

EXHIBIT 1

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Pro Se Plaintiff

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

JESSE C. TRENTADUE,

Plaintiff,

vs.

FEDERAL BUREAU OF
INVESTIGATION and FEDERAL
BUREAU OF INVESTIGATION'S
OKLAHOMA CITY FIELD OFFICE ,

Defendants.

**SECOND DECLARATION OF
TERRY LYNN NICHOLS**

Case No.: 2:04 CV 00772 DAK

Judge Dale A. Kimball
Magistrate David Nuffer

Pursuant to 28 U.S.C. §1746 and based upon personal knowledge I, Terry Lynn Nichols, do hereby certify, verify and state under penalty of perjury as follows:

1. I am currently an inmate at United States Penitentiary Administrative

Maximum Facility (“ADX”) at Florence Colorado and my federal registry number is 08157-031. I am housed in “D-Unit” at ADX.

2. On November 8, 2007, I spoke with Ms. Sudlow about video conferencing capabilities at ADX. Ms. Sudlow is an employee of the Federal Bureau of Prisons assigned as one of the team members for D-Unit.

3. On November 8, 2007, I asked Ms. Sudlow if ADX had a video conference room where inmates could make court appearances and give depositions. Ms. Sudlow’s response was: “Yes, we do.”

4. During December of 2003 and January of 2004, I was incarcerated in the Oklahoma County Jail in Oklahoma City, Oklahoma awaiting trial on State of Oklahoma criminal charges. During that period of time, I was visited by Michael Selby, who held him self out to me as an attorney from Missouri.

5. Mr. Selby was accompanied on his visits with me by one of my defense attorneys, Rod Uphoff.

6. Mr. Selby approached me with a plea bargain or deal. Mr. Selby told me that he was not employed by the United States Department of Justice, but that he was speaking for and with the authority of the United States Department of Justice, and from the highest level within the Department of Justice.

7. Mr. Selby said that his meeting with me was an “off the books” operation so that if anyone found out about the purpose of his visits with me, the Department of Justice could and would deny any and all knowledge of Selby and the offer. Mr. Selby then told me that if I would agree to three things or conditions, I would not have to stand trial on State murder charges.

8. According to Mr. Selby, the Department of Justice could prevent the State prosecution from going forward by not releasing evidence to the State prosecutors and by not allowing FBI agents and other federal employees to testify in the State case.

9. The first of the three things I was asked by Mr. Selby to do as part of this plea deal was: Admit to having made a telephone call to the FBI on April 18, 1995, warning about the plan to bomb the Murrah Building. This was the first I had ever heard of such a telephone call having been made. And I told Mr. Selby that as well as the fact that I had not made that telephone call.

10. The second thing I was asked to do was to implicate my brother, James Nichols in criminal activity. This I refused to do because it was not true.

11. The third and final thing I was asked to do was to disclose the location of the box of explosives (*i.e.*, tubes of nitromethane, which forms part of the binary explosive Kinestik) that I had taken from Roger Moore’s home in Arkansas. This was

the same box of explosives recently discovered at my Herington, Kansas home and seized by the FBI.

12. That box of nitromethane was addressed to "Robert Miller," which was Moore's alias. I also had no doubt that Moore's fingerprints were on that box and/or those explosives. In addition, Tim McVeigh told me that Moore had supplied him with the explosive Kinestik.


13. According to a *Memorandum* prepared by McVeigh's defense counsel, McVeigh had used this Kinestik as a detonator for his bomb. McVeigh said that when Moore furnished the Kinestik Moore had told McVeigh that he knew McVeigh "would put them to good use." A true and correct ^{copy (FLN)} of that *Memorandum* is attached hereto as Exhibit 1. *The memorandum itself I learned of in June 2005. McVeigh getting (FLN) the Kinestik from Moore and using it in his bomb I knew of in 1994.*

14. These foregoing facts linking Moore to the Murrah Building Bombing led me to believe that Mr. Selby and/or the Department of Justice wanted this evidence to prosecute Roger Moore. Consequently, I responded by telling Mr. Selby that I could give him Roger Moore.

15. Mr. Selby's reaction to my offer, however, was not what I had expected. Mr. Selby essentially said no deal. Mr. Selby told me that Roger Moore was "untouchable."

16. Finally, I am ready and willing to participate in the video tape deposition that the United States District Court has allowed Jesse C. Trentadue to take in the above captioned matter. As for the ^{BOP and (TLN)}FBI's security concerns, since my arrest on April 21, 1995 to present, there has not been ^{a (TLN)}single incident of me becoming violent or threatening anyone.

Executed under penalty of perjury this 21st day of November 2007 at Florence Colorado.



Terry Lynn Nichols
No. 08157-031

EXHIBIT 1

Jun-28-05 12:32P

John
Ⓢ R. Miller
Strassmire
U
Tim McVeigh
Comrade

Date of memo : December 27, 1995
To : Stephen Jones / Rob Nigh
From : [REDACTED]
Reference : Interview with Timothy James McVeigh
F.C.I. El Reno
Date of interviews : December 12, 1995

On December 12, 1995 at approximately 8:49 a.m., I met with Tim McVeigh at the FCI El Reno in El Reno, Oklahoma.

[REDACTED]

I asked Mr McVeigh to tell me again, the circumstances on how he and Andy met. Mr McVeigh stated that he had been working a booth at a gun show and that Andy just showed up. Mr McVeigh stated that the general conversation throughout the gunshow was the incident in Waco, Texas. Mr McVeigh stated that he and Andy spoke briefly about the Waco incident and that almost immediately, Andy called for two of his companions to join him at the booth with Mr McVeigh.

I asked Mr McVeigh to tell me the names of the other people working the booth with him. Mr McVeigh immediately told me that the booth belonged to Roger Moore (aka: Bob Miller) and that he was only helping him. Immediately after telling me this, Mr McVeigh quickly told me that he had rented a very small section of Mr Moore's booth where he sold his own items. *Note that this is the first time that Mr McVeigh acknowledged that Andy was accompanied by two other men when they met and, it is also the first time that Mr McVeigh mentioned that he was working with Roger Moore when he met Andy Straussmire.

[REDACTED]

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The expression on Mr McVeigh's face was that of anger. Mr McVeigh stated that if Moore ever decided to testify against him, that there was enough evidence available to sink Roger Moore. Mr McVeigh stated that during the months August-September, 1994, Moore sold him 9 "Kinestiks" at \$10.00 each. Mr McVeigh stated that Moore had cases of the explosive "Kinestiks" but that he didn't sell them to just anybody. Mr McVeigh stated that Roger Moore was involved in the sell of several other things and that Moore was very much anti-government. Mr McVeigh stated that he made several "Kinestik" purchases from Moore and that Moore even commented to him that he didn't mind selling him the "Kinestiks" because he knew that he (McVeigh) would put them to good use.

I asked Mr McVeigh if Terry Nichols ever bought "Kinestiks" from Roger Moore and Mr McVeigh replied that Terry was never around when the purchases were made. I told Mr McVeigh that I found it totally impossible to believe that Terry Nichols and Roger Moore never became acquainted with each other. Mr McVeigh immediately replied that Terry Nichols and Roger Moore did speak on the telephone but that to his recollection they had only one conversation. I looked at Mr McVeigh and smiled then told him that he was full of shit.

*Note that in my September 30, 1995 interview with Roger Moore at the Sands Hotel and Casino in Las Vegas, Nevada, Mr Moore stated that he had never heard the voice of Terry Nichols. Mr Moore also stated that he did converse with the person who robbed him for several minutes but that the robber did most of the talking. I asked Mr Moore that if he had the opportunity to hear the voice of the Terry Nichols today, would he be able to compare it to the robber's voice. Mr Moore immediately replied that he did not think that he would be able to identify the voice at all.

I told Mr McVeigh that Roger Moore told me that he was glad that the FBI did not search his house the day after the bombing because if they had done so, that they would have found more weapons in his home than were found at the Davidian Compound in Waco, Texas. Mr McVeigh immediately replied that the FBI would have found cases of "Kinestiks."

Mr McVeigh stated that Roger Moore and his girlfriend, Karen Anderson, purchased approximately 100,000 VHS blank tapes for the purpose of copying Triple-X films and then selling them at the gun shows for \$5.00 each. Mr McVeigh stated that the tapes are kept under the counter and that a list of the films is kept to one side for people to review prior to the purchase. Mr McVeigh stated that to his knowledge, Roger Moore and Karen Anderson still sell these pirate pornography movies.

Mr McVeigh stated that he once sold a "White Power" shirt to Roger Moore. Mr McVeigh stated that he had previously bought the shirt from [REDACTED]

Jun-28-05 12:32P

[REDACTED]

I told Mr McVeigh to expect Marife Nichols to testify against him. I reminded Mr McVeigh that Marife and Terry Nichols had a family. I told Mr McVeigh that in the majority of major cases, a witness, for the sake of the family, would do whatever he or she could, to help the other family member, even if it meant putting the entire blame on the other person. I told Mr McVeigh that we had to know ahead of time whether Marife had knowledge about anything that could be damaging to him.

Mr. McVeigh stated that Marife once saw him and Terry Nichols practicing with explosives. Mr McVeigh stated that they were discharging "Kinestiks." *Note that one Kinestik is equivalent to one stick of dynamite.

Mr McVeigh also stated that he had several sexual affairs with Marife during the time that he lived with Marife and Terry Nichols. Mr McVeigh stated that they had sex during the times that Terry was at work. I told Mr McVeigh that Marife could easily deny the allegations and he immediately told me to just mention his waterbed when I spoke to her, that she would know what it meant. Mr McVeigh stated that the affairs occurred during the summer of 1994.

I told Mr McVeigh that I had solid information concerning Roger Moore (aka: Bob Miller). I mentioned that the FBI has been increasing the pressure on Moore and that it was just a matter of time before Moore decides to cooperate. I reminded Mr McVeigh that comradery flies out the window when the noose begins to tighten. I told Mr McVeigh that there was no doubt in my mind that Roger Moore could be a very damaging witness. Mr McVeigh replied that he really didn't think that Moore would say anything. I told Mr McVeigh to wake up and smell the coffee. I reminded Mr McVeigh about Mike and Lori Fortier, James Rosencranz and then told him that Mr Moore was not a stupid man, that if it ever came down to making a choice about whose ass to save, that he (McVeigh) could kiss his ass good-bye.