

At approximately 3:00 p.m. not having heard anything from the District of Colombia I called Assistant U.S. Attorney in Oklahoma City Mrs. Arlene Joplin. I indicated to her my frustration with the lack of ability to communicate with the D.C. office. She lead me to believe that they had in fact been called by an Assistant U.S. Attorney who basically probably told them to deal with me. I advised her that I felt that the Trentadue problem was a very serious issue that needed full support of the investigative services of the F.B.I. I believe I further informed her that last week in frustration I indicated to Agent Hunt of the F.B.I. that it could not help but occur to me that perhaps the F.B.I. and the Bureau of Prisons were not expediting this investigation as quickly as we hoped would occur. I told her I thought there was a very serious problem at the prison and approximately at this time Mr. Ryan also got on the line. I indicated that I felt Mr. Trentadue had been abused and tortured and at this point was not sure whether his death could be explained as a suicide or whether it should be regarded as a homicide. At any event it certainly needs to be investigated as



a homicide.

I advised her that I had talked to a Sally Saliba in the Attorney Generals Office in Washington. I have considerable concern as to procedures and policies if this agency is to function any further for investigations in this federal facility, or for that matter in the Federal Reformatory in El Reno. I told her that Captain Ron L. Sheffer was cooperative as was the somewhat more redicent Lt. Tom Brumlow. I also told her that the reception was very cool and as I rounded one corner in the prison one of the guards very clearly said they could shove it up their fucking ass.

Mr. Ryan and Mrs. Joplin assured me that it is the intention of the United States Attorney that these deaths be promptly and professionally investigated and they pledged any assistance possible in this case or in any future cases arising in at least the facility in the 7500 block of South MacArthur.

Mr. Ryan was kind enough to give me his sky pager number and stated that if had trouble gaining access to the facility as we have had in this case that we need only to advise him and he will promptly see that proper forensic access and procedures are made available to the death.

I advised him that we would meet further with F.B.I. agents and Technical Investigators of the Oklahoma City Police Department in order to drive as much information as possible concerning the potential manner of death of Kenneth Trentadue.


Fred B. Jordan, M.D.

20 Dec 95
Date

Ex 52

BOARD OF MEDICOLEGAL INVESTIGATIONS
OFFICE OF THE CHIEF MEDICAL EXAMINER

PLAINTIFF'S
EXHIBIT
200
97-849 L

SUPPLEMENTAL REPORT

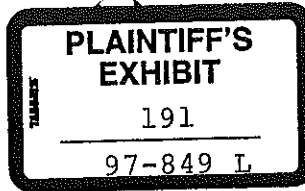
NAME Kenneth M. Ventadue DATE 1 July 97 CASE NO. 9504017

Called Ann Fauer to let her know I am writing a letter to Mr. Ryan about this case. It is not a pleasant letter and is intended to deal with the issue — is not personal. Letter also will be sent to Mr. Macy and copies of both to our federal delegation for insurance purposes. Copies of Mr. Ryan's letter will also be sent to Orrin Hatch.

Talked to Mrs Joplin by phone. Clearly told her of my concerns about prisoner handling + FBI investigations. Did talk to her without a lawyer present which may have been ill advised. Noted she has lost confidence in the federal grand jury since MR. TAMM has been removed. I feel it is very likely this man was killed and will pursue this through Oklahoma, rather than the US Court.

SIGNATURE

CENTRAL OFFICE
901 N. Stonewall
Oklahoma City
Oklahoma 73117
Tel: (405) 239-7141
(405) 239-2430



EASTERN DIVISION
1115 West 17th St.
Tulsa
Oklahoma 74107
Tel: (918) 582-0985
Fax: (918) 585-1549

OFFICE OF THE CHIEF MEDICAL EXAMINER
BOARD OF MEDICOLEGAL INVESTIGATIONS

August 25, 1997

Margaret Milner Richardson
Commissioner
Internal Revenue Service
55 N Robinson
Oklahoma City, OK 73102

Ex 54

Dear Commissioner Richardson:



The requirements of my job as Chief Medical Examiner for the State of Oklahoma are frequently currently bringing me into an uncomfortable juxtaposition with the United States Department of Justice.

In order to protect myself from retribution, I would like information as to how to request a protective audit from your agency. By this, I simply mean a standard audit in order to avoid having your agency used to harass me as I proceed with my inquiries into a death that directly relates to the Federal Transfer Center in Oklahoma City.

Any information that you can supply would be appreciated.

Sincerely,

Fred B. Jordan, M.D.
Chief Medical Examiner
State of Oklahoma
Clinical Professor of Pathology, OUHSC

FBJ/al

C:\OFFICE\WP\WIN\WPDOCS\FB\NRS-AUDIT.LTR

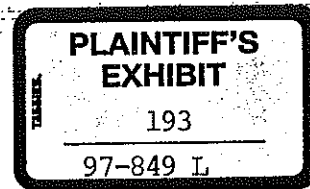
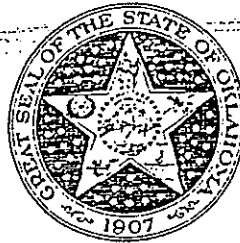
cc: Senator Don Nickles
Senator James Inhofe
Representative Ernest Istook
Tom Kuker, Special Agent in Charge, FBI Oklahoma City
Patrick Ryan, United States Attorney

Copies to SAC/ASACS.
Faxed copy to FBIHQ.
JM

282A-00-56502-1082

SEARCHED	INDEXED
SERIALIZED	FILED
SEP 11 1997	
FBI - OKLAHOMA CITY	

CENTRAL OFFICE
901 N. Stonewall
Oklahoma City
Oklahoma 73117
Tel: (405) 239-7141
Fax: (405) 239-2430



EASTERN DIVISION
1115 West 17th St.
Tulsa
Oklahoma 74107
Tel: (918) 582-0985
Fax: (918) 585-1549

OFFICE OF THE CHIEF MEDICAL EXAMINER
BOARD OF MEDICOLEGAL INVESTIGATIONS

Kenneth Trentadue
Case no. 9504017

EX 55

UNIFORM MEDIA STATEMENT

10 October 1997 at 0900 hrs

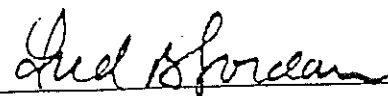
We have learned through the media that the federal grand jury has delivered neither indictments nor criticism in their year long look at the death of Kenneth Trentadue in August of 1995 at the Federal Transfer Center in Oklahoma City. I find this report disappointing, but not surprising in view of the circumstances.

From the outset, the federal government through its refusal to cooperate in allowing a thorough technical scene investigation by a competent police technical investigation unit assured that adequate scientific answers to how Mr. Trentadue received his myriad injuries would never be available. Their refusal further assured that we will never be able to prove to a reasonable certainty if Mr. Trentadue hanged himself or if another asphyxial mechanism came into play. Since scientific scene investigation is the hallmark of good death investigation in our country one has to wonder why the government of the United States took the action that it did in this death investigation.

It is our understanding that the medical examiners report was submitted by representatives of Attorney General Janet Reno to the Office of the Armed Forces Medical Examiner for consultation. Through personal communication I know that the opinion of that federal agency was in essential agreement with our conclusions. Were those forensic experts from Washington D.C. (now based in Maryland) called to testify and support the Oklahoma conclusions? Was a Texas Ranger truly called to testify regarding these injuries instead of an experienced forensic scientist employed by the government itself?

Prompt and competent death investigation is an important tool in the preservation of the public health and safety. I would like to reassure the citizens of Oklahoma that because of the laws of our state and the standard policies followed by the Office of the Chief Medical Examiner and Oklahoma Law Enforcement, deaths of inmates in city, county, or state incarceration have been and will continue to be thoroughly and impartially investigated.

Kenneth Trentadue died a violent and unusual death, the mechanism of which may never be satisfactorily explained. None-the-less, his case file remains open and we intend to continue to look at the matter and cooperate fully with any investigating agency.


Fred B. Jordan, M.D.
Chief Medical Examiner

BOARD OF MEDICOLEGAL INVESTIGATIONS
 OFFICE OF THE CHIEF MEDICAL EXAMINER

E x 56

**PLAINTIFF'S
 EXHIBIT**
 201
 97-849 T

SUPPLEMENTAL REPORT

NAME Vontadue, Kenneth M. DATE 22 Oct 97 CASE NO. 9504017

IMPORTANT MESSAGE

FOR W Jordan
 DATE 10/21/97 TIME 1440 A.M.
P.M.
 M Senator Dargin
 OF _____
 PHONE 202-334-1192
AREA CODE NUMBER EXTENSION
 FAX
 MOBILE
AREA CODE NUMBER TIME TO CALL

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE
He will be at the above
number date -

SIGNED (TG)

Returned the call.
 Confirmed my feelings
 that the investigation
 was crippled, the
 decedent was at the
 least beaten, we
 haven't found the
 truth & probably
 won't -

reiterated my lack
 of trust in the Fed. gov't,
 things inside the
 D.C. beltway, and the
 Dept of Justice in
 particular.

when asked about seeing optimism in the future with
 regard to the federal bureaucracy, I told the senator
 that it looks very dark to me from here. He asked if he
 would refer the Insp General to me. I agreed but
 wished it had been 2 1/2 years ago! I have yet to hear
 from the Inspector General.

SIGNATURE _____

Ex 57



RECEIVED

MAR 16 1998

DUE _____

OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA



March 12, 1998

Steven B. Snyder, Trial Attorney
Civil Division, Torts Branch
United States Department of Justice
PO Box 888, Benjamin Franklin Station
Washington, D.C. 20044

Re: **Trentadue v. United States**, Civil Action No. 97-849 (W.D.OK.)

Dear Mr. Snyder

This letter memorializes the discussions we had and the events that transpired this week. This letter also presumes that your clients include the FBI and the Bureau of Prisons.

On Monday, March 9, 1998, you called me and expressed your concern about Kevin Rowland attending an exhibition of evidence at the local FBI office on Wednesday, March 11, 1998. You said the exhibition was a part of the discovery process in the above entitled civil lawsuit. As you know, neither the Chief Medical Examiner of Oklahoma (Dr. Fred Jordan), nor any employee of that office, is a party to the lawsuit.

The focus of your apprehension about Mr. Rowland's participation in this matter was your suspicion that Mr. Rowland had been hired by the Trentadue family as an expert or some other type of consultant. You indicated your surprise that Dr. Jordan would countenance such a circumstance in light of your recent visit with him. You expressed to me that this had shaken your belief in Dr. Jordan's impartiality in his investigation into the death of Kenneth Trentadue.

Your implication that Dr. Jordan or Mr. Rowland had altered their *modus operandi* and were now engaging in improper behavior was clear and

unmistakable. You reminded me about certain exposures in the media and your conclusion from those media events that Mr. Rowland is biased against certain federal agencies, specifically your clients. You also indicated that Dr. Jordan was similarly postured against your clients based upon the episodes in the media.

I advised you during this initial conversation that I had no knowledge of the evidentiary exhibition nor Mr. Rowland's alleged participation in the event. I was surprised at the tenor of your accusations and did my best to reassure you that the Oklahoma Chief Medical Examiner and his employees scrupulously adhere to the highest ethical standards and their only interest is to discover the truth of the matter in all cases. However, I did assure you that the investigation into Kenneth Trentadue's death was still proceeding, and, as in any other criminal investigation we would gather information from any available source by any lawful means. Nevertheless, I also assured you that I would discover what I could about the circumstances surrounding the evidentiary exhibition and Rowland's alleged participation.


I immediately contacted Mr. Rowland who advised me that he had no knowledge about attending the evidentiary exhibition and had no plans of being in attendance. However, he was subsequently contacted by someone from the office of Mr. Scott Adams and invited to attend the exhibition. Mr. Adams is apparently local counsel for the Trentadue family and had purportedly invited representatives of the Oklahoma City Police Department and/or the Oklahoma County DA's office along with representatives of the Medical Examiner's office to attend the showing. Mr. Adams, or other representatives of the Trentadue family, believed that there may be evidence produced at the exhibition which the medical examiner was not heretofore privy to. Their interests in revealing the evidence to the medical examiner or other law enforcement officials was ostensibly to aid in their quest to learn the truth about Kenneth Trentadue's death.

I related my findings to you on Tuesday, March 10, 1998. You expressed your "relief" that the Medical Examiner had not lost his sense of impartiality or had otherwise engaged in inappropriate behavior. Unfortunately, this affair does not provide much solace for me or my client, the Office of the Chief Medical Examiner for the State of Oklahoma.

In every case the medical examiner remains impartial and seeks to discover only the truth. To date nobody has shown me any palpable evidence to the contrary. Of course, because of the nature of the business, most cases are criminal investigations of homicides or other violent or unnatural deaths. This obviously means dealing with district attorneys and criminal defense attorneys. Nonetheless, the medical examiner extends every courtesy and reveals all factual evidence he discovers from his investigation to all parties.

Whether the medical examiner's investigation helps the defense and hurts the prosecution is not factor in the medical examiner's investigation, albeit, it is generally the other way around. The fact of the matter is, the medical examiner, on a regular basis, "works with" defense attorneys whose clients have committed gruesome and heinous offenses. The medical examiner recognizes that the defense attorneys have a job to do and he does not ascribe the offenses of the client to counsel.

This is not to say that we would not expect, as a general matter, for defense attorneys to fight like the dickens to keep the medical examiner from revealing to a jury what his investigation revealed. In most cases, the medical examiner has uncovered evidence that shows the defendant has committed the offenses charged. Thus, we would expect defense attorneys to resist revelation of the evidence, despite that the evidence proves the truth about what happened. And, to nobody's surprise, some defense attorneys conduct themselves rather poorly and may even engage in shabby behavior such as accusing others of misconduct.



In the investigation into the death of Kenneth Trentadue all the rules seem to have been set aside. In a sort of "Alice through the Looking Glass" set of circumstances, truth has been obfuscated by the agendas of various federal agencies (mostly your clients). Particularly in the initial, and most critical, stage of the investigation when your clients muddled and meddled their way into the investigative operation. In the process, your clients prevented the medical examiner from conducting a thorough and complete investigation into the death, destroyed evidence, and otherwise harassed and harangued Dr. Jordan and his staff. The absurdity of this situation is that your clients outwardly represent law enforcement or at least some arm of licit government.


Nevertheless, even though the chances of ever establishing what really happened in this case have essentially vanished, the medical examiner will

still look at any evidence that may be forthcoming in an attempt to uncover the real truth in the death of Kenneth Trentadue. Whether the truth of the matter is that Kenneth Trentadue severely beat and bruised himself, slashed his own throat, and ultimately hung himself, which may displease the Trentadue family, or that he was beaten and killed by others, which may displease you and your clients, matters not to the medical examiner. The only item of interest in the medical examiner's investigation is the truth about what happened. It is, in the end, the task of the medical examiner to establish the cause and manner of this death.

The real tragedy in this case appears to be the perversion of law through chicanery and the misuse of public trust under the guise of some aberrant form of federalism. In a succession of either illegal, negligent, or just plain stupid acts, your clients succeeded in derailing the medical examiner's investigation and, thereby, may have obstructed justice in this case. As more and more information is revealed in this case, primarily through the efforts of Jesse Trentadue, it appears that your clients, and perhaps others within the Department of Justice, have been abusing the powers of their respective offices. If this is true, all Americans should be very frightened of your clients and the DOJ. Undaunted, when you come into possession of the least little tidbit of misinformation you immediately conclude that my client, who has always acted honorably, has suddenly abandoned his principles to improperly torpedo your nefarious group.

I presume that I should not fault you for the sins of your client. And, perhaps I should afford you the benefit of mitigating circumstances to account for your readiness to presume the worst from my client. After all, when you are surrounded by those who behave badly for a long enough period of time, you tend to believe that everyone else acts the same way. Hence drug users and other depraved individuals tend to think everyone else is doing "it" too. Of course, that is why there is so much truth in the saying "a child trusts everyone and a thief none." In the future, when dealing with federal agencies, I am sad to report, we shall strive not to repeat our childlike trust.

The investigation into the death of Kenneth Trentadue is still open. If it appears that the medical examiner is not particularly fond of your clients and is openly distrustful of them and the DOJ, it is not any more curious than a similar posture taken towards other criminal defendants who appear to have some liability in a case under investigation and seek to intervene or otherwise control the medical examiner's investigation. I will remind you

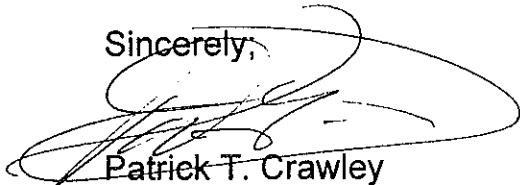


that, to date, any and all evidence of wrongdoing points only to your client or clients. This is true regardless of how Kenneth Trentadue was killed. One of the primary distinguishing features of this investigation has been the power of possible suspects to interfere with the inquiry under color of law. Naturally we view any participation by suspects in an investigation with no small amount of alarm and distrust.

If you take issue with the facts as I have related them in this case, please do not hesitate to contact me. However, I do not expect that you would particularly agree with my assessment of the situation and would not expect a retort in that regard.

Good luck in your lawsuit.

Sincerely,



Patrick T. Crawley
Assistant Attorney General
Counsel for the Office of the Chief Medical Examiner

cc: Dr. Fred Jordan, MD, Chief Medical Examiner
Jesse C. Trentadue
; Charles P. Sampson
R. Scott Adams
Robert H. Macy, District Attorney

MEMO

To: CASE FILE 9504017
From: Kevin Rowland, Chief Investigator
Subject: Phone Call From A.F.I.P. *[Signature]*
Date: May 30, 1997



On 5-29-97 at 1310hrs I received a call from Dr. Bill Gormley, Armed Forces Institute of Pathology. He wanted to tell me about his involvement with the U.S. Justice Department Civil Rights Division attorney's, particularly Cheryl Robinson.

He said that on 1-16-97 they signed out the Trentadue case on and their conclusions was that the manner of death as Unknown was correct and that they believe the deceased was assaulted. He was contacted again by these people and told that they didn't show him everything and asked if he would again review these other documents and photographs. He did so and he concluded that not only did he agree with OCME, but that the Dateline TV show was even more convincing that this man was murdered.

He was puzzled as to why Ms. Robinson was asking him to come to Oklahoma City and testify before the Grand Jury in June. He said that she was asking him questions about possibilities and if he would answer only that this or that was possible. He said that while anything was possible, he deals in probabilities and her desired answers were not in that scope.

He said that he told them that there was no MOU with the two agencies, and that he didn't feel he should be involved since he agreed with our findings. He said she was concerned that he testify only about some things being possible and not about the whole case. He was suspicious as to what the DOJ was up to, and why they seemed to be giving him the case information in pieces instead of the whole thing. Ms. Robinson became upset when he refused to give her what she wanted including the files back.

The basic purposes for his call was to "1-find out what they are up to because he was very suspicious, and 2- ask if I might be able to explain why they only wanted certain testimony from him, since he told them that we had already given them the truth. He was troubled that they only seemed interested in him saying it might be possible these injuries are self inflicted.

(12/31/1995)

FEDERAL BUREAU OF INVESTIGATION

Date: 05/19/1997

Precedence: PRIORITY

To: ✓ Oklahoma City


Attn: SA Linn

From: IA Ronald K. Bussey
AO

Contact: Ronald K. Bussey, ext. 3140

Ex 59

Approved By:  Mabry John P

Drafted By:  Bussey Ronald K:rkb


Case ID #: 282A-OC-56502 (Pending) - 782

Title: UNSUB(S),
Correctional Officer(s),
FEDERAL TRANSFER CENTER,
Oklahoma City, Oklahoma;
KENNETH MICHAEL TRENTADUE, aka
Vance Paul Brockway (DECEASED) - VICTIM;
8/21/1995
CIVIL RIGHTS - COLOR OF LAW

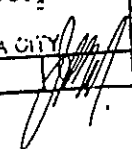
Synopsis: Report information received.

Details: On May 15, 1997, writer went to the United States Attorney's Office (USAO), Western District of Oklahoma, Oklahoma City, Oklahoma, to pick-up some Federal Grand Jury Subpoena's which writer had ordered. While at the USAO, Betty Bryant, provided writer with the name Ron Chamber, Oklahoma City District Attorney's Office, telephone 405/278-1792, and requested writer call him concerning some information he had concerning captioned matter.

On May 15, 1997, Ron Chamber, was telephonically contacted. Chambers asked that writer speak with William Foster Garret. Garret stated an individual named Robert Garza, was his neighbor until Garza and his wife divorced in approx. December 1996. Garret stated during approx. November 1996 he and Garza were drinking and Garza told him some guards had beat Kenneth Trentadue with phone books, because the phone books didn't leave marks. Garza also said one of the guards had a choke hold around Kenneth Trentadue's neck and accidentally killed him. Garza said the guards made it look like a suicide to cover up the fact Kenneth Trentadue had been choked to death.

ASSIGN LEADS #1+2
to SA LINN
5-19-97 

SEARCHED	INDEXED
SERIALIZED 512	FILED 51
MAY 19 1997	
FBI - OKLAHOMA CITY	



19713907, LKB

USA007 2385

To: Oklahoma City From: IA Ronald K. Bussey
Re: 282A-OC-56502, 05/19/1997

Garret also said he has recently received telephone calls from Garza where in Garza has threatened Garret and told him not to talk.

On May 19, 1997, a review of Federal Transfer Center work schedules located a Garza assigned to Inmate Systems Management. A review of this schedule determined Garza worked the following days:

8/18/95 - 12:00 am to 8:00 am
8/19/95 - Off
8/20/95 - Off
8/21/95 - 3:00 am to 11:00 am

To: Oklahoma City From: IA Ronald K. Bussey
Re: 282A-OC-56502, 05/19/1997

LEAD (s):

Set Lead 1:

OKLAHOMA CITY

AT MOORE, OKLAHOMA

Contact William Foster Garret, [REDACTED]
telephone [REDACTED] and interview him concerning above stated
allegations. P

Set Lead 2:

AT OKLAHOMA CITY, OKLAHOMA

At the Federal Transfer Center, identify and interview
Garza re above stated allegations.

♦♦

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 6/2/97

On May 29, 1997, Special Agent TOM MOON ENG LINN reported to [REDACTED] to interview WILLIAM FOSTER GARRETT. Upon arrival, GARRETT invited Special Agent (SA) LINN into his home where the interview was conducted. GARRETT was advised that the purpose of the interview pertains to his contact with RON CHAPMAN, Assistant District Attorney, Oklahoma County District Attorney's Office, Oklahoma City, Oklahoma. GARRETT indicated to CHAPMAN that a guard ROBERT GARZA, employed at the FEDERAL TRANSFER CENTER (FTC), Oklahoma City, Oklahoma, indicated that guards had killed the inmate at the FTC.

GARRETT stated that he did contact the Oklahoma County District Attorney's Office and he provided the following information.

In the spring of 1995, ROBERT GARZA and his wife GAIL moved into a home, 202 Northeast 18th Street, Moore, Oklahoma, which is located behind the GARRETT residence. The two backyards are separated by one common fence. ROBERT GARZA and GARRETT developed a friendship. ROBERT GARZA prefers to be called, Chief, due to his Kiowa Indian heritage. On numerous occasions, ROBERT GARZA would call GARRETT and make arrangements for a visit. GARZA would leap the common back fence and visit with GARRETT on their back patio and inside their home. GARZA frequently drank beer at their home. GARZA also stored beer in the refrigerator and often in an ice chest. GARZA explained to GARRETT that his wife, GAIL, would not allow him to drink more than a couple of beers at their residence. GARRETT explained that GARZA, once intoxicated, would become violent.

On a Saturday evening, at approximately 8:30, during the latter part of September or early October 1996, GARZA called GARRETT and mentioned that he wanted to visit. A few minutes later, GARZA leaped over their common fence and joined GARRETT at their patio. GARZA drank beer and smoked filtered Winston cigarettes while GARRETT drank Coca Cola and smoked Cambridge or Maverick cigarettes. During their visit, shortly after sunset, GARZA extracted a "self-rolled" cigarette from the package of filtered Winston cigarettes. GARZA asked GARRETT if he would like to smoke the "joint" with him. WILLIAM GARRETT declined and stated that his children were up and he does not want the "joint"

Investigation on 5/29/97 at Moore, Oklahoma

File # 282A-OC-56502-840 Date dictated 5/29/97

by SA TOM MOON ENG LINN *CS*

USA007 1696

282A-OC-56502

Continuation of FD-302 of WILLIAM FOSTER GARRETT, On 5/29/97, Page 2

smoked on his property. GARRETT recognized the "joint" as a marijuana cigarette.

Approximately 30 minutes later, WILLIAM GARRETT's wife, TERESA, announced that the WALKER show was coming on TV. WILLIAM asked ROBERT GARZA if he would like to watch the show with them. GARZA entered their home and they watched the WALKER program. Following the program, GARRETT changed the television channel to Channel Four. At 10:00 p.m., the news was aired. During the news coverage, the death of the inmate at the FTC was mentioned. Further mentioned were allegations from the deceased brother, indicating that the inmate was killed by guards and that a Grand Jury was investigating the matter.

GARRETT asked GARZA if he worked at the prison. GARZA confirmed that he worked at the FTC located near the Oklahoma City Airport. GARRETT asked GARZA if the inmate really hung himself? GARZA responded, "what do you think?" GARZA displayed a facial expression indicating that the guards may have been involved. GARZA told GARRETT that if there was a fight between a guard and an inmate, that the guards would make sure that another guard is present to serve either as a backup, in case the inmate got the advantage or to serve as a witness to the incident. GARZA bragged, while showing off his large chest, that no inmate could ever get the best of him. GARZA also told GARRETT that drugs are available and easily obtained through the FTC. GARZA explained that was how he got the "joint". GARZA explained that the guards rotate to other assignments and jobs. During the time, GARZA was assigned to the processing area. In that area, the inmates are strip searched and their body orifices are checked. The guards get to keep any drugs that are found, unless they want to file charges against the inmate. GARZA further stated that it depends upon which guards he was working with. GARZA explained that some guards are very strict. GARZA's wife then called the GARRETT residence, and GARZA returned home.

The next Monday morning, GARZA and GARRETT departed at approximately 8:00 a.m. GARZA had made arrangements through one of his friends, who lives near Hinton, Oklahoma, to pick up free firewood for GARRETT. While en route to Hinton, Oklahoma, GARZA stopped at the FTC to conduct business. He parked his pickup in the FTC parking lot and left GARRETT in it. Approximately 15 minutes later, GARZA returned to the pickup and they drove to the

282A-OC-56502

Continuation of FD-302 of WILLIAM FOSTER GARRETT, On 5/29/97, Page 3

friend's residence. During the drive, GARRETT asked GARZA "what really is the deal with the inmate's death?" GARZA explained, that during a fight, sometimes the guard's adrenalin takes over and they cannot stop beating: "They can't stop themselves". GARRETT got the impression that GARZA was including himself as one of the guards who fights inmates. GARZA told GARRETT that the guards accidentally killed the inmate and then hung him to cover up their actions. GARZA mentioned that he has been transferred to many prisons and that similar incidents happen frequently, throughout the system. GARZA stated, "this is not the first time and it will not be the last."

From September to the first of December, 1996, GARZA mentioned three separate incidents involving guards beating inmates. He also mentioned several other incidents of inmates fighting other inmates. He mentioned that the guards will allow them to fight to a point to where it becomes out of control, then the guards intercede. On one occasion, GARZA mentioned that a guard had kept a pocket watch that was found on one of the inmates at the FTC.

During the first week of December, 1996, GAIL GARZA called WILLIAM GARRETT to advise that ROBERT GARZA had beat her and she defended herself by stabbing him with a broken beer bottle. GARRETT called the Moore, Oklahoma Police Department. The police responded to the incident.

The next day, GARZA called GARRETT from work, at approximately 4:00 p.m. GARZA talked about his wife, during the first part of the conversation. GARZA asked GARRETT if he had told GAIL about any of the conversations shared by ROBERT GARZA with GARRETT. GARZA specifically mentioned the conversations concerning the incidents at the prison. WILLIAM GARRETT responded, no. GARZA told GARRETT not to tell GAIL, because she would use that against him.

GARZA then told GARRETT that he could not tell the police about the incidents that took place at the prison. GARZA explained, that if he did, the word would get around and their are "Guys at the prison who would be real pissed off, real pissed of." GARZA further stated, "these guys don't give a shit about your family, when it comes between a guard being placed behind bars or burning your house down, when your family is asleep in

282A-OC-56502

Continuation of FD-302 of WILLIAM FOSTER GARRETT, On 5/29/97, Page 4

it. Which do you think they would choose?" GARRETT "got mad."
~~GARRETT told GARZA to never contact him or his family again.~~
 GARRETT told GARZA that he would write a letter to his attorney, explaining all the details provided by GARZA, and that if anything happened to him or his family, the authorities would hear about it.

Descriptive data based upon observation and interview is as follows:

Name	WILLIAM FOSTER GARRETT
Also known as	FOSTER
Race	White
Sex	Male
Date of birth	May 28, 1954
Place of birth	Oklahoma City, Oklahoma
Height	6'4"
Weight	280 pounds
Hair	Red
Eyes	Green
Social Security Account Number	[REDACTED]
Address	[REDACTED]
Telephone	[REDACTED]
Employment	Assistant Manager GODFATHER'S PIZZA

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

TOM M.E. LINN,

Plaintiff,

vs.

ADVANCE MAGAZINE PUBLISHERS,
INC., d/b/a THE CONDE NAST
PUBLICATIONS, INC.; MARY A.
FISCHER,

Defendants.

Ex 60

No. CIV-99-650-F

BRYAN P. DONNELLY,

Plaintiff,

Condensed

vs.

CIV-98-1628-L

JESSE C. TRENTADUE; SUTTER
AXLAND, P.L.C.; CONDE NAST
PUBLICATIONS, INC.; ADVANCE
MAGAZINE PUBLISHERS, INC. and
MARY A. FISCHER,

Defendants.

DEPOSITION OF FRED JORDAN, M.D.
TAKEN ON BEHALF OF THE DEFENDANTS
IN OKLAHOMA CITY, OKLAHOMA
ON DECEMBER 11, 2002

D&R REPORTING & VIDEO, INC.



ROBINSON RENAISSANCE
119 N. ROBINSON, STE 650
OKLAHOMA CITY, OK 73102
405-235-4106

MID-CONTINENT TOWER
401 S. BOSTON, STE 310
TULSA OKLAHOMA 74103
918-599-0507

1-800-771-1500

REPORTED BY: ELIZABETH CAUDILL, CSR, RMR, CRR

46

1 FRED JORDAN, M.D.,
2 after having been first duly sworn at 9:04 a.m.,
3 deposes and says in reply to the questions
4 propounded as follows, to wit:

5 (Defendants' Exhibit Numbers 1 and 2
6 marked for identification purposes and
7 made a part of the record)

8 DIRECT EXAMINATION

9 BY MR. NELON:

10 Q Would you state your name, please.

11 A Fred Jordan.

12 Q And that's Dr. Jordan, is it?

13 A Yes, it is.

14 Q Do you hold an official position with
15 the State of Oklahoma?

16 A Yes, sir.

17 Q And that position is?

18 A I'm chief medical examiner for the
19 state.

20 Q Can you, in very brief terms, describe
21 your duties as the chief medical examiner?

22 A Yes, sir. In Oklahoma, we have a
23 statewide medical examiner system that is
24 responsible for deaths as defined by Oklahoma
25

1 have been here since.

2 Q How long have you been the chief
3 medical examiner?

4 A I was made acting chief in the fall of
5 1982 and confirmed as chief in the spring of
6 1983.

7 Q So in August of 1995, which is one of
8 the time periods we are most concerned with here,
9 you were the chief medical examiner for the State
10 of Oklahoma; is that correct?

11 A Yes, sir.

12 Q In August of '95, back on August 21st
13 of 1995, did you perform an autopsy on a man by
14 the name of Kenneth Trentadue?

15 A Yes, I did, along with Dr. John Parker
16 who was our fellow at that time. And a fellow is
17 a licensed physician who has finished training in
18 anatomic pathology.

19 Actually, Dr. Parker was chief resident
20 over here at the university. And then we're
21 approved by the American Medical Association for
22 a one-year training program in forensics. Dr.
23 Parker was our fellow or resident at that time,
24 and he and I did the autopsy together.

25 Q Do you remember approximately or do you

1 statutes in all 77 counties.

2 We have an office in Oklahoma City that
3 basically takes direct responsibility for the
4 investigation of deaths in the western two-thirds
5 of Oklahoma, and we have an office in Tulsa on
6 the campus of the osteopathic college that takes
7 responsibility directly for the deaths --
8 investigation of the deaths in the eastern
9 one-third of the state.

10 My duties are basically two-fold.
11 Number one, I am the supervisor of the system and
12 responsible for quality control and quality
13 assurance and guidelines and interaction with the
14 legislature to obtain the budget to run the
15 office. And in addition, I function as a
16 forensic pathologist primarily in the central
17 division, taking rotation as my other
18 pathologists do in case investigation,
19 medical-legal autopsies.

20 Q Dr. Jordan, how long have you been with
21 the medical examiner's office?

22 A I came to Oklahoma at the end of June
23 of 1972 as an assistant medical examiner and
24 assistant professor of pathology at the
25 University of Oklahoma Health Sciences Center and

1 have any records to refresh your recollection as
2 to when the body arrived here at the medical
3 examiner's office?

4 A Yes, sir. Referring to my records, our
5 files reflect that the body arrived in this
6 office at 7:50 in the morning on August 21st,
7 1995.

8 Q And at approximately what time did you
9 perform the autopsy?

10 A The autopsy began at approximately
11 10:30 in the morning.

12 (Defendants' Exhibit Number 3 marked
13 for identification purposes and made a
14 part of the record)

15 Q (By Mr. Nelon) Dr. Jordan, let me hand
16 you what we've marked for purposes of our
17 deposition as Exhibit 3.

18 Can you identify that document?

19 A Yes, sir. Exhibit 3 is a copy of the
20 front side of the report of death in Kenneth
21 Trentadue. It has been amended. I don't see the
22 amendment yet.

23 Q If you'll look at the last page --

24 A I'm headed there. This exhibit also
25 contains diagrams that were made by Dr. Parker

1 or someone else at the Federal Transfer Center
2 the morning of August 21?

3 A Probably. That's seven years ago.
4 Probably Acting Warden Carter.

5 Q Given what you saw in the autopsy,
6 especially the bruises, the lacerations on
7 Trentadue's body, was your initial impression one
8 that those injuries were consistent with a
9 suicide?

10 A No.

11 Q At least in terms of a matter of
12 initial impression, just looking at the body and
13 performing the autopsy, what was your belief as
14 to the possible causes -- let me be more precise
15 -- the possible manner of his death?

16 A Because of the extensive bruising of
17 the body, the cut throat, and the general
18 appearance of the body, the fact that he'd died
19 of asphyxia, we felt that the death should be
20 investigated as a homicide. And that implied
21 slow, careful investigation with a very complete
22 technical scene investigation to try to explain
23 the mechanism of these injuries.

24 Q Dr. Jordan, in your experience in the
25 medical examiner's office and especially as chief

1 Q And what are these?

2 A These are pictures of the body.
3 Initially the Department of Justice identified to
4 us as Vance Brockway, but then subsequently at
5 the behest of the brother, the identification was
6 changed to Trentadue, Kenneth Trentadue.

7 Q And the first five pictures, they have
8 a Bates number at the bottom, MAF507, 509, 510,
9 512, and 513 -- do those photos accurately
10 represent how the body looked when it arrived at
11 the medical examiner's office?

12 A These photos, I believe, were taken at
13 the prison, but they do reflect the appearance of
14 the body when it arrived here that morning.

15 Q When the body arrived and it had been
16 transported from the Federal Transfer Center, had
17 the body been cleaned up in any way?

18 A Didn't appear to be. Our investigator,
19 Ms. Gillis, thought the body looked pretty much
20 as it had.

21 Q Now, the remainder --

22 A You know, in that process, the process
23 of moving this body, obviously you put sheets and
24 things on, it's not going to look exactly the
25 same as far as this distribution of all this

1 medical examiner, have you performed autopsies on
2 people who had hanged themselves?

3 A Yes, many times.

4 Q Would it be, over the years, hundreds
5 of them?

6 A Probably.

7 Q Had you ever seen a suicide before with
8 injuries such as those that you observed on Mr.
9 Trentadue?

10 A No.

11 Q Would it be fair to say that Mr.
12 Trentadue, if, in fact, he was hanged, was the
13 most bloody and violent hanging you had ever
14 seen?

15 MR. COOK: Object to the form of the
16 question.

17 THE WITNESS: Yes, that's correct.
18 (Defendants' Exhibit Number 4 marked
19 for identification purposes and made a
20 part of the record)

21 Q (By Mr. Nelson) Dr. Jordan, let me hand
22 you what we're marking for purposes of our
23 deposition record here as Exhibit 4.

24 Do you recognize these photographs?

25 A Yes.

1 blood goes.

2 Q But as far as you could tell, no one
3 had made a conscious effort to clean the body up
4 and remove blood?

5 A It would have been difficult to do with
6 the amount of injury this man had.

7 Q Now, the remaining photographs, one of
8 them appears to be of Mr. Trentadue with a blue
9 striped shirt on, and then there's a picture of
10 the back of his head, underarm and a tattoo. And
11 then there's some pictures that appear to be of a
12 prison cell.

13 Are you familiar with those
14 photographs?

15 A Yes.

16 Q Were those at one time or another
17 provided to your office by investigative
18 authorities?

19 A Yes. The picture in the blue shirt is
20 provided by Mr. Trentadue's brother, Jesse. The
21 other pictures may have eventually come through
22 the Bureau of Prisons. Probably did. Or
23 perhaps, you know, at the behest of the FBI.

24 As I said, the interaction with the
25 Bureau of Prisons was virtually non-existent.

1 non-responsive.

2 Q (By Mr. Nelon) In your professional
3 opinion, does the pattern of blood that appears
4 on the chest area in this photograph of Mr.
5 Trentadue bear some rough correlation to the area
6 of blood that appears on the floor of the cell in
7 that other photograph?

8 MR. COOK: Object to the form of the
9 question.

10 Q (By Mr. Nelon) You may answer.

11 A It certainly appears that it could.

12 Q And if, in fact, just hypothetically,
13 this spot of blood or this pattern of blood on
14 the floor of the cell was a result of the
15 bleeding that you see on the chest of Mr.
16 Trentadue, would that suggest to you that he was
17 face down on the cell floor in that position?

18 A Yes, it would.

19 Q Dr. Jordan, let me just show you one
20 other photograph that will be part of this
21 exhibit. It's just a different shot, an angle.

22 Have you seen that photograph before?

23 A I don't recall it.

24 Q Does that appear to be the same cell
25 floor, just from a different angle from the

1 photographs depict?

2 A They appear to depict the ligature mark
3 left on Mr. Trentadue's neck.

4 Q Let me invite your attention in
5 particular to -- I don't know what the medical
6 term would be, but the sort of lateral marks
7 across the ligature mark, itself.

8 Are those marks significant to you in
9 any way?

10 A What you are asking about is what we
11 call a patterned injury. And, yes, they are.

12 And the vertical -- there's at least one
13 horizontal component to this patterned injury.

14 But these are also vertical components
15 closely spaced to each other, and that has to be
16 caused by the configuration in some way of the
17 ligature, itself.

18 Q Would those marks, in your opinion, be
19 consistent with those that could be caused by
20 plastic handcuffs?

21 A The plastic handcuffs you're referring
22 to are electrical ties, basically?

23 Q Yes.

24 A Mechanical ties? Yes, sir, they could.
25

1 previous picture we looked at?

2 A Yes, it does. When you look at the
3 other objects in the picture, everything appears
4 to be in the same position. So it does look as
5 -- it's just a downward extension of the
6 photographer's angle.

7 MR. COOK: Is there an Exhibit 5?

8 MR. NELON: This is 5A.

9 MR. COOK: Is there a 5 without an A?

10 MR. NELON: No. Then we're going to
11 have a 5B.

12 MR. COOK: Okay.

13 MR. NELON: Mr. Cook, let me show you
14 these. We just have these original versions
15 right now, and we'll make copies for the record
16 and for you as well.

17 MR. COOK: Is this 5A?

18 MR. NELON: This is all 5A.

19 MR. COOK: Okay.

20 Q (By Mr. Nelon) Dr. Jordan, let me show
21 you two other photographs. One is simply an
22 enlargement of the other.

23 Do you recognize those photographs?

24 A Yes.

25 Q And as you understand it, what do those

1 (Defendants' Exhibit Number 5B marked
2 for identification purposes and made a
3 part of the record)

4 MR. NELON: Mr. Cook, we do not yet
5 have copies of these photographs, but we will
6 have copies made, and this will be Exhibit 5B.

7 MR. COOK: Okay.

8 (Defendants' Exhibit Number 6 marked
9 for identification purposes and made a
10 part of the record)

11 Q (By Mr. Nelon) Dr. Jordan, let me hand
12 you what we've marked for purposes of our
13 deposition record here as Exhibit 6.

14 Are you familiar with this document?

15 A I haven't seen this for a long time.
16 Yes, sir.

17 Q What is that document?

18 A It is a paragraph purporting to be from
19 Gary L. Gray, public information officer. It's
20 on US Department of Justice Federal Bureau of
21 Prison, Federal Transfer Center stationery.

22 It appears to be a press release on
23 federal inmate death by apparent suicide as
24 indicated for immediate release on 9-1-95.

25 Q Let me direct your attention to a

1 Q Was it your understanding and
2 impression that that testimony was being offered
3 to help you arrive at a conclusion that the death
4 was a suicide?

5 MR. COOK: Object to the form of the
6 question.

7 THE WITNESS: I -- the -- I think the
8 information from the grand jury was being offered
9 to help me arrive at a conclusion as to what the
10 manner of death was.

11 Since I have not seen that information,
12 I don't know what -- what way it would have made
13 me lean. I do know that the investigative
14 material that I was privy to, which was very
15 little, just basically comments by the FBI, was
16 that they thought it was a suicide.

17 Q (By Mr. Nelson) Dr. Jordan, you said
18 earlier that you had known Agent Linn for a
19 number of years.

20 Did your relationship with him change
21 in any way over the course of yours and his
22 involvement in the Trentadue investigation?

23 MR. COOK: Object to the form of the
24 question.

25 THE WITNESS: I'm sorry to say that it

1 harass you?

2 MR. COOK: Object to the form of the
3 question.

4 THE WITNESS: I don't think there's any
5 question I was harassed by the Department of
6 Justice from the very beginning of this, the 21st
7 of August when we were denied access to do a job
8 we'd been summoned to do.

9 Tom Linn worked for the FBI. The FBI's
10 part of the Department of Justice. So you can
11 draw your own conclusion.

12 But, you know, my reaction to Tom Linn
13 has nothing personally to do with Tom Linn. It
14 has everything to do with the stonewalling that I
15 believe I received from the federal government.

16 MR. COOK: Object to the answer as
17 non-responsive.

18 Q (By Mr. Nelson) From time to time, did
19 you communicate the frustration and feelings of
20 harassment that you had to public officials
21 within the Department of Justice and Congress?

22 A Yes.
23 (Defendants' Exhibit Number 12 marked
24 for identification purposes and made a
25 part of the record)

1 did.

2 Q (By Mr. Nelson) And in what way did it
3 change?

4 A I became very irritated and felt
5 harassed by the federal government, and I felt
6 that he was a part of that harassment.

7 And it's his job, you know, but I
8 didn't -- I just didn't want to see any more of
9 Tom Linn. I wanted to see official documents
10 when the thing was concluded, the investigative
11 documents. I wanted the Oklahoma County grand
12 jury to investigate what was going on at that
13 time, to investigate this case. I wanted local
14 authorities, because by then we had a law that
15 said there was joint jurisdiction, and
16 particularly I wanted Oklahoma City police to
17 investigate the case because I had lost a great
18 deal of confidence in the ability of the federal
19 government to bring this to any kind of a
20 conclusion.

21 MR. COOK: Object to the answer as
22 non-responsive.

23 Q (By Mr. Nelson) Did you come to believe
24 that Agent Linn was part of a Department of
25 Justice effort or campaign, if you will, to

1 Q (By Mr. Nelson) Dr. Jordan, let me show
2 you what we have marked as Exhibit 12. Would you
3 review and identify that document if you can,
4 please.

5 A Yes.

6 Q And what is Exhibit 12?

7 A It's just a supplemental report to the
8 file of Kenneth Trentadue on July 1, 1997.

9 Q And that's your handwriting?

10 A It certainly is.

11 Q Now, there appear to be two parts to
12 this supplemental report; is that correct?

13 A Yes.

14 Q And the top part refers to a letter
15 that you're going to write to Pat Ryan; is that
16 right?

17 A That's correct.

18 Q He was, at the time, the US Attorney?

19 A That's correct.

20 Q And the bottom part refers to a
21 telephone call to a Mrs. Joplin; is that right?

22 A Right.

23 Q Who is he?

24 A She's an Assistant United States
25 Attorney for the Western District of Oklahoma.

1 A I'm sure -- well, I mean, that's a true
2 statement. I mean, you know, I'm asking a
3 question.

4 Q And does that question that you pose
5 there have reference to the Texas Ranger you were
6 testifying about earlier?

7 A Yes. It has reference to the Texas
8 Ranger and then an experienced forensic scientist
9 employed by the government.

10 Q And that refers to Dr. Gormley?
11 A Correct.

12 Q In the fall of 1997, were you
13 interviewed by Mary Fischer in connection with
14 her writing of a second article for GQ Magazine
15 about the Trentadue death?

16 A Yes.

17 Q Do you recall, was that done in person
18 or by phone, or how was the interview done?

19 A I've seen -- I know I've seen Mary a
20 number of times. It may have been done in
21 person. I'm sure some of it was done on the
22 phone. I think I reviewed the article and
23 probably talked to her on the phone.

24 Q And did you share your views and make
25 comments to Ms. Fischer about your views as the

1 A Yes.

2 Q Dr. Jordan, you have said in several
3 contexts, I think the latest of which was in the
4 Interrogatory answers that you gave that we
5 looked at earlier as one of these exhibits.

6 You said that in your professional
7 opinion, Kenneth Trentadue was beaten and his
8 injuries were consistent with his having been in
9 an altercation; is that correct?

10 A Yes.

11 Q And you still hold that view today?

12 A Yes. Particularly that his indications
13 -- that his injuries were received in an
14 altercation. Beating probably requires further
15 definition.

16 Q The injuries that he suffered in an
17 altercation would necessarily have been suffered
18 before he was hanged or hanged himself; is that
19 correct?

20 A Yes. They were ante-mortem injuries.

21 Q Now, according to Bureau of Prison
22 documents and officials, Trentadue was last seen
23 in his cell unharmed except for perhaps a blister
24 on his heel at 2:38 in the morning and was found
25 purportedly hanging in his cell deceased, with



1 Trentadue investigation stood at that time in the
2 fall of '97?

3 A Probably did.
4 (Defendants' Exhibit Number 22 marked
5 for identification purposes and made a
6 part of the record)

7 Q (By Mr. Nelon) Let me show you what we
8 marked as Exhibit 22. Are you familiar with that
9 document?

10 A Yes.

11 Q And what is Exhibit 22?

12 A Exhibit 22 is another supplemental
13 report to the file of Kenneth Trentadue dated 18
14 September, '97 at 10:45 in the morning.

15 Q And does this reflect that you had --

16 A Maybe it's 19. Well, whatever.

17 Q Mid September of '97 sometime?

18 A Right.

19 Q And does this reflect that you had gone
20 over what Ms. Fischer had written and attributed
21 to you and discussed quotes with her?

22 A Yes.

23 Q And were you satisfied at the
24 conclusion of your conversation with her that she
25 had accurately reported what you had told her?

1 the bloody injuries that we've seen in the
2 photographs and that you describe in your autopsy
3 report. And if he was found at 3:02 a.m., some
4 24 minutes after he was last seen unharmed, when
5 was he beaten?

6 MR. COOK: Object to the form of the
7 question.

8 THE WITNESS: The injuries on Trentadue
9 are of varying colors, some of them reddish,
10 bluish. Those are acute. They're within 24
11 hours of his death.

12 There's also some injuries -- if we go
13 back to where we started here a couple hours ago,
14 in looking at the anatomic diagnosis, we also
15 mention older contusions. And those older
16 contusions are on the back of the right hand, on
17 the left hand, left upper bicep area, and the
18 posterior left arm.

19 Those look older to me by the
20 coloration, and they're probably anywhere from 18
21 hours to three or four days old. You know,
22 assuming that correctly that at the time Kenneth
23 Trentadue died, all that stops. You know, it's
24 stopped at a moment in time.

25 Q (By Mr. Nelon) Well, recognizing that

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

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TOM M.E. LINN,
Plaintiff,

)
) Ex 61
)
)

vs.

) No. CIV-99-650-F
)
)

ADVANCE MAGAZINE PUBLISHERS,
INC., d/b/a THE CONDE NAST
PUBLICATIONS, INC.; MARY A.
FISCHER,

Defendants.

BRYAN P. DONNELLY,

Plaintiff,

Condensed

) CIV-98-1628-L
)
)

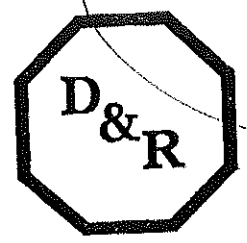
vs.

JESSE C. TRENTADUE; SUTTER
AXLAND, P.L.C.; CONDE NAST
PUBLICATIONS, INC.; ADVANCE
MAGAZINE PUBLISHERS, INC. and
MARY A. FISCHER,

Defendants.

DEPOSITION OF KEVIN ROWLAND
TAKEN ON BEHALF OF THE DEFENDANTS
IN OKLAHOMA CITY, OKLAHOMA
ON DECEMBER 11, 2002

D&R REPORTING & VIDEO, INC.



ROBINSON RENAISSANCE MID-CONTINENT TOWER
119-N. ROBINSON, STE 650 401 S. BOSTON, STE 310
OKLAHOMA CITY, OK 73102 TULSA OKLAHOMA 74103
405-235-4106 918-599-0507

1-800-771-1500

DandR4106@aol.com

REPORTED BY: ELIZABETH CAUDILL, CSR, RMR, CRR

1 APPEARANCES

2 For the Plaintiff Russell A. Cook
3 Tom M.E. Linn: Attorney at Law
4 201 Robert S. Kerr
5 Suite 1600
6 Oklahoma City, Oklahoma 73102

7 For the Defendants Robert Nelon
8 Conde Nast, Advance Jon A. Epstein
9 Magazine, Mary A. Attorneys at Law
10 Fischer: 2900 Bank One Center
11 Oklahoma City, Oklahoma 73102

1 STIPULATIONS

2 IT IS HEREBY STIPULATED AND AGREED by
3 and among the attorneys for the respective
4 parties hereto that the deposition of KEVIN
5 ROWLAND may be taken on behalf of the Defendants
6 on DECEMBER 11, 2002 in Oklahoma City, Oklahoma,
7 by Elizabeth Caudill, Certified Shorthand
8 Reporter within and for the State of Oklahoma,
9 pursuant to Subpoena and Notice.

10 IT IS FURTHER STIPULATED AND AGREED by
11 and among the attorneys for the respective
12 parties hereto that all objections, except as to
13 the form of the question, are reserved until the
14 time of trial, at which time they may be made
15 with the same force and effect as if made at the
16 time of the taking of this deposition.

17 * * * * *

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21 * * * * *

1 * * * * *

2 KEVIN ROWLAND,
3 after having been first duly sworn at 1:38 p.m.,
4 deposes and says in reply to the questions
5 propounded as follows, to wit:

6 (Defendants' Exhibit Numbers 1 and 2
7 marked for identification purposes and
8 made a part of the record)

9 DIRECT EXAMINATION

10 BY MR. NELON:

11 Q Would you state your name for the
12 record, please.

13 A Kevin Rowland, R-O-W-L-A-N-D.

14 Q Mr. Rowland, how are you employed?

15 A I'm the chief investigator for the
16 central division of the state medical examiner's
17 office.

18 Q Can you very briefly and in general
19 terms describe what your duties are?

20 A As chief investigator, I supervise all
21 the death investigators for the western
22 two-thirds of the state. I have been here 17
23 years. And I also am in charge of training death
24 scene investigators, new employees, overseeing
25 basically the quality control of all -- for the

1 it to Dr. Jordan. He said he obviously didn't
2 have time to go through all of the -- through,
3 you know, what he figured would probably be
4 hundreds, if not thousands of pages of grand jury
5 transcripts when we were as busy as we were at
6 that time, and that he advised me to contact our
7 attorney, Patrick Crawley at the attorney
8 general's office at that time, and let him know
9 about it, see what he had to say, which I did.

10 I contacted Mr. Crawley, and it was his
11 opinion that we would not be receiving those and
12 that, in fact, he was suspicious himself.

13 He told me that he -- he was concerned
14 about that this would actually, if anything, be
15 more of a silencing tool on Dr. Jordan because
16 that if he read those transcripts, he wouldn't be
17 able to publicly state that I believe it is this
18 because I've reviewed these transcripts and I
19 find that these things, these things, you know,
20 from his testimony, because he would not be
21 allowed, under the federal rules, to divulge what
22 he read, what he saw.

23 And so it was his opinion that we would
24 not be receiving those documents and that he was
25 going to contact the -- the US Attorney's office

1 had in the fall of 1997.

2 This is a few months after you were on
3 Dateline before the Macy and the
4 OIG investigations were underway. And let's just
5 talk more specifically about November of '97 when
6 the GQ article that we're litigating over was
7 published.

8 MR. COOK: Object to the form of the
9 question.

10 Q (By Mr. Nelon) As best you can, put
11 yourself back in the mind set you had at that
12 time knowing what you did --

13 A Uh-huh.

14 Q -- at that time... Did you believe at
15 that time that Trentadue had been beaten or had
16 been in a fight or an altercation of some kind?

17 MR. COOK: Object to the form of the
18 question.

19 THE WITNESS: Yes.

20 Q (By Mr. Nelon) Did you believe, in the
21 fall of 1997, that it was possible that he had
22 been murdered?

23 A Yes.

24 Q At that time, did you believe that the
25 federal government had lied to the medical

1 from the civil rights division and make sure that
2 they understood we didn't want these transcripts.

3 Q To your knowledge, did Agent Linn
4 identify which witnesses it was whose testimony
5 he wanted Dr. Jordan to review?

6 A I -- I recall that some of them, I
7 believe, were from -- from guards, from inmates,
8 things like that.

9 I don't recall specifically who all
10 that -- that he -- that he said would be in it.
11 I don't recall right now.

12 Q Was it your impression or understanding
13 that it would be excerpts of testimony that
14 someone had selected for Dr. Jordan to review?

15 A Yeah. I know it wasn't going to be
16 every single person that had testified in front
17 of the grand jury. I do recall it was -- it was
18 not that.

19 Q Did Agent Linn say anything to you with
20 respect to whether this grand jury testimony,
21 were it reviewed by Dr. Jordan, would persuade
22 him that it was a suicide?

23 A He felt like it would.

24 Q Mr. Rowland, as best you can, if you
25 can put yourself back into the mind set that you

1 examiner's office and made misrepresentations to
2 your office about the Trentadue investigation?

3 MR. COOK: Object to the form of the
4 question.

5 THE WITNESS: Yes, I did.

6 Q (By Mr. Nelon) Did you believe, in the
7 fall of 1997, that the government had engaged in
8 a cover-up?

9 MR. COOK: Object to the form of the
10 question.

11 THE WITNESS: There were -- I believe
12 that there were certain things that certainly had
13 been covered up.

14 MR. NELON: One moment.

15 Q (By Mr. Nelon) In connection with her
16 investigation and writing of what ultimately
17 turned out to be the article in GQ Magazine in
18 the December '97 issue, Cover-up in Cell 709A,
19 did Mary Fischer talk with you about your
20 knowledge of the facts and circumstances of the
21 Trentadue investigation?

22 A Yes, she did.

23 Q Did you read the article when it was
24 published?

25 A Yes, I did.

1 opinion of suicide was based on the available
2 evidence, but are there still questions about
3 Trentadue's death?

4 A I still have lots of things I don't
5 know the answers to. Don't know that I ever will
6 or will fully understand.

7 MR. EPSTEIN: Can we take a short
8 break?

9 THE WITNESS: Sure.
10 (Break from 2:51 to 2:54)

11 Q (By Mr. Nelon) Just a couple more
12 questions, Mr. Rowland. Did Agent Linn at any
13 time disclose to you that blood which did not
14 match Trentadue's blood type was found in the
15 cell?

16 A No.

17 Q Did Agent Linn at any time disclose to
18 you that this ligature that the BOP people said
19 they had cut to, you know, get Trentadue down,
20 did he ever disclose to you that the FBI lab
21 found no matching cuts on the ligature?

22 A No.

23 MR. NELON: That's all the questions I
24 have.

25 MR. COOK: I have none.

1 CERTIFICATE

2
3 STATE OF OKLAHOMA)
4) SS:
5 COUNTY OF OKLAHOMA)

6 I, ELIZABETH CAUDILL, CSR in and for
7 the State of Oklahoma, certify that KEVIN ROWLAND
8 was by me sworn to testify the truth; that the
9 above and foregoing deposition was taken by me in
10 stenotype and thereafter transcribed and is a
11 true and correct transcript of the testimony of
12 the witness; that the deposition was taken on
13 DECEMBER 11, 2002 at 1:38 p.m. in Oklahoma City,
14 Oklahoma; that I am not an attorney for or a
15 relative of either party, or otherwise interested
16 in this action.

17 Witness my hand and seal of office on
18 this 23rd day of December, 2002.

19
20
21 ELIZABETH CAUDILL, CSR, RMR, CRR
22 CSR No. 161
23
24
25

1 MR. NELON: Mr. Rowland, as you may
2 well know, you have the right to read a
3 transcript of your deposition and make changes
4 and corrections and indicate your review by
5 signature, or you can waive that right.

6 THE WITNESS: I'll waive it.
7 (Deposition adjourned at 2:55 p.m.)
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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

TRENTADUE, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Ex 62

Case No. CIV-97 849 L

**UNITED STATES' RESPONSE TO PLAINTIFFS' MOTION FOR ENTRY
OF CONFIDENTIALITY-PROTECTIVE ORDER AND COMBINED
MOTION AND BRIEF FOR ENTRY OF UNITED STATES' PROTECTIVE ORDER**

INTRODUCTION

Plaintiffs have filed a motion for entry of a confidentiality-protective order relating to confidential information disclosed in the course of the litigation. Plaintiffs' order is limited to information that is protected from disclosure by the Privacy Act, 5 U.S.C. § 552a and the Freedom of Information Act, 5 U.S.C. § 552. On its face plaintiffs' proposed confidentiality order suffers from several significant defects that limit its effectiveness. First, it applies only to the United States. The protective order should apply to any party seeking to protect private information. Second, plaintiffs' order is too narrow; it does not protect from public dissemination private information that might not be protected from disclosure by the Privacy Act or Freedom of Information Act (such as a testifying witness' home address). Finally, plaintiffs' order allows plaintiffs to divulge private information to state and federal agencies. It is inappropriate and unnecessary for plaintiffs to divulge information to agencies capable of obtaining the information themselves.

Because plaintiffs' order suffers these defects, and because plaintiffs have not attempted

to work with the other parties to resolve those issues, the United States objects to the motion for entry of plaintiffs' order. Furthermore, the United States hereby moves for entry of the protective order attached hereto as Exhibit 1, which has been circulated to all parties by the United States and to which no defendants have objected. The United States' proposed protective order protects confidential information while allowing full disclosure in litigation.

Pursuant to L.R.7.1(k), the United States' motion and supporting memorandum are being submitted as one document.

CERTIFICATION OF CONFERENCE TO RESOLVE DISCOVERY DISPUTE

Counsel for plaintiffs and the United States have discussed the issues raised in the motion by telephone. The conferences were made by telephone because the distance between counsel made personal conference unfeasible. Counsel for plaintiffs did not respond to the United States' suggestions concerning both versions of the protective order. The parties therefore have been unable to reach an accord.

BACKGROUND

At the status conference on April 15, 1998, the Court ordered the United States to draft a protective order that would allow for the disclosure in this litigation of information protected by the Privacy Act, 5 U.S.C. § 552 and other federal statutes, while shielding that information from disclosure outside the litigation. The United States thereafter circulated a proposed order to all parties, attached hereto as Exhibit A. The United States' order provided for complete disclosure of all non-privileged confidential information, but limited use of this information to purposes related to this litigation. Some counsel for private defendants had no comments on the order, and the remainder informed counsel for the United States that the proposed order was acceptable to

them.

Plaintiffs apparently were not satisfied with the United States' draft and prepared their own order. Counsel for the United States called counsel for plaintiffs on June 9, 1998, with suggestions that would make plaintiffs' version acceptable to the United States. Plaintiffs did not respond to the United States' suggestions, and on June 11, 1998, filed the motion for entry.

ARGUMENT

THE UNITED STATES' PROTECTIVE ORDER SHOULD BE ADOPTED BECAUSE PLAINTIFFS' PROPOSED PROTECTIVE ORDER DOES NOT ADEQUATELY PROTECT CONFIDENTIAL INFORMATION

Plaintiffs' proposed protective order contains several defects that reduce its effectiveness. At the outset, however, it must be emphasized that the United States is not seeking to limit the plaintiffs' access to information subject to discovery under Fed.R.Civ.P. 26.¹ The intention is to limit dissemination to the public of personal information about deponents and other individuals that was obtained through the discovery process. Plaintiffs have generated considerable media interest in this matter and have publicly made highly inflammatory accusations. Considering that most deponents and witnesses are corrections officers or other law enforcement personnel who normally take great pains to keep their home addresses and other personal information private, there is no reason to make this information public simply because it was disclosed at a deposition.

¹ However, plaintiffs' statement that they "were told by counsel for the United States Defendants that the government would not claim any privilege or withhold any documents in this action," Pls. mot. at 5, is wrong. Counsel for the United States has never suggested that the United States, or any other party, would not assert any privilege available under the Federal Rules of Civil Procedure. The stridence with which plaintiffs press their case does not justify changing the rules under which civil litigation proceeds.

The first defect in plaintiffs' order is that it does not allow any party other than the United States to seek protection of confidential information. There is no reason to limit the protections of this order to the United States. Although other parties can seek a protective order when asked to divulge private information, it would be wasteful to file a motion for protective order every time a party is asked to provide private information that would fall within the protection of this order. If drafted to include all parties, the order would govern all such disputes.

Second, plaintiffs' order only allows protection of information protected by the Privacy Act, 5 U.S.C. § 552a or the Freedom of Information Act, 5 U.S.C. § 552. Neither the Privacy Act nor the Freedom of Information Act would prevent a deponent from answering a question seeking private information. Therefore, plaintiffs' order would not provide for protection of private information provided by a witness at deposition. This is of particular concern here because plaintiffs have generated extensive publicity for this case. The United States' protective order would shield from public dissemination private information such as deponents' home addresses.

Finally, plaintiffs' order authorizes disclosure of private information to "[c]ounty, state or federal prosecutors, and/or to members of the Senate or House Judiciary Committees, including their agents and investigators." Pls. order at ¶ 2(g). It is inappropriate and unnecessary for plaintiffs to use this litigation to funnel information to governmental entities who are equipped and capable of obtaining whatever information they need.

The attached order prepared by the United States cures these defects. It allows any party to designate information "confidential." The order provides a mechanism for other parties to challenge the designation. Finally, it ensures that the maximum relevant information will be

available for use in the litigation, while limiting public exposure of personal information. There is no dispute that as much relevant information as possible should be made available in the discovery process. At the same time, there is no reason to unnecessarily disseminate private information. The United States' proposed order satisfies both objectives.

CONCLUSION

For the foregoing reasons, plaintiffs' motion for entry should be denied. The United States' motion for entry should be granted and the Court should enter the United States' proposed confidentiality order.

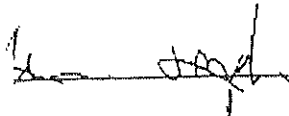
DATE: July 2, 1998

Respectfully submitted,

FRANK W. HUNGER
Assistant Attorney General
Civil Division

PATRICK M. RYAN
United States Attorney

PHYLLIS J. PYLES
Assistant Director



STEVEN B. SNYDER
PETER SCHLOSSMAN
Trial Attorneys
Torts Branch, Civil Division
U.S. Department of Justice
P.O. Box 888
Washington, D.C. 20044

(202) 616-4290
(202) 616-5200 (telecopier)

Attorneys for the United States

1 are going to discuss here today, so perhaps that matter can be
2 resolved then. Well, as a matter of fact, I believe that is
3 the next one on the agenda.

4 First of all, the Court will grant the motion to - - for the
5 government to file its response one day out of time as it
6 relates to the motion for entry of a confidentiality of
7 protective order governing disclosure.

8 It would appear that all of the Defendants have agreed to
9 the protective order as proposed by the United States; is that
10 correct, Mr. Snyder?

11 MR. SYNDER: That's my understanding, yes, Your Honor.

12 THE COURT: And the primary difference, it would
13 appear in the Court's review of the proposed protective orders
14 are the - - and the main objection to the Plaintiffs' protective
15 order by the Government is the Plaintiffs' protective order
16 allows for the release of certain protected information and
17 materials to congressional committees, investigative agencies,
18 district attorney's offices, and so forth; is that correct, Mr.
19 Adams?

20 MR. ADAMS: That is correct.

21 THE COURT: Is that the primary difference between the
22 two suggested protective orders?

23 MR. ADAMS: Yes, Your Honor, it is.

24 THE COURT: What response, Mr. Adams, do you have to
25 the Government's response that any district attorney's office,

1 congressional agents, or congressional committee, or other
2 investigative agency has the power to get this information on
3 their own anyway?

4 MR. ADAMS: They may very well have the power to do
5 that, but they have also asked us to assist them in gathering
6 information. We have sent information recently to the House
7 Investigative Committee who are taking a look at this
8 particular case, and all we are trying to do is get to the
9 bottom of exactly what happened.

10 I don't know how it is being intrusive or violating any
11 privacy act if we agree these are the only individuals we are
12 going to give this information if we deem appropriate, and we
13 have no problem disclosing the information we are giving over
14 to certain investigative committees to any of the Defendants.
15 I don't know what reason they would not want us to give it to
16 them, Your Honor.

17 THE COURT: Mr. Snyder, any response?

18 MR. SNYDER: I am not aware of any request made by
19 congressional investigators or prosecutors as such for
20 information. My understanding is that these bodies have been
21 extremely able to obtain and get all the information that they
22 need. Our objection to that - - to that portion of the order is
23 that civil discovery isn't a mechanism for one part to press
24 its claims with the United States Congress. The interests are
25 different. The focus is different.

1 And I just don't see why - - what this - - one of the
2 reasons, one of the concerns we have and perhaps the biggest
3 concern is that there is no practical way to limit certainly
4 people in Congress to the disclosure restrictions contained in
5 this protective order.

6 Once this information is given over to Congress almost by
7 definition it becomes public because that's what Congress does.
8 The Plaintiffs have been calling long, loud, and hard for
9 public hearings on this issue and information. For example,
10 home addresses that we might disclose to the Plaintiffs to
11 subpoena people, but that corrections officers would not want
12 them made public for entirely legitimate safety reasons.

13 If that information is given over to Congress and that
14 information publicized, now we have individuals who have taken
15 pains to protect their own privacy and having their home
16 addresses splashed all over the front pages.

17 That, I think, is the biggest concern. There is no way
18 this protective order can be applied to Congress. I know from
19 answering congressional inquiries of my own on other matters,
20 Congress is well-qualified to obtain this information.

21 THE COURT: Was this draft protective order prior to
22 the local district attorney's investigation?

23 MR. ADAMS: Yes, Your Honor.

24 THE COURT: I assume that's why you included district
25 attorneys also.

Ex 64

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

AUG 18 1998

ROBERT O. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY [Signature] DEPUTY

ESTATE OF KENNETH)
MICHAEL TRENTADUE, et al.,)
)
Plaintiffs,)
)
v.)
)
UNITED STATES OF AMERICA, et al.,)
)
Defendants.)

Case No. CIV-97-849-L

ORDER

This action arises from the death of Kenneth Michael Trentadue at the Federal Transfer Center (FTC) in Oklahoma City, Oklahoma during the evening of August 20 or early morning hours of August 21, 1995. The Original Complaint in this matter was filed on May 22, 1997. Several defendants filed Motions to Dismiss based primarily on the assertion of qualified immunity. The court found that qualified immunity did not apply to shield these defendants from liability. Appeals of the court's ruling on the qualified immunity issue are pending.

In accordance with the court's April 21, 1998 order following the status conference in this matter, discovery in this case is proceeding. Also in keeping with the court's April 21, 1998 order, plaintiffs filed an Amended Complaint on July 20, 1998. The Amended Complaint expanded claims against some defendants and eliminated other defendants entirely. The appealing defendants were among those excluded from the

Exhibit D

of attempt to prevent these persons from giving deposition testimony. Plaintiffs have cited no authority for their request that the government bear the expense of returning these persons to Oklahoma City for deposition.

As for the discovery plan proposed by plaintiffs, the court finds that the discovery plan submitted on behalf of the now-dismissed defendant Donnelly has been agreed to by all parties and is more appropriate than plaintiffs' proposed plan. In fact, it appears that the discovery plan has been successfully utilized by the parties in conducting much deposition discovery thus far. Accordingly, the Application of Defendant Bryan Donnelly to Approve Deposition Discovery Plan. [Doc. No. 268] is **GRANTED and the Deposition Discovery Plan attached as an Exhibit to the Application is hereby APPROVED by the court.**

Regarding the entry of a Confidentiality-Protective order, the court initially finds that the United States' Motion for Leave to File Response to Plaintiffs' Motion for Entry of Confidentiality-Protective Order One Day Out of Time [Doc. No. 295] is **GRANTED** without objection. The United States' Response was attached to the above motion and it is clear from the file that the other parties have responded to the government's proposed Protective Order as though the Response had been filed. Thus, the court finds it is proper Order attached thereto. The court has reviewed plaintiffs' proposed Confidentiality-Protective Order which apparently does not apply to all parties in this litigation and allows disclosure of documents, materials and/or information to persons such as

"prosecutors and Congress." Were the court to approve plaintiffs' proposed Confidentiality-Protective Order the end result would be no protective order at all because the court would lose control over what other persons might choose to do with the information provided to them. The court's primary concern is protection of confidential materials produced during discovery in this lawsuit. While mindful that information disclosed in this lawsuit may coincide with information relevant to other proceedings in other forums, the court chooses not to allow the discovery process in this lawsuit to become a pipeline of information to non-parties over whom the court has no supervision. The government's proposed Protective Order is adequate to protect the confidentiality of matters discovered in this action and also provides a mechanism for the parties to challenge the designation of confidentiality as to particular items of information. Although the court anticipates such challenges to be rare, the availability of the procedure should alleviate plaintiffs' concerns that the definition of confidentiality is overly broad. The government's proposed Protective Order allows the protection of sensitive materials and, most importantly, removes concerns the government may have had about disclosure of certain information thus allowing discovery to proceed more expeditiously.

Accordingly, Plaintiffs' Motion for Entry of Confidentiality-Protective Order [Doc. No. 281] is **DENIED**. The alternative proposed Protective Order submitted by the United States is **APPROVED**.

Plaintiffs' Motion to Determine Sufficiency of United States Defendants' Responses to Request for Admissions and for Leave of Court to Serve Unlimited