

## McVEIGH'S SECOND TRIAL

### Part III

Let's go back to Mr. Williams for a moment and look at the OIG's own words about the federal boys back at their lab:

<http://www.usdoj.gov/oig/fbilab1/08okcity.htm>

"In 1995 SSA Frederick Whitehurst sent the OIG correspondence criticizing members of the Laboratory for their handling of the Oklahoma City case. On January 9, 1996, Whitehurst sent the OIG a 30-page letter criticizing the September 5, 1995, FBI Laboratory explosives report of SSA David Williams in that case. Whitehurst contends that Williams' report goes beyond Williams' expertise, is biased in favor of the prosecution, and contains unjustified conclusions.

"To investigate Whitehurst's allegations, we interviewed Whitehurst, Williams, EU Chief J. Thomas Thurman (who reviewed and approved Williams' report), Steven Burmeister (a CTU explosives residue examiner who worked on the case), James Corby (former MAU Chief), as well as other FBI and ATF personnel, some of whom worked at the scene of the blast. We also submitted written questions to Roger Martz, the CTU Chief who worked briefly on the Oklahoma City case. Additionally, we considered pertinent FBI documents and applicable literature in the field of explosives.

"As explained below, ***we conclude that in his report Williams repeatedly reached conclusions that incriminated the defendants without a scientific basis and that were not explained in the body of the report. We find fault with other aspects of the report as well.*** We also conclude that Thurman performed an inadequate review of Williams' report by allowing Williams too much discretion and by approving conclusions with which Thurman disagreed and could not support. Further, we conclude that Martz ***improperly deviated from the explosives residue protocol in his examination of some specimens.*** Finally, we conclude that Whitehurst's numerous other contentions lack merit.

"For the reasons stated in our discussion of the World Trade Center case (see Part Three, Section C, p.118, supra), *Williams' specific VOD opinion in the Oklahoma City case lacked an adequate scientific and empirical basis.*

"Williams also stated in his report that [a] fertilizer base explosive, such as ANFO (ammonium nitrate and fuel oil), among other commercial and improvised explosives, has an approximate VOD of 13,000 fps. Williams thus stated that the approximate VODs of both the main charge and ANFO were each 13,000 feet per second, which supported his theory that the main charge was ANFO.

"The statement of the VOD of ANFO, however, *is incomplete* because ANFO has a broad VOD range. For example, the Dupont Blasters' Handbook (Dupont) shows

commercial ANFO products with VODs in the 7,000-15,600 feet-per-second range. When Williams wrote his Oklahoma City report, he was aware of this range:

"OIG: . . . [A]t the time of the World Trade Center bomb [February 1993], what did you understand the velocity of detonation of ANFO to be?

"AGENT WILLIAMS: About -- about 13,000 feet per second.

"OIG: Okay.

"AGENT WILLIAMS: And that was the average.

'And I did know that ANFO can function as slow as 8,000 feet per second or slower and as fast as, if not faster, than 15,000 feet per second.

'Additionally, Williams' working hypothesis in the Oklahoma City case was that the ANFO used by the perpetrators was not produced commercially but was rather improvised -- that is, the offenders mixed the ammonium nitrate and diesel fuel themselves. Presumably the quality control of improvisers would be inferior to that of commercial manufacturers. If the ingredients were not combined in the correct ratio, the VOD of the resulting explosive might be reduced. Accordingly, improvised ANFO would have at least as broad a range of VODs as that of commercial ANFO.

"Thus, ANFO can detonate at a VOD of 13,000 feet per second, but it can also detonate at lower (7,000 feet per second) and higher (15,600 feet per second) velocities. By only mentioning an ANFO velocity of 13,000 feet per second, Williams *suggested too strongly* that there was an exact match between the VOD of ANFO and his reported VOD of the main charge.

## B. Identification of the Explosive

"Williams testified at his OIG interview that determining that the main charge had a specific VOD of 13,000 feet per second, with a tolerance on either side of 1,000 feet per second, did not limit the main charge to a specific explosive. Williams acknowledged that there are a lot of different explosives in the range of 12-14,000 feet per second. Williams also acknowledged that although ammonium nitrate crystals were found at the post-blast scene, there are many explosives in the range of 12-14,000 feet per second that have ammonium nitrate in them. Nevertheless, Williams concluded in his report ( it is also the opinion of this examiner ) that the main explosive used at Oklahoma City was ANFO. *He acknowledged that he reached this conclusion, in part, because Terry Nichols, one of the defendants in the case, purchased ammonium nitrate and diesel oil prior to the bombing. Without the evidence of these purchases, Williams admitted he would have been unable to conclude that ANFO was used. Indeed, Williams stated that based on the post-blast scene alone [i]t could have been dynamite; I'm suggesting that there could have been other things.*

"We conclude that it was *inappropriate* for Williams to render a categorical opinion in his report that the main charge was ANFO. As discussed with reference to the World Trade Center case, it is inappropriate for a forensic Laboratory examiner to identify the main charge based in whole or in part on prior knowledge of the explosive components purchased by a defendant. Such an identification is *not based on scientific or technical grounds and appears to tailor the opinion to evidence associated with the defendants*.

*"Moreover, Williams' report does not mention that the defendant's purchases were the basis of the ANFO opinion. The report is presented as an FBI Laboratory report. It begins with the phrase, Results of examination: The reader is left with the impression that the opinions presented are based on the scientific analyses of the FBI Laboratory. Accordingly, Williams' opinion that the main charge was ANFO appears to be based solely on his technical expertise as an explosives examiner and thus appears to be very incriminating to someone (like defendant Nichols) who allegedly purchased ANFO components before the Oklahoma City explosion. The opinion is thus misleading and presents the case in a way most incriminating to the defendants. Had Williams explicitly stated in his report that the ANFO opinion was based on the defendant's purchases, the opinion could have been appropriately discounted as a non-expert conclusion that seeks to match the characteristics of the explosion with evidence associated with the defendants.*

"As indicated, Williams told us that the crime scene was consistent with the use of an ammonium nitrate dynamite, which could have had a VOD in the range Williams estimated. The major components of ammonium nitrate dynamite (ammonium nitrate and nitroglycerin) were found at the crime scene. A dynamite wrapper was also found. Williams' report, however, fails to address the possibility that the main charge consisted of dynamite, which an objective report would explicitly have discussed.

*"We conclude that Williams' categorical conclusion that the main charge was ANFO was not scientifically justified and was based on improper grounds.*

### C. Weight of the Explosive

*"We question the basis for Williams' conclusion that the weight of the main charge was approximately 4000 pounds of ANFO.*

"As discussed in the section on the World Trade Center (see Part Three, Section C, pp. 132-134, *supra*), Williams' method of determining weight is impressionistic and depends on his VOD estimate, which is itself speculative. As noted in that section, other members of the EU do not routinely estimate the quantity of the explosive from a damage assessment because the placement and confinement of the explosive have a significant effect on the amount of the damage. Nevertheless, we concluded in the Trade Center case that Williams' size estimate of 1,000-1,500 pounds, which he characterized as a ballpark figure, was not, as such, an unreasonable opinion because he offered such a broad range.

"With respect to the weight of the explosive, Williams' Oklahoma City report differs from his trial testimony in the Trade Center case in two respects. First, the Oklahoma City report does not offer a broad range but limits the estimate to approximately 4000 pounds of ANFO.

"Second, it appears that Williams' opinion was based in part on the recovery of receipts showing that defendant Nichols purchased 4,000 pounds of ammonium nitrate. Williams testified at the OIG interview:

"OIG: . . . [Y]our conclusion as to 4,000 pounds, is that based on your observations at the crime scene?

"AGENT WILLIAMS: Within this report, yes, it is.

"OIG: That's not based on the searches or anything? Your conclusion as to 4,000 pounds, is that based on anything that was recovered in the searches or receipts or what they ordered?

"AGENT WILLIAMS: Yes, it is. . . . It's not solely based -- my estimate of 4,000 pounds is not solely based on the receipts. By looking at the crime scene, *the crater*, looking at this Conwep program and such, all of these things suggest that by the crater size and by *the crater* size alone with Conwep suggest 4,000 pounds.

"By other things, *including the crater size*, the blast damage, breakage, building damage, I can *estimate* it's approximately 4,000 pounds.

"Saying that his 4,000 pound estimate is not solely based on the receipts implies that the opinion was based on the receipts in part. To this extent, the opinion was *flawed* for the same reason Williams' ANFO opinion was flawed *because it was based on the receipts*. Moreover, if Williams' opinion was based, in part, on the receipts, his report should have said so.

"We conclude that Williams' weight estimate *was flawed* because it was more specific than warranted by the application of the forensic science and because it was based in part on collateral sources unrelated to laboratory or crime scene observations.

#### D. Other Conclusions Concerning the Explosive Device

"Several other conclusions in Williams' report were *overstated and conformed to evidence associated with the defendants*.

1. The report concludes that [t]he explosive main charge was contained in 50 gallon size *white* plastic barrels and white plastic barrels with blue plastic trim. Recovered at the blast site were white, blue, and black plastic fragments. Williams testified at the OIG interview that these fragments showed very unique explosive damage. *Assuming the*

*pieces were from a plastic barrel, [y]ou could tell the inside as compared to the outside of the barrel [fragments]. And in many cases, you could see that the explosive force came from inside to outside of the barrels. According to the AE dictation, the markings on one of these plastic fragments are similar to markings on 50 gallon size white plastic barrels and white plastic barrels with blue plastic trim recovered at defendant Nichols' residence.*

*"We think it is unwarranted to render a categorical conclusion that the main charge was contained in plastic barrels of the same description as those found at Nichols' residence. First, Williams assumed that the main charge was ANFO, which would need containers for transport or storage. As explained above, the conclusion that the main charge was definitely ANFO was unwarranted. Second, since the Laboratory apparently has not made measurements such as the radius of curvature of the fragments (assuming they came from containers), it is virtually impossible to know that the containers definitely were 50 gallon barrels that were white or white with blue trim.*

*"We conclude that Williams lacked a proper basis to state categorically that the main charge was contained in 50 gallon size plastic barrels of the description of those found at Nichols' house.*

2. Williams' report states that [t]he initiator for the booster(s) was either a detonator from a Primadet Delay system or sensitized detonating cord. Primadet systems were found at defendant Nichols' house and an accomplice's house. Detonating cord normally contains PETN, which laboratory examinations associated with defendant McVeigh. No evidence of a Primadet system or sensitized detonating cord was found at the crime scene. As Williams told us at his OIG interview, the device used in the bombing is consistent with a Primadet system or detonating cord. *I can't say yes and I can't say no.* EU Chief Thurman told us in his interview that the appropriate conclusion was that the Primadet system or sensitized detonating cord could have been used. We conclude that it was improper for Williams to render a categorical conclusion identifying the initiator for the booster.

3. Williams' report also states that [t]he initiator for the primadet or the detonating cord was a non electric detonator; [n]on electric, burning type fuse of either hobby fuse or a commercial safety fuse was used as a safe separation and time delay system; and [t]he time delay for the burning fuse was approximately 2 minutes and 15 seconds. Evidence linked the defendants to a burglary in which non-electric detonators were taken, and the named fuses were found at locations associated with the defendants. No evidence of a non-electric detonator or the named fuses, however, were found at the crime scene. Williams' conclusions were based in part on a videotape showing a Ryder truck appear near the Murrah Federal Building 2 minutes, 15 seconds before the explosion. Based on the tape, Williams posited that a 3 foot burning fuse was used, which he said would correlate with 2 minutes, 15 seconds.

*"We find that Williams' conclusions are overstated. The scenario he posits is one of many possibilities. For example, as acknowledged by Thurman, the initiator could have been electric, and the fuses named in the report were possibilities but not the only ones.*

Further, there could have been a longer time delay that was initiated before the truck appeared in the video.

"Williams also stated in the OIG interview that his conclusion that the bomber used a 3' foot fuse was based on his assumption that the perpetrator had a military background. (Both defendants have military backgrounds.) It was *improper for Williams to make that assumption* unless he could do so based on the scientific evidence, and *there is nothing in his report suggesting that the evidence indicates that the blast was perpetrated by someone with a military background.*

"We conclude that the categorical *conclusions discussed above were inappropriate.*

**"We think it is unwarranted to render a categorical conclusion that the main ingredient was ANFO.**

**"We conclude that Williams' categorical conclusion that the main charge was ANFO was not scientifically justified and was based on improper grounds.**

"Williams reproduced this passage verbatim in a report issued before his September 5, 1995, explosives report. But in the September 5th report Williams stated as follows: Traces of PETN were located on specimen Q18, however could *not be confirmed*. This statement comes in the section of Williams' report dealing with the booster used in the explosion, and the report states that a booster can take the form of several different high explosives including PETN.

"The statement [t]races of PETN were located on specimen Q18, however could *not be confirmed* is internally inconsistent and nonsensical. Confirmation is a prerequisite for a determination that a substance is located on an exhibit. Without confirmation of PETN, the exact identity of the traces on Q18 is unknown. Because there was no confirmation here, *the report should not have said that traces of PETN were located on specimen Q18.*"

More: <http://www.cnn.com/US/9705/27/mcveigh.final/>

McVeigh Defense Ready to Wrap It Up

Latest developments:

Whitehurst criticizes work of FBI colleagues

British expert criticizes evidence handling

May 27, 1997

DENVER (CNN) -- FBI whistle-blower Frederick Whitehurst on Tuesday contradicted testimony about a truck fragment used as evidence against accused bomber Timothy McVeigh.

"Whitehurst, a chemist, said he was "not sure I can agree" that ammonium nitrate crystals were found on the fragment because rain on the day of the bombing would have dissolved them.

"Whitehurst's testimony was the strongest the defense has offered from about two dozen witnesses in the three days since it began presenting its case. The defense is expected to rest Wednesday.

"It's really not much to offer in a case of this magnitude," said legal analyst Andrew Cohen. "With so many millions spent in taxpayer dollars on the defense, three days isn't really much. It could send a signal to the jury that they're giving up."

Whitehurst criticizes work of FBI colleagues

"Whitehurst admitted he first thought the ammonium nitrate finding by FBI chemist Steven Burmeister was "brilliant." But he said he later changed his mind after considering the rain.

"There's some data missing that I find an enigma -- that the crystal survived in a 100 percent humidity situation," he said. "I don't know how that could have happened."

"The prosecution used the truck panel shard evidence in its case. FBI chemist Ron Kelly testified earlier this month that he personally removed it *from a parking lot across the street* from the scene of the bombing.

"I don't think that at that time Mr. Kelly had the hands-on experience to understand the implications of what he was doing," Whitehurst said. "I think he could make mistakes without realizing it."

"Although Kelly took credit for finding the evidence, Whitehurst said he was told by FBI explosives unit examiner David Williams that "a civilian brought it in. We've got a problem with the chain of custody so we're not going to use it."

"Williams, recommended for censure in a Justice Department report that criticized the FBI lab, testified Tuesday that he didn't remember the conversation with Whitehurst.

"Whitehurst said his concerns about the crime lab prompted him to conduct contamination tests in its receiving area in May 1995.

"He said he found traces of the explosives residue PETN in the lab. PETN was *allegedly* found on McVeigh's clothing and earplugs. The defense is suggesting the evidence may have been contaminated with PETN in the lab itself.

British expert criticizes evidence handling

"Next on the stand, British forensic scientist John Lloyd criticized the handling of key McVeigh evidence.

"It is not forensically sound," Lloyd said, explaining that McVeigh's clothes were packed in paper and plastic, both of which can be penetrated by explosive residues. Nylon film bags, metal foil-lined bags or paint cans are preferable, he said.

"The defense has tried to show the clothes, in a box placed on the floor of the lab, could have been contaminated with explosive residue from people's feet. Theoretically, it could then have been spread to the table and onto the evidence.

"Lloyd agreed with that assessment, saying without controls for contamination, none of the evidence should be trusted.

"Matsch did not allow testimony from former ATF informant Carol Howe because it lacked "relevance to McVeigh's case and could confuse or mislead the jury." Howe reportedly has said she turned over recordings and information to authorities four months before the federal building explosion that a bombing could occur in 15 U.S. cities."

The FBI ended up paying Frederick Whitehurst \$1.1 million dollars of your money to settle Whitehurst's claim against the FBI. Do you think they ponied up those kinda bucks just to make him go away? I do. He already proved what a bunch of incompetent scalawags these people are, it was best to pay up and shoo him away.

What would you have thought about all this if you were a juror serving at McVeigh's trial? *Does anyone really know how much fertilizer is alleged to have been in that Ryder truck based on this kind of junk science and deliberately tailoring the evidence to go against the defendants who are supposed to enjoy the presumption of innocence?* Frederick Whitehurst did testify at McVeigh's trial:

<http://www.cnn.com/US/9703/okc.trial/transcripts/may/052797.am.txt>

There is one other segment in this OIG report that defies logic based on evidence:

"2. Whitehurst questions Williams' conclusion that none of the structural damage evident within the Murrah building was caused by secondary explosive devices or explosions. Whitehurst asserts that Williams cannot test his hypothesis unless he rebuilds the Murrah building and explodes it again with secondary charges to see whether the damage is different. We reject Whitehurst's assertion that the Murrah building must be rebuilt and destroyed again in order to render a valid opinion about secondary explosive devices. We find reasonable support for Williams' opinion. This included the failure to find damage consistent with another seat of an explosion and **the opinions of seismologists who concluded that there was a single blast with ancillary or auxiliary blast effects traveling surface and subsurface.**"



That final statement above is a lie. The seismology graphs and charts show at least two explosions, approximately ten seconds apart. The feds massaged the truth, as usual, in order to mislead people. The truth is in the actual graphs and charts. The feds know it and so millions of us out there who have bothered to look at key pieces of clues.

Frederick Whitehurst sent a letter on January 9, 1996 criticizing members of the Laboratory for their handling of the Oklahoma City case. The OIG's report was released in April 1997. McVeigh's trial began April 24, 1997. This whole deal makes me ill.

Recently a man by the name of Michael Salvati of Massachusetts was released after spending *30 years in prison* for allegedly murdering a man in 1965. How come? Because our good law enforcement folks at the FBI had *suppressed evidence that would of cleared this man*. 30 years of his life down the tubes because of corrupt individuals acting under the authority of the color of law.

You have read the caliber of work that has been sending defendants to prison and in some cases, the death penalty. The government's solution, and you can read about this in the trial transcripts, was to bring in an expert from Great Britain by the name of Linda Jones. *Damage control at all costs*. It galls me to have to pay taxes for paychecks to these kinds of incompetent and obviously dishonest, corrupt individuals. Anyone else would have been fired or indictment. In government, you get promoted.

While I have not studied the Terry Nichols case as closely as I have McVeigh's, his conviction is based upon his participation in the building of the bomb that killed the building. *Everything hinges on what killed the building*, because whatever killed the building, also caused the deaths of 168 people and changed thousands of lives forever. Not too surprising, his attorneys are also having a difficult time with the FBI:

Nichols' Team Wants More Access to Reports

2001-03-21

By Nolan Clay/Staff Writer

*The Oklahoman*

"Terry Nichols' judge heard defense complaints Tuesday about lack of access to federal witnesses and missing FBI reports.

"This is a problem," attorney Barbara Bergman said at a hearing in the Oklahoma County jail.

"Nichols, 45, is facing a state murder case over the Oklahoma City bombing. He was convicted at his federal trial of the bombing conspiracy.

"District Judge Ray Dean Linder will continue the hearing at 9 a.m. today.

"Nichols wants the judge to throw out his state murder charge as unconstitutional. His attorneys argue federal and state prosecutors cooperated too closely to permit two trials.

"Attorneys sought to question former U.S. Attorney General Janet Reno, former Oklahoma City U.S. Attorney Pat Ryan and FBI agents about the cooperation. *The judge, however, refused to allow them to be subpoenaed.*

"Attorneys did get to question Sean Connelly, one of Nichols' federal prosecutors. He testified voluntarily.

"But the attorneys complained the U.S. Justice Department is restricting their access to other federal witnesses.

"They said they haven't even gotten permission to interview former FBI scientist Frederick Whitehurst, who disputes the official conclusion about the ingredients of the bomb.

"Defense attorneys also said they know of witnesses who spoke to FBI agents, but no reports can be found.

"Among their examples was Debra Kay Kelley of Midwest City.

"She said she told two FBI agents she was almost hit by a speeding brown pickup in downtown Oklahoma City seconds after the bombing. Bergman said no record of that interview exists.

"Defense attorneys also told the judge the FBI refused to accept information that could have cleared Nichols.

"As an example, they put on testimony from former television reporter Jayna Davis, who could not get the FBI to accept her files on possible suspects."

This man could get the death penalty in the State of Oklahoma. He's there in county jail right now awaiting trial. Why is the judge restricting his access to key law enforcement?

More reports that existed at one time, held by the FBI, suddenly no longer exist? Why would the government fight so hard to keep Frederick Whitehurst off the stand? If they are so sure about their forensic conclusions about the bomb, *why are they so afraid to put one of their former staff members on the stand?*

*Why? Because their entire cases against McVeigh and Nichols rest on the truck bomb.* They know it's a flimsy house of cards, so do I. The FBI refused to accept information that would have exonerated Nichols? Doesn't this sound like the Stella Nickell case? How many more? Think this can't happen to you?

It is my opinion that none of the testimony from the FBI on the McVeigh or Nichols cases should be considered. Their own inspector general has stated firmly, succinctly and in no uncertain terms that these agents who worked these cases lied, they tailored the evidence to reflect as badly on the defendants as possible and *guessed* at the amount of fertilizer used, as well as guessed what kind of bomb was allegedly used. *How could any jury in this land give an ounce of credence to any of the findings or testimony offered up by such a corrupt crime laboratory?*

I can't and will not. Yes, it is *the* OKC bombing trial we're talking about here. Does that mean that we should simply put aside the corruption and lies for *this* case and let stand this kind of *lawlessness* just to convict McVeigh and Nichols? Every life is precious whether the life was lost at OKC or someplace else. Yes, we want to catch every person who commits murders and see them prosecuted to the fullest extent of the law and that includes OKC. But, this grotesque evidence manipulation by that lab can only be called obscene and it's the work of these FBI lab personnel that have sent people to prison and McVeigh to his death.

I would also point out something that I believe is important in finding out:

Lou Hupp testified on April 29, 1997 for the prosecution. He works fingerprints for the FBI. He took a full set from McVeigh. I would give a lot to compare those fingerprints with the fingerprints taken from Timothy James McVeigh when he joined the U.S. Army, when he was arrested, when he was transferred to the SuperMax federal facility out in Florence, CO., and then finally, Terra Haute. I would give a lot to have all these prints compared by an independent lab that has no ties to the U.S. government in any way.

You should also go and look at the photos of the Murrah Building *before* the bombing. This will give you a good idea of what the building and surrounding area looked like before the bombing. It will also help to reinforce the obvious visual confirmation that all the debris is blown from inside the building outward and not the other way around:

[http://www.fireprograms.okstate.edu/OCFD/jpeg/mur0\\_1g.jpg](http://www.fireprograms.okstate.edu/OCFD/jpeg/mur0_1g.jpg)

[http://www.oklahoman.com/opub/bombing/photo\\_html/75.html](http://www.oklahoman.com/opub/bombing/photo_html/75.html)

Despite all the testimony during the trial about the crime scene, the **real** weapons of mass destruction, *the charges placed inside on specific columns*, was completely ignored and serious attempts were made to deflect any real inquiry into this area. The government immediately focused on a truck that allegedly was rented by the defendant and they never deviated from that path. The government's case was circumstantial and flimsy at best, however, you, as the juror, may find differently.

On March 25, 1997, McVeigh's legal team filed a Writ of Mandamus Of Petitioner-Defendant, Timothy James McVeigh and Brief in Support.

<http://www.fas.org/irp/threat/mcveigh/part01.htm>

At the beginning we read:

## "I. INTRODUCTION.

The Government of the United States is hiding from the defense and the trial court evidence and information that the government had a prior warning that the Alfred P. Murrah Federal Building in Oklahoma City (and possibly federal property in Tulsa) was very likely a target of a terrorist attack on or about April 19, 1995.

This information came to the government from a variety of sources, including Carol Howe, a paid ATF informant for about 6 months, who infiltrated Eloim City and the Christian Identity Movement and who provided specific information prior to April 19, 1995, that an illegal German national, the grandson of one of the founders of the German Nazi Party, proposed to bomb federal buildings and installations and engage in mass murder. Information also came to the government through foreign intelligence services in the Middle East and from the government's own assets that an attack was being planned on the "heartland" of America. The government responded to part of these warnings by conducting a superficial security examination of the federal building complex in Oklahoma

City on the early morning hours of April 19, 1995.[1]

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## FOOTNOTES:

[1] Several witnesses interviewed by ABC News 20/20, including an attorney and a private process server, among others, claim to have seen law enforcement using sniffer dogs, as well as a "bomb disposal" or "bomb squad" unit truck near the Murrah Building in the early morning hours of April 19, 1995, shortly before the bombing. See attached Exhibit "D" (transcript of ABC News 20/20 broadcast, January 17, 1997). Oklahoma County Sheriff J.D.

Sharp denied the presence of the Oklahoma County bomb squad truck, telling local media on the record that the county bomb truck was ten miles away from downtown and nowhere near the country courthouse. See attached Exhibit "E."

However, the County Sheriff's office later stated that the bomb squad unit was in fact in downtown Oklahoma City the morning of the bombing for a routine training exercise. See attached Exhibit "H." This information was confirmed to the defense through discovery. See exhibits "J" and "K" The presence of the bomb squad truck was commented on by several other persons and mentioned in a business newsletter of one downtown Oklahoma City business. See attached Exhibit "F";; see also Exhibit "G" (news account of witness in Oklahoma City who recalled that, "The day was fine, everything was normal when I arrived at 7:45 to begin my day at 8:00 a.m., but as I walked through my building's parking lot, I remember seeing a bomb squad.")

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But rather than admit that it acted, no matter how superficially or limited on this information, the government has chosen to deny, and maybe even withholding from the chief prosecutor, evidence of this prior warning from an informant it deemed reliable because she regularly passed polygraph tests. The defense has repeatedly sought by letter, motion, argument in chambers and in open court, detailed information which it knows the government has.

The district court has repeatedly advised the government, both in published opinions and in judicial statements, of the government's duty. The government has claimed it understood its duty. We submit the government has affirmatively misled the district court repeatedly on this subject, through prosecutors who may or may not know the truth. The government, in short, is stonewalling. The Defendant has made a sufficient showing below for a judicial order compelling the FBI, the Department of Justice, ATF, Department of State, the National Security Agency, and the Central Intelligence Agency to produce information to support the Defendant's claims which are a material part of his defense.

Timothy McVeigh's defense is that (1) he did not rent the Ryder truck (2) he did not assemble a bomb at Geary Lake State Park (3) he did not drive the Ryder truck to Oklahoma City, and (4) he did not detonate the bomb. There is a lack of credible government evidence to convince any fair minded jury beyond a reasonable doubt that he did in fact do these things, and there is credible testimony and evidence known to the government and the defense which impeaches each of the government's claims down to and including who rented the truck the number of conspirators, where the bomb was assembled, and who left the truck after parking it in front of the Murrah Building. The information which will help to establish Mr. McVeigh's innocence in front of the jury, particularly in light of the recent bizarre disclosures by two thieves[2] masquerading as journalists, is uniquely in the hands of the government."

In Jones' opening statement during McVeigh's sentencing, he said very emphatically that McVeigh did this horrible thing, no question. Funny how lawyers work sometimes. This guy Jones spends all this energy and \$10 million bucks of our money putting on the weakest defense you can imagine trying to convince everyone his client kinda, sorta didn't do it and then, wham! In his eloquence, his client did it, but please spare his life. This leaves a very bad taste in my mouth.

In the trial transcripts on April 29, 1997, you will read testimony from Clark Anderson, brought in from Florida and who represented Ryder, that the theft of commercial trucks each year runs as high as 50%. I would draw your attention at this time to an odd picture taken by a pilot that I believe is too afraid to come forward:

<http://www.devy.com/trucks.html>

This area is allegedly close to Oklahoma City. There are individuals who know who the pilot is and he should have been subpoenaed and required to bring all his pictures with him.

You will read in the trial transcripts the conflicting information and time tables about McVeigh and Nichols being at Hardy Lake building this big bomb. Very flimsy. But, this was a very high profile case. By the time it came to trial, the government had already spent \$50 million dollars. The g-men had their guy and that was going to be that. Very much like Bruno Hauptmann and the Lindberg kidnaping.

After studying and reading that case, including application of advanced science, this guy was a patsy, set up from the git-go. He was a German who spoke poor English. Anti-German sentiment was running high in America during this time period. The Lindberg's were very popular. *Very* high profile case. Grab Hauptmann. Execute Hauptmann. Case closed. But it isn't and I have my own theory as to why that particular baby was snatched and murdered and it had everything to do with the baby's grand dad. But, I get off course here and I apologize. If you are interested in that case, you may read about it at:

<http://www.law.umkc.edu/faculty/projects/ftrials/Hauptmann/Hauptmann.htm>

This concludes the segment on the weapon of mass destruction. *It is the key to this mystery.* Where are the bombs taken out of the building? Can anyone say with absolute certainty that a Ryder truck bomb blew off the front of that building and did such incredible damage to the surrounding area? Only the government and their various agencies. Any other qualified experts are surely members of the vast right-wing conspiracy and their opinions were neither welcomed nor wanted. Reprehensible.

Now I ask you this, not to prove Timothy James McVeigh innocent, but because it must be asked if you the jury are going to deliberate and come to any conclusions about the crime scene. I ask you this because every defendant is *supposed to be given the presumption of innocence.*

Who killed the Murrah Building? The Ryder truck or bombs inside the building?

If a man walks up to a corpse and puts a bullet through the dead, what is the crime? There is none because the person is already dead.

Now, did the truck bomb, if the yellow Ryder truck seen in front of the building did indeed contain an ANFO bomb, blow up first and then ten seconds later, the bombs in the building went off?

The proof is available regarding multiple blasts recorded on seismology graphs. If indeed this truck was a bomb and it exploded first, even though the evidence is *overwhelming* that it could *not* have done that level of damage to the building, is McVeigh guilty of killing 168 people?

If the building blew first and the truck second, assuming there was a bomb inside, then McVeigh did not use a weapon of mass destruction. Please set aside his so-called confessions for this moment. We are dealing only with science here.

This raises another interesting question:

If there was this truck bomb and it went off and you had bombs in the building that went off, either way, one or the other first - wouldn't someone have to have been watching the building to hit the switch on the devices inside the building? Please remember the affidavit on the video, *Cover-Up in Oklahoma City*, by survivor Jane Graham. She observed two men in the basement of the building the day before the bombing fooling with wiring; they took off as she walked towards them. Also recall the following covered in prior posts:

"During the twelve months preceding the bombing, at a secret range in the New Mexico desert, ANFO explosives experts constructed and destroyed at least eight vehicles in test bombing experiments. The "vehicle bomb expert" is none other than Special Agent Harry Everhart, an employee of the Bureau of Alcohol, Tobacco and Firearms [ATF].

"Amazingly, and just another government coincidence, Agent Everhart was one of the first to report the bombing. This was confirmed by the Department of Treasury that Everhart called the ATF office in Dallas on his cellular phone around 9:20 am.

"Agent Everhart was based out of the ATF's OKC Resident Agency, serves on the National Response Team (NRT), which is a group of experienced bomb and arson investigators who respond to major bombing crime scenes in the U.S. It has also been confirmed that Everhart served on a secret government project in 1994 that conducted ANFO testing and C-4, to blow up cars and vans in a government experiment known as "Project Dipole Might" - only a year before the bombing. This project, also coincidentally, was initiated under Bill Clinton's NSC White House staff shortly after he took office in 1993. This report, released under a FOIA [Freedom of information Act] request."

It seems we have another *coincidence*: ATF Agent Everhart just happened to be standing near the Murrah building when the bombs went off and phoned in the bombing to the FBI, along with the information that it was an ammonia nitrate truck bomb. *How did he know this before anyone else on site did?*

The FBI lab concluded that the bomb was contained in plastic barrels found at Nichol's farm. We recall that a witness testified that blue plastic containers were around the Murrah Building for trash collection. The FBI lab overstated the weight of ingredients. Why? To make them fit the testimony of witnesses regarding the purchase of fertilizer and attempted purchase of racing fuel. *How would you like to be the target of this kind of "justice?"*

When investigators look at a crime they try to determine motive and opportunity. First you look at the crime scene and the building itself tells the truth. The question is did this Ryder truck parked in front of the Murrah building really have an ANFO bomb in it?

It is my opinion from studying the photos I have provided you in prior posts, that the first decoy bomb went off across the street in the Southwestern Bell Building parking lot. The next series was from inside the Murrah Building. However, this is just my opinion, you have to make up your own mind.

Remember Hoppy Heidelberg says that based on everything presented while he was foreman of the original federal grand jury that indicted McVeigh and Nichols -- there had to be two yellow Ryder trucks in OKC that morning for the government's story to work.

The indictment against McVeigh and Nichols was not only for delivering this weapon of mass destruction, but for conspiracy in the deaths of federal employees. I have consulted with Larry Becraft about culpability regarding conspiracy since he has more than 20 years in trying cases in federal court. He stated that anyone involved, pulling the trigger or just driving the car is, equally guilty under federal law.

The question still remains: *What was in this yellow Ryder truck and who was driving?*

What was the sequence of explosions?

Which came first?

The other question that must be challenged in a court of law is the constitutionality of the feds bringing charges in this type of state murder case, even when loss of life includes federal agents.

The OIG concluded that Agent Williams used incorrect conclusions when he decided it was ANFO. In other words, the ANFO bomb that grew from 1200# from the time of the bombing to 4800# by trial time - *may not have actually been ANFO after all. This changes the entire scope of evidence and destroys the government's case*, at least in my opinion.

Please recall the testimony of Chief Mike Shannon and the clock face that was found and mistaken for a bomb inside the building. Let's look at this a moment. For the sake of argument, and I don't believe for a second that trained, highly qualified personnel wouldn't be able to recognize the difference between a bomb and a clock face, that no other explosive devices were found in the building. It was all just a mistake. *We are still faced with the problem of what killed the building: internally placed devices or a truck bomb parked out front?*

Let us say for the sake of argument that there were one, two or possibly three more bombs in the building as so much of the film and witnesses indicates, does this make a difference? We can again use the corpse example. A corpse had a bullet hole in the head.



Laying on top of the prone corpse are two bullets, not spent shell casings, but whole, unfired bullets. Now, the unfired, unspent bullets, while valuable pieces of evidence, didn't cause death, the bullet that went into the head did and that's where you focus. It is no different with this multiple bomb problem.

This concludes my segment on the crime scene and the weapon of mass destruction. I would like you to weigh everything you've seen and read, both in my prior posts and from the court transcripts.

As the defense in this closing argument, I submit to you at this time that any reasonable person would not be able to reach a decision without knowing definitively whether or not the yellow Ryder truck parked in front of the building did actually contain bomb materials.

I submit to you that any reasonable person would come to the inescapable conclusion that the government, specifically the FBI, lied, falsified and twisted evidence to convict the defendants in custody.

I further submit to you that the weapons of mass destruction that did the actual damage and resulted in the deaths of 168 Americans, over 500 injuries and destroyed the lives of thousands, was charges placed on the columns inside the building, not a yellow Ryder truck.

The crime scene, specifically the building, is and always has been the key, not the truck. I rest on this point.

### **Opportunity**

This obviously is so very critical. Let us travel back in time and take a look at witnesses who could place McVeigh at the scene of the crime:

February 16, 1997

Web posted at: 9:30 p.m. EST

From Correspondent Tony Clark

DENVER (CNN) -- The only remaining eyewitness who might place Timothy McVeigh at the Oklahoma City bombing scene has been dropped from the case, CNN has learned.

One by one, each of the eyewitnesses the FBI said it had to link McVeigh to the bombing scene where 168 died is fading away. Now, there are none. There was one more witness that you would think the feds would have called: Germaine Johnston. She testified in Carol Howe's trial but I did not see her name on the witness list or transcripts in McVeigh's trial. She was injured in the bombing, you will read more about her testimony in Part IV. She testified she spoke with McVeigh after the bombing. Why didn't the

government call her as a witness in McVeigh's trial? They desperately needed someone to testify that they could place McVeigh there. Why was she not called to the stand and put under oath?

The first witness to disappear was a driver who the FBI said recognized a composite sketch of McVeigh shown on television as the man he had seen walking away from a Ryder truck in front of the federal building.

That witness could not pick McVeigh out of a police lineup held shortly after his arrest, CNN has learned.

### **Story Not Credible**

The next to go was a witness who said he saw McVeigh speeding away from the scene. The FBI decided that story was not quite believable.

On the eyewitness list submitted for the trial: One man from the scene, a passing motorist, William Dunlap. The prosecution quoted him as saying he saw a man standing behind the bomb truck and thought it was McVeigh.

But he wasn't sure. *CNN* has been told the prosecution now has taken Dunlap off its list.

The prosecution did not say why it had removed Dunlap, but *CNN* has learned prosecutors never asked Dunlap to identify McVeigh in a police lineup.

The loss of Dunlap leaves the government with no one to place McVeigh at the scene of the crime. And such a setback could prove costly to the prosecution, which has seen more and more of its evidence evaporate before it ever gets to trial.

"I think it's an important element of our case that the government, after all of this publicity, has decided not to call a single person from Oklahoma City who can positively identify Tim McVeigh," said Stephen Jones, McVeigh's attorney.

### **Junction City Witness Under Fire**

Next to come under attack are the eyewitnesses at a Ryder office in Junction City, Kansas, where the bomb truck had been rented.

The owner and a mechanic identified McVeigh as the man who rented the truck that carried the bomb, but McVeigh's attorney contends the FBI botched the identification process. Both men have identified McVeigh as the man who rented the truck with a phony driver's license. However, there are discrepancies in what they remember and how many men they saw that day.

The two are scheduled to appear at a hearing Tuesday in Denver to decide whether they can testify in the trial. The defense is challenging a half dozen prosecution witnesses.

*CNN* has learned the mechanic who helped the FBI prepare a sketch of the suspect has troubles of his own, having been arrested several times recently.

The only witness to take the stand to try to place McVeigh near the bomb scene will be a gas station attendant from a truck stop about 80 miles north of Oklahoma City. That witness has identified McVeigh as the man who paid cash to buy gas for a Ryder truck sometime after 1 a.m. on the morning of the bombing. However, *CNN* has been told, that witness once filed a compensation claim for blurred vision."

*CNN* was right for once. These folks did not take the witness stand.

July 15, 1997

OKLAHOMA CITY -- Oklahoma County grand jurors heard from two conflicting witnesses Monday who claim they spotted Timothy McVeigh just before the Oklahoma City bombing. One says the convicted bomber was driving a car and the other claims he was a passenger in a Ryder truck.

The two reported sightings -- one by banker Kyle Hunt and the other by warehouse worker David Snider -- occurred just two minutes apart and only blocks away from each other.

Hunt and Snider were the first two witnesses to testify before a six woman, sixteen grand jury investigating the April 19, 1995, bombing of the Alfred P. Murrah Federal Building. The blast resulted in 168 deaths. McVeigh, 29, a Gulf War veteran, was found guilty in a Denver federal court June 2 of blowing up the building with a fertilizer bomb in a Ryder truck. He has been sentenced to death.

The grand jury was convened June 30 after state Rep. Charles Key and Glenn Wilburn, an Oklahoma City accountant who lost two grandsons in the blast, were successful in collecting enough signatures on an initiative petition to call for another inquiry.

Six people were subpoenaed last week to testify before the grand jury. A seventh witness was asked Monday to appear this week before the panel, *The Daily Oklahoman* has learned.

Gary Lewis, a printer working for the *Journal Record* newspaper the day of the blast, has been asked to testify.

Key, R-Oklahoma City, wants Lewis to tell the grand jury about his reported sighting of a Mercury Marquis in an alley close to the *Journal Record* Building, which was near the Murrah Building. Key claims Lewis saw McVeigh and another person in the car, which almost hit Lewis as it sped away about 15 minutes prior to the bombing.

Key also claims Lewis saw a *white license plate dangling from the Mercury Marquis*. An Oklahoma Highway Patrol trooper arrested McVeigh after the bombing driving a 1977 Mercury Marquis without a license plate.

Lewis told *The Daily Oklahoman* last week he has no information to provide the grand jury. Lewis said the FBI cleared up his confusion more than a year ago.

"What I seen wasn't a fact, it wasn't true," Lewis said.

Lewis said the FBI showed him a photograph of the Mercury Marquis that McVeigh was driving. Lewis said it wasn't the same car he spotted on April 19, 1995.

"It was real similar to it," Lewis said. "It was real close, but it wasn't it."

Lewis said his story has been exaggerated by Key and Wilburn.

"I don't care for (Wilburn) or Charles Key," Lewis said. "They kind of pushed it along for reasons I don't know why. That is about all I have got to say."

Hunt, the first witness to appear Monday, spent 55 minutes with the grand jury. The 52 year-old banker was coming to a meeting in Oklahoma City and told the FBI he spotted a Ryder truck accompanied by a light colored sedan about 30 minutes before the explosion.

Hunt called the FBI hot line several days after the bombing, claiming he saw three people in the car and identified McVeigh as the driver. Hunt claims McVeigh glared at him as he passed the car. Hunt said he could not identify anyone in the Ryder truck.

Hunt, who was reluctant to testify, declined comment both before and after his testimony Monday.

Snider believes he witnessed McVeigh with another man in a Ryder truck 30 minutes before the deadly blast. McVeigh was the passenger, he said.

Snider claims the man with McVeigh was Dennis Mahon, a self-proclaimed white separatist from Tulsa, who is a leader in the White Aryan Resistance. Mahon is scheduled to testify Wednesday.

Snider, who testified for 70 minutes, presented the grand jury a videotape of a television interview with Mahon and a composite sketch the warehouse worker had drawn of the man he saw driving the Ryder truck.

"He was wearing a pair of shades, a particular pair of shades, I have him on tape wearing the same shades he had on that morning," Snider said.

Carol Howe, Mahon's former girlfriend and an informant for the federal Bureau of Alcohol, Tobacco and Firearms, claims Mahon and German national Andreas Strassmeier were casing the Murrah Building.

Mahon, who operates a Dial-A-Racist hot line, denies any involvement in the Oklahoma City bombing. He claims never to have been in downtown Oklahoma City.

Snider said he is confident of his identification.

"Yes, or I wouldn't say a word," Snider said. "I have done everything I could to prove myself wrong because I wanted to be wrong and I can't do it."

After testifying Monday, Snider told *The Daily Oklahoman*, "I feel like about a million pounds have been lifted off my shoulders. Now it is on the jurors' shoulders."

Key is one of four people subpoenaed to testify Tuesday. The lawmaker is expected to give the grand jury a list of 38 witnesses he would like questioned. Also scheduled to appear Tuesday are V.Z. Lawton, 66, a management specialist for the U.S. Department of Housing and Urban Development, and Oscar Johnson, the general manager of the Mid-Western Elevator Co.

Johnson's company maintained the elevators in the Murrah Building. Johnson, 48, said he will tell the grand jury that none of the seven elevators fell in the blast. ATF agent Alex McCauley claims he and an agent from the U.S. Drug Enforcement Administration were in an elevator that dropped five floors."

Will the real Timothy James McVeigh please stand up? Oh, that's right, he can't. He's dead. Recall what Jane Graham has maintained all along: A Timothy McVeigh was seen going to the ATF offices. He was in the Murrah Building prior to the bombing. Someone who looked like Timothy McVeigh allegedly got out of the big, yellow beacon in front of the building in broad daylight, *took no precaution to disguise his looks*, sets a bomb and casually walks off. This sure makes sense to me. I think part of the problem here was the media coverage. There was so much of it, so much speculation, everyone saw something, but then again, this was *the* OKC bombing and it was treated differently than the World Trade Center bombing. I believe these two bombings are tied together.

Then McVeigh drives 75 miles in 75 minutes and is stopped by an Oklahoma State Trooper. I drove that exact route. 75 minutes, no way unless you wanted to travel at a high speed and wave a red flag under the nose of any state troopers along the highway. Trooper Hanger testified that McVeigh was not speeding when he pulled him over.

Was there any other eyewitnesses to individuals in or around that yellow Ryder truck? Yes. On May 23, 1997, during the trial, Daina Bradley testified. She was trapped in the building for five hours and had to have her leg amputated. Her mother, son and daughter were killed; her sister badly injured. She was there to get her son's social security number

and an appointment for SSI. *What can anyone say to Ms. Bradley about her loss?* The Social Security office was on the first floor.

Mrs. Bradley was compelled to testify under a subpoena issued by the defense:

THE WITNESS: Daina Bradley, B-R-A-D-L-E-Y.

THE COURT: Thank you.

DIRECT EXAMINATION

Q. All right. Do you think you got there around 8:00 when they opened or was it later, if you remember?

A. I don't.

Q. Okay. When you got to the Social Security office -- first of all, where is the Social Security office in the Murrah Building? Where was it on April the 19<sup>th</sup>?

A. It's on the first floor.

Q. Okay. When you went into the Murrah Building and went into the Social Security office, then what happened next?

A. I went in and signed the papers, and my mom was standing in line for -- for us -- for me. And I was doing the papers. I went to her and let her look over the papers.

Q. Okay. So she was actually holding your place in line?

A. Yes.

Q. While you were trying to get everything ready to present to the person you were going to talk to at Social Security; is that correct?

A. Yes.

Q. All right. You went over and talked to your mom about the papers that you had filled out; is that right?

A. Yes.

Q. And what happened next?

A. At this time, I turned around and looked out the window.

Q. Are there all -- is the front part of the Social Security office windows?

A. Yes.

Q. Okay. And so you looked out the window, and what did you see?

A. I seen the yellow Ryder truck drive up.

Q. And what did you think when you saw the Ryder truck pull up into the -- pull up?

A. That it was very unusual that -- downtown, they do not allow moving trucks as far as those kind of vehicles being parked down in that area.

Q. Okay. And did the -- what did the truck do when you saw it?

A. It -- they stopped.

Q. Did it park?

A. Yes. It parked.

Q. Okay. And did you see anything else at that time or did you continue your conversation with your mother?

A. I went back and I looked up and I started talking to my mother again and I looked back out. I seen *two men* get out of the truck.

Q. All right. Did you say anything to your mother about the Ryder truck when it pulled in and parked, or did you just think it to yourself?

A. I -- me and my sister and my mother, we both thought that it was unusual.

Q. Okay. So there was something mentioned about it?

A. Yes.

Q. All right. Now, you saw the men get out, and then what happens next that you remember?

A. I seen the driver get out.

Q. I don't want to get into your -- what happened at that point yet. What happened after you saw the Ryder truck park and the men get out? Did you go back to talking with your mother?

A. No. At this time, my mother had told me to go back to my sister to -- for her to help me fill out the part that -- that I did not fill out on the application. At this time that I was going back, that's when I was looking out the window.

Q. Okay. You went over to your sister; is that correct?

A. Yes.

Q. You were talking with her?

A. Yes.

Q. Right? And then what happens next? Does the explosion occur shortly thereafter?

A. Yes.

Q. All right. How long were you in the Murrah Building, do you think, before the explosion occurred, if you remember?

A. I don't. All I know is that when I was talking to my sister, that a flash of light came over the desk, and that's -- that's where I -- I don't know how long that it was there.

Q. And what is it that you remember next?

A. That I was trapped.

Q. All right. How long were you trapped in the building?

A. Before rescue or completely out?

Q. Completely.

A. I was in there for five hours.

Q. All right. And during that time that you were trapped, you had to have your leg amputated, didn't you?

A. Yes.

Q. In order to be released from the building; is that correct?

A. Yes.

Q. And did your mother and your two children survive?

A. No.

Q. And your sister was severely injured, also, wasn't she?

A. Yes.



Q. And you were then taken to the hospital at some point after you were retrieved from the building; is that correct?

A. Right.

Q. How much time did you spend in the hospital? Do you recall how many days?

A. No, I don't, because I lost day and time at that point. I don't -- I don't know -- I don't even, you know -- people coming and going. I couldn't tell you, you know, day or time or where I was most of them.

Q. All right. Now, since this -- since April 19 of 1995, you became pregnant and had another child; isn't that correct?

A. Yes.

Q. And that's the child that you were speaking of that you wanted to be home with; isn't that correct?

A. Yes.

Q. And he was not involved in, nor were you pregnant at the time?

A. No.

Q. Okay. While you were in the hospital, were you contacted by the Federal Bureau of Investigation?

A. Yes.

Q. All right. Haven't you -- I gave you and your attorney the -- what we call the 302's of your statement -- statements with regard to the two times or three times that you've talked with the FBI; isn't that correct?

A. Yes.

Q. Okay. Now, when you first talked with the FBI was on May the 3d and May the 4th, when you were in the hospital; isn't that correct?

A. Yes.

Q. And what did you tell the FBI agents with regard to the Ryder truck, if you recall?

A. I --

Q. Did you tell them the Ryder truck came up and parked?

A. Yes.

Q. All right. Did you tell them that you observed an individual get out of the passenger side of the vehicle?

A. Yes.

Q. Okay. And did you give them a description of the person?

A. Yeah.

Q. All right. And what did you tell them about the person that got out of the vehicle? Do you recall?

A. I recall telling them that -- that it was a olive complexion man with short hair, curly, clean-cut. He had on a blue Starter jacket, blue jeans, and tennis shoes and a white hat with purple flames.

Q. All right. And did you tell him that -- or tell them that he was wearing a baseball cap?

A. Yes.

Q. And did you also tell them when you talked to them on May the 3d and 4th that you observed him from a side view?

A. Yes.

Q. And did you also tell the FBI what this person did when he got out of the Ryder truck?

A. Yes.

Q. And what did you tell them?

A. I had told him that -- I told them that he had got out of the truck, went to the back of the truck, and proceeded to walk very fast forward in front of the truck. He went back on the sidewalk and left.

Q. All right.

A. In a rapid speed.

Q. And he was walking very quickly?

A. Yes.

Q. And did that also call your attention to him?

A. Yes.

Q. Okay. Did you also talk with the FBI on May the 3d and 4<sup>th</sup> about the sketch that you had seen when you were in the hospital?

A. Yes.

Q. And what did you tell the FBI about that sketch?

A. *That that man was familiar*; that I had seen him get out of the truck.

Q. All right. And when had you seen that sketch? Did they show it to you or had you seen it when you were in the hospital?

A. I had seen it when I was in the hospital.

Q. When you saw the sketch when you were in the hospital, were you with someone or were you by yourself?

A. I was by myself.

Q. Now, on your screen, I have what's previously been admitted as Government's Exhibit 320. Is that the sketch that you saw on television?

A. Yes.

Q. All right. And when you saw this sketch, did you say to yourself -- I believe you told the FBI that you were certain that this was the person that you had seen get out of the Ryder truck?

A. Yes.

Q. And I believe also, you told the FBI that when you saw him get out of the truck and walk down the sidewalk very quickly, the next thing that you recall was the explosion; is that

correct?

A. Yes.

Q. Now, did the FBI also show you sketches on May the 3d and 4th when you met with them?

A. Yes.

Q. And did you tell them that you had only seen one person --

MR. RYAN: Your Honor, I'm going to object to leading.

MS. RAMSEY: I'll rephrase the question.

THE COURT: All right.

BY MS. RAMSEY:

Q. Did you tell them about anyone else getting out of the vehicle?

A. No, I did not.

Q. Did they -- did the FBI show you a sketch of the other person?

A. Yes.

Q. And you could not identify that; isn't that correct?

A. Right.

Q. Because you said you'd only seen one person; correct?

A. Yes.

Q. Okay. Now, you also met with the FBI on May the 21<sup>st</sup>; isn't that correct?

A. Yes.

Q. When you met with them on May the 21st, had you been released from the hospital?

A. Yes.

Q. And you met with them where?

A. I met with them at my lawyer's office.

Q. At Ms. Wallace's office?

A. Yes.

Q. And is that in Oklahoma City?

A. Yes.

Q. And when you met with the FBI on May the 21st, did you tell them about the Ryder truck?

A. Yes.

Q. What did you tell them about the Ryder truck?

A. That it parked in front of the Social Security office.

Q. Did you also give them a description of the person you saw get out of the vehicle?

A. Yes, I did.

Q. And what was that description?

A. The olive complexion man and the short hair, curly hair, with the Starter jacket, blue jeans, and tennis shoes, with the baseball hat with the flame, purple flame.

Q. Did you also tell them that the hat was white on one side with a purple flame on it?

A. I told him the hat was white with flames on it.

Q. Okay. And did you also tell them that he -- the person left the vehicle and walked at a very rapid pace?

A. Yes.

Q. Now, did you also on October -- did you also have a conversation with an investigator from Mr. McVeigh's defense team?

A. Yes.

Q. And was that -- do you recall when that was? Was that in 1995?

A. Yes.

Q. And you've had -- this will be your fourth conversation with regard to what happened that morning with either the Government or someone from the defense; is that correct?

A. Yes.

Q. What did you tell Wilma Sparks when you talked with her on the telephone with regard to that day, if you recall?

A. I don't recall.

Q. Did you tell her what time you got to the Social Security office?

A. Yes.

Q. All right. Do you recall what time that was?

A. I -- I had told her 8.

Q. Okay. And you've seen a copy of this, haven't you?

A. Yes.

Q. The transcript? Okay. And did you also tell her about an individual getting out of the truck?

A. Yes.

Q. And what did you tell Ms. Sparks with regard to a description of that person?

A. I told her that it was the same man.

Q. The olive skin?

A. The olive complexion, yes.

Q. And did you give her any further description of that person?

A. The same as the olive complexion, short hair, white ball cap with purple flames, blue jeans and tennis shoes.

Q. All right. And did you also tell her what height you thought he might have been?

A. I don't recall.

Q. Could you have told her that he was approximately 6 feet tall?

A. Yes.

Q. What did you tell Ms. Sparks with regard to his wearing gloves or glasses?

A. He had none.

Q. Okay. And did he have a beard or a mustache?

A. No.

Q. Clean-shaven.

A. Yes.

Q. Did you also tell Ms. Sparks that the sketch that you had seen of the John Doe 2 was the person that you saw get out of the Ryder truck?

A. I don't understand.

Q. Did you tell her that the sketch that I just had on the monitor was the person that you saw get out of the truck?

A. Yes.

Q. Okay. Did you also talk with her about how this person was acting?

A. Yes, I did. I told her that he was acting very mysterious and that he was walking off very rapidly and very nervous.

Q. Okay. Did you also tell her that that was the only person that you saw get out of the truck?

A. Yes, I did.

Q. Now, these interviews were in 1995; is that correct?

A. Right.

Q. And you had not been interviewed with regard to this case until 1997; isn't that correct?

A. Right.

Q. Now, were you advised by your attorney that I wanted to interview you approximately three to four weeks ago?

A. Yes, she did.

Q. And I -- were you advised by your attorney that I probably -- that you would probably be subpoenaed to come to court today?

A. Yes.

Q. And did we have a meeting in your attorney's office on Friday, May the 16th, which was last Friday?

A. Yes.

Q. And who was present at that meeting, please?

A. You and my attorney and me.

Q. And Wilma Sparks?

A. And Wilma Sparks.

Q. Okay. Now, when we got to the office, we went into your attorney's conference room; isn't that correct?

A. Yes.

Q. And what did you advise me with regard to the Ryder truck?

A. That -- that it had drove up and that I told you that two men got out of the truck.

Q. Did you give me a description or did you state a description of the person that you saw that was the olive skinned one?

A. Did I -- I don't understand your question again.

Q. Did you describe the olive skinned person who got out of the Ryder truck?

A. Yes, I did.

Q. And what was the description that you gave on May the 16<sup>th</sup>, 1997?

A. I told you that he was olive complexion, clean-cut, baby faced, and he had on a white ball cap with purple flames, blue jeans and tennis shoes.

Q. And that the tennis shoes were white?

A. Yes.

Q. Did you also describe the jacket that he had on?

A. Yes. It was a blue Starter jacket.

Q. And what did you tell -- what did you say on May 16 that he did when he got out of the Ryder truck?

A. That he went to the back of the truck and walked forward and walked off rapidly.

Q. And walked what?

A. Walked off rapidly.



Q. Okay. And what did you tell me that he had in his hands?

A. He had nothing in his hands.

Q. And did you see him throw anything away at that point?

A. No.

Q. And what did you state with regard to the sketch of John Doe 2 that you saw on TV while you were in the hospital?

A. What did I --

Q. What did you say on May 16th with regard to that?

A. That that was the same guy that I seen get out of the truck.

Q. Now, we also -- in the May 16 interview, you advised that there was another person that got out of the vehicle; isn't that correct?

A. Yes.

Q. And what did you -- how did you describe that other person?

A. That --

Q. What did he do?

A. That he was a white male and that he walked off. I could see enough to see that he was a white male and that he had walked off very fast across the street.

Q. Okay. And which way did he go? Did he go in the same way that the other person went?

A. No.

Q. Okay. Did he -- which way did he head?

A. I --

Q. Are you very good with directions?

A. No, I'm not.

Q. Did he go towards the back of the truck or the front of the truck?

A. He was -- he just got out of the truck and went across the street.

Q. Okay.

A. And the other man went that way.

Q. They went two different directions; is that correct?

A. Yes.

Q. Did the gentleman that you told me about on May 17th (sic) do anything with regard to the truck or just get out and walk away very quickly?

A. He got out and walked away very quickly.

Q. And did you see if he had a hat on?

A. I don't recall or remember.

Q. Okay. Now, how long did our meeting last, if you recall?

A. Maybe an hour. Hour and a half.

Q. Okay. Do you recall me asking you the question did you ever see anyone that day that looked like Timothy McVeigh?

A. Yes, I did.

Q. And what was your response?

A. That I couldn't recall if it was or not.

Q. Is that what you told me on May the 17th -- I'm sorry -- May 16, on Friday, in your attorney's office?

A. No.

Q. What did you tell --

A. I said no.

Q. You said no; is that correct?

A. Yes.

Q. All right. Now, did you meet with anyone else the afternoon of May the 16<sup>th</sup>?

A. I don't -- I don't --

Q. Did you meet with Ms. Behenna from the prosecution team in Oklahoma City?

A. Yes. Yes.

Q. All right. And that was also in your attorney's office; isn't that correct?

A. Yes.

Q. Now, when did you come to Denver?

A. Monday.

Q. And would that be the 19<sup>th</sup>?

A. Yes.

Q. Okay. And that was Monday in this week; is that correct?

A. Yes.

Q. All right. And did we meet in your hotel room on May the 19<sup>th</sup>?

A. Yes.

Q. And who was present at that meeting?

A. You and my attorney and -- I can't recall who else.

Q. The three of us, wasn't it?

A. Yes.

Q. And at that time, did we discuss what your testimony was going to be?

A. Yes.

Q. And at that time, we also discussed some of the description, as you testified before; isn't that correct?

A. Yes.

Q. And were you shown a photograph of Timothy McVeigh at that time?

A. Yes, I was.

Q. Okay. I'm going to show you what's previously been admitted as Government's Exhibit 421 and ask you if that's the photograph that I showed you on May the 19<sup>th</sup>.

A. Yes.

Q. And did I ask you the question if you were absolutely positive that you did not see Timothy McVeigh in or around the Ryder truck on April the 19<sup>th</sup>, 1995?

A. Yes.

Q. And what was your response?

A. No.

Q. And did I ask you if you were absolutely positive that you did not see Timothy McVeigh in or around the Murrah Building on April the 19<sup>th</sup>, 1995, and what was your response?

A. No.

Q. And that was after you looked at this photograph; is that correct?

A. Right.

Q. And did I further ask you if you were absolutely positive that the white male you saw get out of the passenger side of the Ryder truck and walk north was not Timothy McVeigh?

A. Yes.

Q. And your answer was yes, it was not; is that correct?

A. Uh-huh.

Q. Now, also on May the 21<sup>st</sup>, we met again, didn't we?

A. Yes.

Q. And that was on Wednesday, I believe. Did you meet on Wednesday with anyone from the prosecution: Mr. Ryan?

A. Yes. I did.

Q. And did you also meet with some of the other people -- some of the other victims and victims' families that are here in court today or that are here in Denver?

MR. RYAN: I object to this. That's leaving an impression there were victims with me, and that's not so.

MS. RAMSEY: I'm sorry. I'll rephrase it.

MR. RYAN: It was in the hall of the --

THE COURT: All right. She's going to rephrase it.

MR. RYAN: Thank you, your Honor.

BY MS. RAMSEY:

Q. You met with Pat Ryan in the afternoon; isn't that correct?

A. Yes.

Q. And at a different time, you also ran into some of the people that are staying at the hotel that are here in court; isn't that correct?

A. Yes.

Q. And you just had a normal conversation with them; isn't that correct?

A. Yes.

Q. Okay. And then we also met on the 21st; isn't that correct?

A. Yes.

Q. In my office?

A. Yes.

Q. And who was present at that meeting?

A. Me and my attorney and you.

Q. Okay. And we talked for how long?

A. Not even an hour and a half.

Q. Okay. Just a short time?

A. A short time.

Q. And we were going back over your testimony, weren't we?

A. Yes.

Q. And at that time, what did you tell me about the white male that got out of the passenger side of the vehicle that walked north? Do you recall?

A. No.

Q. Okay.

A. I don't recall.

Q. Did you tell me that it was not Timothy McVeigh?

A. Yes, I did.

Q. But that you had talked to Mr. Ryan and had told him that you were not sure?

A. Yes, I did.

Q. All right. Now, did we meet again yesterday afternoon?

A. Yes.

Q. And in that meeting which -- how long did that meeting take?

A. No more than a couple of minutes or so.

Q. And who was in that meeting?

A. You, me, and my attorney.

Q. And we were again discussing what your testimony was going to be today, weren't we?

A. Yes.

Q. Okay. Now, when we talked yesterday, did you advise me that as -- that you did not get a good look at the person who got out and walked across the street very rapidly?

A. Yes, I did.

Q. Did you also tell me that you -- from what you saw, that the person who got out of the Ryder truck was not Timothy McVeigh?

A. Yes.

Q. But that you didn't get a good look?

A. Right.

Q. Okay. When we met -- or let me rephrase that. From the time that you first met with the FBI, which was on May the 3d and the 4th of 1995, until May the 16th of 1997, you had never advised anyone that there was anyone other than one olive complexion male that got out of the vehicle; is that correct?

A. Yes.

Q. Since we -- since you knew that you might have to testify and -- when we met on May the 16th was the first time that you have ever advised anyone that there was another person possibly in the vehicle; is that correct?

A. Yes, I did.

MS. RAMSEY: Your Honor, if I might have a moment?

THE COURT: Yes.

BY MS. RAMSEY:

Q. Perhaps my questions and your answers are not clear as to no means yes or yes means no. When we -- when you first talked with the FBI, you told them you never identified Timothy McVeigh or the sketch of John Doe 1; isn't that correct?

A. I don't recall; because at that time, I don't even remember half of the things that I said when they did the interview.

Q. You only identified the olive skinned person as getting out of the truck?

A. Right.

Q. You did not see anyone else get out of the truck?

A. True.

Q. Okay. Then on -- when you had the telephone conversation with Wilma Sparks, you did not say anyone else got out of the truck other than the olive skinned male; correct?

A. Yes.

Q. And it was not until May the 16th, 1997, that you told anyone that there was a second person who might have gotten out of the truck?

A. Yes.

Q. Or who did get out of the truck?

A. Yes.

Q. Okay. And you have never said that Timothy McVeigh was the person who got out of the truck; isn't that correct?

A. Yes.

MS. RAMSEY: No further questions at this time, your Honor.

THE COURT: Mr. Ryan.

MR. RYAN: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. RYAN:

Q. You doing okay? Are you all right?

A. I need to talk to my lawyer.

THE COURT: All right. We'll take a brief recess to accommodate that request. You may step down at this time.

(Jury out at 9:47 a.m.)

THE COURT: We'll recess subject to call.

THE COURT: Please be seated.

Are we ready to proceed?

MR. NIGH: Yes, your Honor.

(Jury in at 10:10 a.m.)

THE COURT: All right. Ms. Bradley, are you ready to proceed?

THE WITNESS: Yes.



THE COURT: All right. Mr. Ryan?

MR. RYAN: Thank you, your Honor.

BY MR. RYAN:

Q. Did you have a chance to talk to your lawyer?

A. Yes.

Q. Did you have a chance to talk to your lawyer?

A. Yes, I did.

Q. Okay. Are you ready to proceed?

A. Yes, I am.

Q. I'm sorry to have to be asking you some questions now, but if you'll bear with me.

A. Yes.

Q. Okay. Now, I met with you for the first time two days ago; is that right?

A. Yes.

Q. And do you remember that I called your lawyer and asked if it would be all right with her for me to visit with you for a little bit?

A. Yes, you did.

Q. And when I met with you, it was in your lawyer's room at the hotel?

A. Yes.

Q. And I had a special agent of the FBI with me, Mr. Michalic. I introduced you to him?

A. Yes, you did.

Q. Your lawyer was present for the entire interview?

A. Yes.

Q. Before I ever met with you or before Ms. Behenna met with you, you had told, apparently, Ms. Ramsey that you saw two men on the morning of the 19th. Do you remember that?

A. Yes. Yes, I did.

Q. Excuse me?

A. Yes.

Q. In other words, when you talked to me, it wasn't the first time you said there were two men. You had told Mrs. Ramsey that before; that there were two men that you saw.

A. Yes.

Q. And there were no victims present with me and the FBI agent who met with you and your lawyer, were there?

A. No, they were not.

Q. And has anybody tried to get you to change any of your testimony?

A. No, they have not.

Q. Has any victim tried to get you to do that?

A. No, they have not.

Q. Did anyone from the prosecution or the FBI try to get you to change anything that you remember?

A. No, they did not.

Q. When I met with you on Wednesday, you told me that there were two men and that I asked you to describe the second man who was running across the street, didn't I?

A. Yes, you did.

Q. And you told me he had kind of a baby face and was clean-shaven?

A. Yes.

Q. And then I asked you if -- from what you could see, did it look like Timothy McVeigh?

A. Yes, you did.

Q. Remember that?

A. Yes.

Q. And do you remember what you said?

A. I said that -- that I was not certain, probably and probably not. I didn't give a yes-or-no answer to it.

Q. You told me that there was nothing that you saw about the man that ran across the street that was different than what you could see when you looked at Mr. McVeigh. There weren't any differences that you could see.

A. Yeah.

Q. Now, you told the FBI from the very beginning in this case that you did not have a good memory, didn't you?

A. Yes, I did.

Q. The very first time they came and talked to you, you said, "I've been through a lot of trauma, I've been through a lot of things in my life"?

A. Yes.

Q. "And I just don't have a good memory of these events"?

A. Yes.

Q. And that's true, isn't it?

A. Yes, it is.

Q. Do you remember that when you were in the hospital there that there was a lot of news coverage about this John Doe 2 person?

A. Yes, there was.

Q. And you had a television in your room, didn't you?

A. Yes, I did.

Q. And in fact, the newspaper in Oklahoma City -- they were writing articles about you the week the FBI came and visited you. Do you remember that, the article they wrote about you and your mother, the fact that you had lost your two children?

A. Yes, they did.

Q. And do you recall that in the newspaper, the week that you saw the FBI, there were sketches --

A. Uh-huh.

Q. -- of this John Doe 2 person that you talked about today?

A. Yes.

Q. Do you recall that?

A. Yes, I do.

Q. I'm going to put on the -- you have a computer screen there at your desk. If you'll look down at the top of your desk there. Do you see it?

A. Uh-huh.

Q. I'm going to put before you what is -- what I've marked as Government's Exhibit 1646, which is a newspaper from the Daily Oklahoman dated May 2, 1995. Can you see the date there?

A. Uh-huh.

Q. I'll zoom in a little bit for you.

A. Yes.

Q. Do you see that?

A. Yes, I do.

Q. Now, that's the day before the FBI came to see you, isn't it?

A. Yes, it is.

Q. And in this -- did you read this paper and see this sketch that I've got on the ELMO, on your screen there?

A. No, I didn't. I didn't read it, but I -- I have seen the sketch in the paper.

Q. Excuse me?

A. I had seen -- yes, I had seen the sketch.

Q. You'd seen this exact sketch?

A. Yes, I did.

Q. And why don't you read to yourself, if you would, what it says about the description of this man with the baseball cap. Read what it says there in the newspaper the day before --

A. You mean the picture?

Q. Read to yourself, not out loud. Did you finish?

A. Yes.

Q. Now, had you seen this sketch and read the information that is below the sketch?

A. Yes.

Q. Excuse me?

A. Yes, I read it.

Q. Yes.

MR. RYAN: Your Honor, we would move into admission the sketch and the description following the sketch into evidence as part of Exhibit 1646; and I'll redact the rest of the paper at a later time, if that's permissible.

MS. RAMSEY: Your Honor, I don't believe a proper foundation has been laid. I don't know -- is it because she just read it now, or she read it at that time?

THE COURT: I think there should be that clarifying question. It wasn't clear to me, either.

MR. RYAN: Apologize.

BY MR. RYAN:

Q. The question that we're talking about, Mrs. Bradley, is did you see this sketch and this information that's on your screen there before the FBI came to see you for the first time on May 3?

A. No, I didn't.

Q. Oh, okay.

MR. RYAN: I'll withdraw my offer, then.

THE COURT: All right.

BY MR. RYAN:

Q. I misunderstood you. Now, when the FBI came to see you, though, the information that you gave them was very similar to the information that's written here under this sketch?

A. Yes, it is.

Q. You told the FBI that the man was wearing a baseball cap; right?

A. Right.

Q. Just like the paper showed the day before they interviewed you?

A. Yes.

Q. And you told the FBI the man was tanned, didn't you?

A. Yes.

Q. Excuse me?

A. Yes, I did.

Q. And it says right here the very same information, doesn't it, tan?

A. Yes.

Q. It doesn't say olive skinned, does it?

A. No.

Q. Excuse me?

A. No, it doesn't.

Q. And you didn't tell the FBI olive skinned the first time you met with them, did you?

A. No, I didn't.

Q. You told them tanned?

A. Right.

Q. And you told the FBI the man was thin, didn't you?

A. That -- excuse me?

Q. That the man was thin. "Slim" I believe was the word you used.

A. Slim, yes.

Q. You never said he was short and stocky, did you?

A. No, I didn't.

Q. You've never said that at any time, have you?

A. No, I haven't.

Q. Now, later when you were interviewed, you changed from tan skinned to olive skinned.

A. Yes, I did.

Q. Now, you had a really rough childhood, haven't you?

A. Yes, I have.

Q. You were in a psychiatric home, hospital, when you were 7 years old?

A. Yes, I was.

Q. And you were in a -- a mental health facility from the age of 7 until the age of 16; is that right? Smally's in Norman?

A. Yes, I was.

Q. Were you given a lot of medication during those years?

A. Yes, I was. A lot.

Q. Excuse me?

A. Lots.

Q. How would you describe the effect the medication had on you?

A. It had caused me to lose memory of who I was and people around me.

Q. And you were depressed?

A. I was depressed.

Q. And you were there for a very long time.

A. Yes.

Q. And have you received any therapy since the bombing in which you lost your mother and two children?

A. At a shorter time but not long enough to speak of. A lot -- to explain -- to tell people what is really going on and how exactly I feel: I didn't get that time to do that.

Q. Do you think you need some more counseling and treatment?

A. Yes.

Q. Do you recall which way the truck was facing when you saw it on the morning of the 19<sup>th</sup>?

A. Yes. It was -- the best I can describe it, your Honor, because I'm not good with directions --

THE COURT: All right.

THE WITNESS: Is that this -- this is the glass, and it was -- the front of it was parking -- parked -- it was in like towards the doors, the front doors of the federal building, the opposite side of where it's supposed to park, which is west instead of when it's supposed to park east because it's a one-way street.

BY MR. RYAN:

Q. Okay. 5th Street in front of the Murrah Building is a one-way street going east. Do you know that?

A. No, not really.

Q. You know where the YMCA is?

A. Yes.

Q. Does the street run from the Murrah Building towards the YMCA, or the other way?

A. I can't exactly remember.

Q. Okay. Do you know where the Regency Tower is?

A. It's -- yeah, it's going that way.



Q. Yes. Was the truck facing the Regency Tower?

A. Yes.

Q. Okay.

A. The Regency.

Q. So the truck was heading west. If west is -- Regency Tower is west of the Murrah Building, the truck was heading west?

A. Right.

Q. And you know that that street is a one-way street going the other way?

A. Right. And that's what made it so unusual, for one thing.

Q. Were there other cars around the truck?

A. Yes, there was.

Q. Were they going the opposite way, or the same way as the truck?

A. They were going the opposite way. They were going the right way.

Q. And only the truck was going the wrong way?

A. Right.

Q. Now, how large was this truck?

A. It was a -- I'd say medium size, half truck, which would probably only fit about a few things in it. It's -- it's not one of the long ones. It's one of short, short ones.

Q. Okay. Now, when you saw the man get out of the truck, the one that when you said for a long time there was just the one man, which direction did he walk in?

A. He walked towards the same facing that the truck was faced, which is towards the Regency Tower.

Q. So the man walked towards the Regency Tower?

A. Yeah. He was -- yeah. He was walking on the sidewalk that way.

Q. Okay. And did you ever tell the defense investigators that you thought he walked east towards the YMCA?

A. No, I didn't.

Q. Okay.

A. I don't recall.

Q. Now, later after you talked to the FBI, you added the purple flames to the hat, didn't you? You didn't tell the FBI that, did you, about the flames?

A. I don't recall what I had said.

Q. Okay. Do you -- you were asked a lot of questions by Ms. Ramsey from the defense about what you recall about different interviews. Do you really recall what you told anyone at any interview? Do you have a clear recollection of what you told anybody during these interviews?

A. Yes and no. I don't recall. I don't recall much sometimes.

Q. All right.

MR. RYAN: May I have just a moment, your Honor?

THE COURT: Yes.

MR. RYAN: May I have just a second?

THE COURT: Yes.

BY MR. RYAN:

Q. If I asked you a bunch of questions about what everybody looked like, what these men looked like or how many there were, would you be able to answer those with a clear memory?

A. About what they looked like and how many?

Q. Yes. Do you know like, for example, how many people there were? Are you sure about that, even?

A. I'm sure that there were two.

Q. You are.

A. Yes.

Q. Excuse me?

A. I -- when I first did my first interviews, I don't recall a lot of things at that time. I can -  
- you can tell me one thing one week, and I would forget the next week.

Q. Okay.

MR. RYAN: Thank you.

THE COURT: Ms. Ramsey, do you have any more questions?

MS. RAMSEY: Just a few questions.

REDIRECT EXAMINATION

BY MS. RAMSEY:

Q. Ready to start?

A. Uh-huh.

Q. I'm just going to ask you a few more questions. I want to show you on your screen  
what has not been admitted as Defendant's Exhibit G6. Do you recall that drawing?

A. Yes, I do.

Q. And you drew that when you met with the FBI on the second occasion; isn't that  
correct?

A. Yes, I did.

Q. All right. And you showed -- what is this? Can you tell us what's on that?

A. That is the drawing of the truck, and it is the drawing of the man who was walking on  
the sidewalk.

MS. RAMSEY: Your Honor, we would move for the admission of G6.

MR. RYAN: May I speak to Ms. Ramsey for a moment, your Honor?

THE COURT: Yes. Yes.

MS. RAMSEY: We would move for the admission.

THE COURT: Mr. Ryan?

MR. RYAN: No objection, your Honor.

THE COURT: All right. G6 is received in evidence.

BY MS. RAMSEY:

Q. And on that drawing, would you please advise -- did you write this, the writing right here?

A. Yes, I did.

Q. Okay. And would you read that to the jury?

A. I walked by myself the whole time, did not watch the whole time.

Q. It said, "Walked by himself but did not watch the whole time," which means you didn't watch it the whole time. Isn't that correct?

A. Yes. And I indicated that to him when he came and questioned me.

Q. You don't recall everything that you wrote -- or everything that you talked to anybody about in any of the interviews, do you, word for word?

A. Not word from word, no, I don't.

Q. You told the FBI when you first talked with them on May 3 and the 4th that the person had on a baseball cap, didn't you?

A. Yes, I did.

Q. Did anyone ever ask you to describe the cap that you recall on that interview?

A. Yes, it was described.

Q. You don't have any control over what's written down in somebody else's report, do you?

A. No, I do not.

Q. And you've always maintained that this was a Ryder truck; isn't that correct?

A. Yes, I did.

Q. And you've never varied from what you've said with regard to the olive skinned person walking to the back of the truck and then coming to the front of the truck and walking away. Isn't that correct?

A. I don't recall I -- from my recollection, I remember seeing olive complexion.

Q. No, but I mean he wasn't to the back of the truck, came to the front of the truck and then went off in another direction?

A. Yes.

Q. I think I asked you on direct examination, you're not very good at directions, are you?

A. No, I'm not.

Q. A lot of people aren't very good at directions. And the first time that you ever stated that it could or could not have been Timothy McVeigh as the second person was when you met with Mr. Ryan; isn't that correct?

A. Yes, I did.

MS. RAMSEY: No further questions, your Honor.

MR. RYAN: Nothing further, your Honor.

THE COURT: All right. Is the witness to be excused?

S.S. RAMSEY: Yes, your Honor.

There's a real problem here. The possible suspects, since no one really knows for sure what was in that Ryder truck, do not resemble Tim McVeigh or the other people who hang out at Eloim City. We all know the big hay that has been made between McVeigh and this group of people who espouse pro-Nazi sentiments. Basically they're a bunch of racists. That's why Andreas Strassmeier was brought in and connected up with this group. That whole deal is a smokescreen. I have said it in past posts which you have been provided the links for: How convenient for the government, during this critical time of getting the so-called "Omnibus Anti-Terrorist Bill" through Congress, to be able to stick the blame for this mass murder on a bunch of anti-government, racist wackos. This is why the focus on that whole deal: *keep people away from the real killer of the building and all those people*. But, since you're a juror, you will have to come to your own conclusions.

But, let's go back to a few points in Mrs. Bradley's important testimony. She stated:

"I told them that he had got out of the truck, went to the back of the truck, and proceeded to walk very fast forward in front of the truck. He went back on the sidewalk and left."

As you read, the feds then tried to make Ms. Bradley out to be a mental case, to discredit her damaging testimony. Mrs. Bradley also and quite obviously, had great difficulty during this time on the witness stand. The one thing that got overlooked in my opinion is this: Mrs. Bradley states that the man she saw got out of the truck, went to the back and then proceeded to walk to the front of the truck at a rapid pace.

How long did he spend at the back of the truck? This would be important. If the film in front of the Regency Towers showed (and I saw this film myself) that a Ryder truck (color unknown because the film is black and white) was in front at 8:56 am and the alleged truck bomb went off at 9:02 am, there wasn't a lot of time to make sure this big bomb was set correctly to go off before the bomber could make sure his butt was someplace safe. No one asked this critical question of timing.

McVeigh's confession says he set the fuses and split. Since we don't really know what was in the truck, could it be that this person of olive skin and curly hair, without attaching a stereotype to him, could he have just been someone not familiar with parking for big trucks, went to the back of the truck to check his parking, was late for an appointment and hurried off? You see, without that Southwestern Bell Building surveillance film, and even with the testimony of Mrs. Bradley, *we really don't know the sequence of explosions.*

I know your next question: If it was someone innocent, how come they didn't come forward and tell the police that they were there in front of the building with their truck for such-and-such reason? This is a good question for which I don't have an answer, there's just too many scenarios one could attach to it. Heck, for all we know, it could have been one of those stolen Ryder trucks mentioned earlier. Or, if Hoppy Heidelberg was right, there were two yellow Ryder trucks driving around that morning.

Again, I ask these questions because they must be asked in order to try and solve this mystery. As for Mrs. Bradley's testimony, how can you not feel for this woman? The government prosecutors tried to tear her apart, but I believe we should stick with her first and original statements. I also believe that poor Mrs. Bradley did not want to be on that stand. She did not want to stick to her original and fresh observations. She did not want to be the one who let mass murderer, Timothy James McVeigh, off the hook.

In any event, McVeigh was handed over to the feds by the Perry Sheriff's Department on April 21, 1995. They said they had their man.

Both the prosecution and the defense explored the sightings of McVeigh in great depth and you can study the trial transcripts for the fine details. One thing I believe you can conclude: The time line does not work for the government. It is circumstantial and quite flimsy at that. It makes no sense for McVeigh to rent a Ryder truck under a phony name and go down the street to the local hotel and register under his real name. McVeigh was wearing one set of clothes at McDonald's but a few minutes later, he supposedly has changed his clothes, after taking a cab to the McDonald's, and shows up at the Ryder rental facility in different clothes.

You can see on the McDonald's video that McVeigh enters the restaurant wearing one set of clothes. No duffle bag. No back pack. What did he do, go change in a phone booth along the way?

There are some important time line problems here that I keyed on real quick. This is absolutely critical regarding opportunity:

April 19, 1995: Bombs went off at 9:02 and 9:12 or thereabouts.

April 19, 1995: No suspects.

April 19, 1995: At approximately 11:30 am, a truck axle is found. A partial VIN number leads the FBI to get ahold of Ryder truck company and they run a computer check. This computer search of a partial VIN number results in locating Elliott's Body Shop in Junction City, Kansas. The FBI gets their closest agents over to this establishment and discover a 20' truck had been rented from that location on April 17, 1995 by Robert D. Kling.

This rental truck was allegedly then driven to the Geary Lake State Park to build this huge bomb. McVeigh's stayed at a local motel in the same vicinity, but he has time to run over to the lake. Then he drives his car to OKC, back to Junction City. Over to the lake and back to OKC in two days. Even if there is enough time, can anyone place McVeigh and Nichols at the Geary Lake State Park? Not really. I have looked at all these locations real closely on an atlas. Real busy guy.

December 7, 1997

#### Nichols' Witnesses Can't Place Him:

#### Defense Team Confident He Will Be Acquitted Based on Testimony

By David Josar / *The Detroit News*

DENVER -- Just as federal prosecutors used common folks to build the case against Terry Nichols, Nichols' defense team is trying the same approach as they try to convince jurors the Michigan native is innocent.

A Chinese food delivery man, for instance, said he brought an order to a Kansas motel room where convicted bomber Timothy McVeigh was staying -- but the man who accepted the meal was neither McVeigh nor Nichols.

A mother who will say that while she was delivering an Easter basket to her son she saw a Ryder truck in front of McVeigh's motel room -- several days before the truck used in the bombing was even rented.

And there is a meat cutter who will testify seeing a Ryder truck -- but not a truck like the one Nichols' owns -- at Geary Lake State Park in Kansas the day the government alleges Nichols and McVeigh went there to build the ammonium nitrate bomb.

Perhaps the most riveting aspect of the defense will be witnesses who will testify they either saw the still unidentified John Doe No. 2, who was with McVeigh at key times of the bombing plot, or that they didn't see Nichols when prosecutors said they should.

For example, defense attorneys have subpoenaed U.S. Postal Service workers Debbie Nakanashi and Raymond Klish who worked at a post office about a block from the Murrah Federal building.

Nakanashi has said that a few days before the bombing McVeigh and another man -- again not Nichols -- came in and asked for a federal job application.

Georgia Rucker, a Kansas Realtor, also has been subpoenaed. Like Pirotte, she also drove by Geary Lake State Park the day prosecutors alleged Nichols and McVeigh built the bomb. Although she saw the Ryder truck, she didn't see anyone else.

"There are over 20 people who saw a Ryder truck with a different car and different individual at Geary Lake," Woods told the jury. "There is no witness that saw Terry Nichols at Geary Lake ... because he wasn't there." The defense is expected to last at least two weeks."

Please not the claims made by these postal workers. Remember Jane Graham's live affidavit on the Cover-Up in OKC film. We have too many Tim's running around. There is more to this part of the story and it can be read here:

<http://www.4bypass.com/archives/July-99.htm>

You know, it's a funny thing: A 20' yellow Ryder truck is hard to miss. Everyone wanted the killers of all these people in OKC found. I still do. How could so many average folks out there see so many different trucks and people? I have not read all the transcripts from Nichols' trial, but perhaps his defense team shouldn't have been so "confident." After all, this was the OKC bombing.

If you were serving on the jury for McVeigh, how would you treat the information below? You can research these witnesses for yourself, but the statements will still be the same.

April 10-12, 1995 - Geary Lake, Kansas

James Sargeant, has testified that he had seen, along with Georgia Rucker, several unidentified men crawling in and out of the cargo area of a Ryder truck which was backed up to the lake at Geary State park, Kansas. This took place for three days beginning April 10 1995. Timothy McVeigh is said by the prosecution to have been in Kingman, Arizona during this time period.

April 14, 1995 (Friday) in Junction City, Kansas



Elonora Hull, a citizen of Junction City, saw McVeigh with two other men when she was having lunch at Denny's on Friday, April 14th. The men were at the next table. One of them looked "very scary." She noticed that there were two Ryder trucks parked outside.

April 15, 1995 (Saturday) in Junction City, Kansas

Jeff Davis, a Chinese restaurant employee, delivered moo goo gai pan and egg rolls to McVeigh's Dreamland motel room (25) at 5:45 PM. He was greeted not by McVeigh, but by a man with shoulder length hair. He said the man had a "slight overbite," and a marked "regional" accent.

Barbara Whittenberg, the owner of a Herington, Kansas diner just two blocks from Terry Nichols' home, spoke with Nichols, McVeigh, and a man resembling John Doe No. 2 in her cafe early Saturday morning.

April 16, 1995 (Easter) in Junction City, Kansas

Leonard and Diane White, who stayed at the Dreamland hotel on April 16, testified that they saw a Mercury Marquis in the motel's parking lot Easter morning. Mr. and Mrs. White both testified that they saw an Arizona license plate firmly attached to the rear of the car.

Lea and Eric McGown, a fierce but engaging German in charge of the Dreamland Motel, says that McVeigh appeared with a Ryder truck on Sunday, April 16, the day before he rented the bomb truck from Elliott's. Her recollection is vivid. "He backed in jerky, jerky, jerky. Like somebody who doesn't know how to drive a truck," she said. "I thought he was going to smash my roof."

Mrs. McGown sent her son, Eric, to ask McVeigh to move the truck over to the open area in front of the office. Eric McGown got a good look at the truck on April 16 and described it as "medium-sized." It wasn't one of the newest models. It was not so rounded. It had a different compartment for the one cab, and it had the trailer portion." The next day she noticed that McVeigh had a different Ryder truck. This one was the one he had rented from Elliot's Body Shop. It was newer, with an orange-yellow color and a square cab.

Nancy Jean Kindle, seating hostess at Denny's Restaurant testified that McVeigh came into Denny's at lunchtime on Easter (April 16) with two other men. One of them was "a scraggly looking man, about 5'7". She remembers McVeigh because she asked him to spell out his name...and she thought he was "cute."

David King, a guest at the Dreamland, noticed two different Ryder trucks. He saw an old "faded yellow" Ryder on April 16th. On April 17th, McVeigh was there with a "brand new, aerodynamic" model, accompanied by two other men attaching a trailer. They blocked access to his parking spot.

Herta King, David King's mother, testified at the McVeigh trial that she saw a large Ryder truck parked at the Dreamland Motel on Easter (April 16) when she was bringing an Easter basket to her son. The Elliott's Body Shop Ryder truck wasn't rented until April 17th.

Renda Truong, a local high school student, also testified for the defense. She noticed the Ryder truck at the motel when she was having Easter dinner with the McGown family. This was the day before the bomb truck was rented.

April 17, 1995 (Monday) in Junction City, Kansas

Mary Martinez, a registered nurse at Geary Community Hospital, saw McVeigh and the Ryder truck on her way to visit her daughter. She stopped at a red light at the intersection of Chestnut and Washington in Junction City. In an adjacent lane, Martinez saw a large Ryder truck being driven by Timothy McVeigh. Martinez glanced at the vehicle several times and the passenger had a darker skin color, "like a sun tan", and she thought that the passenger could have been Mexican.

"I looked at the man -- the second man. Then I looked at the light and I started to go, and then I looked back to look at the second man again; and as I started to pass him, I noticed as -- by the corner of my eye that Mr. McVeigh was looking at me all the way past his shoulder with his beady eyes, and it scared me. It scared me. And nobody had ever looked at me like that."

Hilda Sostre, a maid at the Dreamland Motel, started to unlock McVeigh's door on April 17th, 1995, thinking McVeigh had already left, when a man appeared and handed her some towels. It was definitely not McVeigh. "He was darker and not so tall." "He had these big strong arms."

Eldon Elliott, the owner of Elliot's Bodyshop, saw Timothy McVeigh and John Doe 2 on April 17th. In pre-trial hearings on 02-18-97, Elliot continued to insist that "another person was standing there. I looked at him." Elliott went out front with the two men to inspect the truck. He said the accomplice had "a white hat on with blue lightning bolts on the side." \*\* See Daina Bradley's testimony --this matches perfectly.

Tom Kessinger, an employee of Elliot's Bodyshop, saw Timothy McVeigh and with John Doe 2. Kessinger was taking a break in the rental office eating popcorn when the two men entered. He watched them for about 10 minutes. John Doe 2 was wearing "a black T-Shirt, jeans, and a ball cap colored royal blue in the front and white in the back." He was "about 5' 10", clean-shaven, muscular, large arms, large chest, smooth complexion, thick neck, wide chin...tattoo on his upper left arm, 26 to 27, and white." This second man did not rent a truck before or after McVeigh, making his presence in the store an enigma. Why was he there if not to rent a truck? He was there because McVeigh was there; He accompanied McVeigh.

Vicki Beemer, an employee of Elliot's Bodyshop, saw Timothy McVeigh and a stocky man in a baseball cap.

Debbie Nakanashi, an employee at the Post Office branch across the street from the Murrah Building, says that on the morning of the 17th or 18th, McVeigh and John Doe No. 2 stopped in and asked where they might find federal job applications. Mrs. Nakanashi provided the description for the now well-known profile sketch of John Doe No. 2 in the baseball cap.

April 18, 1995 (Tuesday) near Geary Lake, Kansas

On April 18, 1995, Estella Weigel was on her way to work on Interstate 135 around 7:30 AM. While traveling to work, Weigel came upon a slow-moving Ryder truck, and in front of that truck was a car without a license plate. There were two occupants in the yellow Ryder truck and one occupant in the car. Weigel said that the car without the license plate was beige colored and it reminded her of her sisters '78 Mercury. When she noticed that there was no license plate on the car, she looked to see if there was a temporary license, one of those paper things, and she didn't see one; When she passed the Ryder Truck and Mercury Marquis, she looked at the driver of the Mercury. Weigel says the driver looked like John Doe 2. After the bombing, Mrs. Weigel called the FBI to tell them what she had seen.

Robert Nelson, a body mechanic, was driving to his job in Junction City at 7:40 AM when he passed Geary Lake, as he always did in his route to work. Nelson saw a large Ryder truck without a cargo compartment over the roof of the cab parked at Geary Lake. He also saw a dark colored Chevrolet or GMC pickup parked with the Ryder truck.

Richard Wahl was going fishing with his son at Geary Lake. Around 9:00 AM, Wahl saw a Ryder truck without the storage/over-hang above the cab parked with a late-model Chevrolet or GMC pickup, dark blue or brown in color, with square headlights and a camper-shell.

April 19th, 1995 (Wednesday) in Oklahoma City, Oklahoma

8:00 am

V.Z. Lawton, a federal employee at the Murrah Building, met four men at the building who identified themselves as representing the General Services Administration. The men said they were there to do a routine "security check."

8:00 am

Leonard Long reported a "tall, slim, white man with sharp features" wearing a baseball cap was driving a brown pickup erratically south on 5th Street. Also in the pickup is a dark-skinned man, possibly American Indian or Hispanic, who may have been John Doe #2.

8:05 am

Renee Cooper dropped her son Antonio at the day care center. As she was driving away she saw a bomb squad in front of the courthouse. There were six or seven men with "bomb squad written across their jackets in huge letters."

8:30-8:35 am

Dave Snider, who manages a warehouse in Oklahoma City, saw a Ryder truck approaching his loading docks at 8:35. He says he mistook it for an overdue delivery truck he was anxiously awaiting, so paid close attention when it passed slowly by him. He says he is positive McVeigh was on the passenger side nearest him. Let it be noted that Snider was interviewed by Bob Ricks, OKC FBI agent in charge, and Weldon Kennedy, Assistant Director of the FBI.

8:35 am

Kyle Hunt, a Tulsa bank executive, was driving through downtown Oklahoma City about four blocks from the Murrah Building at 8:30 (half an hour before the blast). Hunt reported pulling up beside a yellow Ryder truck and a vehicle matching the description of Timothy McVeigh's Mercury Marquis. Guessing from their hesitant actions that the out-of-state travelers were in need of directions, Hunt was about to offer help when the driver of the Marquis, whom he identified as McVeigh, gave him "a very stern, steel-cold stare" that "fixed the features of his face in my mind." Two passengers accompanied McVeigh in the Marquis.

8:35-8:45 am - exact time unsure

Mike Moroz, an employee at Johnny's Tire (five blocks from the Murrah Building) says a Ryder truck driven by McVeigh pulled into his shop's parking area at about 8:40. McVeigh got out and asked directions to 5th and Harvey (the northwest corner of the Murrah Building). He got back in the truck cab and conversed with his passenger before leaving in the direction of the Murrah Building.

8:38 am

James R. Linehan was stopped at the intersection of 4th Street and Robinson where he observed the driver of a yellow Mercury Marquis "hunched over the wheel and looking up at the Murrah Building." He could not see the driver's face because of hair and possibly a hood or cap. His "gut feeling" was that the driver was female. The Mercury, being driven erratically, *pulled into the parking garage of the Murrah Building.*

8:50 am

Gary Lewis was at the Journal Record Building when he noticed a yellow Mercury Marquis parked illegally at the Ahtenian Building. Lewis then went on a personal errand.

8:55 am

Three witnesses identified by the FBI left the Murrah Building and again observed McVeigh in front of the building as they departed.

8:55 am

Gary Lewis returned to the Journal Record Building and was almost hit by a swerving yellow Mercury Marquis. McVeigh *may* have been driving the car, with an occupant resembling John Doe 2. A white license plate on the car was dangling by one bolt. The car hit the curb guards as it entered the street.

8:55 am

Diana Bradley was in the Social Security office located in the Murrah Building when she observed John Doe 2. He was described as short and muscular. He got out of the Ryder truck and walked 10-12 feet from the witness. The man walked to the back of the truck, then went east up Fifth Street towards the northeast side of the Murrah Building.

8:55 am

Claude Crisse (who's office is near the federal building) said he saw bomb squad officers searching for something outside the courthouse across the street from the Oklahoma Federal Building while he was driving to his office at 8:55 A.M.

8:56 am

Leah Moore saw the Ryder truck parked in the handicapped zone in front of the building. She drove around the block and the truck was still parked in the same location when she returned.

8:58 am

Michael Norfleet, a local Marine recruiter, was stopping by the Murrah building to see his boss. It was just a couple minutes before 9:00 AM when he parked his car in front of a Ryder truck, in front of the Murrah building.

\* \* \*

The rest is history -- except, we have one more real important piece of testimony to consider regarding opportunity. You have to place the defendant somewhere near the crime in order for the case against him/her to be credible. Yes, cases are won on circumstantial evidence. However, since I believe with every breath that the real masterminds and "trigger" men are still running loose, I feel it paramount that every witness and every piece of evidence be examined. This witness testimony is from Richard

Williams, the assistant building manager [Murrah] and a GSA employee. Hardly the kind of witness who would want to see the mass killer go free.

Cross of Richard Williams, April 25, 1997:

Q. You mentioned earlier --

THE COURT: I think that came out wrong. It is correct.

THE WITNESS: That is correct. I'm sorry.

BY MR. TRITICO:

Q. You mentioned earlier that you usually go to work about 6:40 -- did I get that correct -  
- in the morning?

A. I normally got to work about 6:30 in the morning.

Q. 6:30. And is that every day?

A. Normally, yes, sir.

Q. That would be roughly the same on April 17?

A. Yes, sir, it would.

Q. The 18?

A. Yes, sir.

Q. The 19<sup>th</sup>?

A. Yes.

Q. Looking at Exhibit 940, which I think is turned wrong -- thank you -- when you came to work in the morning, which street did you take to the Murrah Building?

A. As I came in, I would get off of Interstate 235, come up 6th Street, down Robinson, and enter to the Murrah Building on the east entrance to the Murrah garage.

Q. Taking -- can you show us -- oh, 6th Street is up at the top?

A. Yes, sir, 6th street is to the north of the building. That's correct. That's the one-way street going west.

Q. And Robinson would run one way south?

A. West. Excuse me. Robinson south. I'm sorry.

Q. As you arrived at work on the 16th, you noticed nothing unusual; is that correct -- I'm sorry. On the 17th -- noticed nothing unusual, did you?

A. No, sir.

Q. Didn't see any brown or tan Mercury Marquis anywhere around?

A. No, sir.

Q. Didn't see a blue pickup with a white camper shell anywhere around, did you?

A. No, sir.

Q. Didn't see any Ryder trucks around; correct?

A. No, sir.

Q. How about the 17th, when you came? Did you see a tan Mercury Marquis anywhere around?

A. No, sir.

Q. Did you see a blue pickup with a white camper shell anywhere around?

A. No, sir.

Q. Or a Ryder truck?

A. No, sir.

Q. And on the 19th, did you see a tan marquee?

A. No, sir.

Q. No? Did you see a blue pickup with a white camper shell?

A. No, I did not.

Q. Ryder truck?

A. No, sir.

Q. When you left for lunch -- did you leave for lunch, or did you stay in the building usually?

A. It varied.

Q. Do you recall, sir, did you leave for lunch on the 17<sup>th</sup>?

A. No, sir, I do not remember.

Q. Okay. How about the 18<sup>th</sup>?

A. I don't remember, either.

Q. Did -- what time did you usually leave in the evening?

A. That varied from sometime between 3 and 6:00, depending on what was going on in the office.

Q. When you left on the 17<sup>th</sup>, do you recall seeing the tan marquee?

A. No, sir.

Q. Blue pickup with a white camper shell?

A. No, sir.

Q. Ryder truck?

A. No.

Q. How about on the 18<sup>th</sup>? See any of those?

A. No, sir, I do not remember.

Q. And you didn't see Tim McVeigh at any time on the 17<sup>th</sup>, 18<sup>th</sup>, or 19<sup>th</sup> in or around the Murrah Building; isn't that correct?

A. No, sir, I did not.

Where were all these witnesses during Timothy James McVeigh's trial? Thank you Judge Matsch, Stephen Jones and the federal prosecutors.

There are other circumstances that the government used, besides grief, to convict the bombers:

Hartzler in open:

"They got 4,000 pounds -- that's 2 tons of ammonium nitrate fertilizer. They bought it at a farm supply store in central Kansas where Nichols was living at the time and where



McVeigh visited him. This was in the fall of 1994, at least six months before the bombing, giving you some indication of the planning that went into this process and the premeditation."

McVeigh sold this stuff at gun shows. Nichols owned a farm. The receipt was six months old. Hartzler implied that it sat around for six months while they waited for April 19, 1995 to come around so they could bomb the building on the anniversary of Waco. Everyone knows that it's cheaper to buy in quantity to re-sell than in small bags. Nichols ran a farm.

The FBI then begins a canvas of the local motels and businesses in the area. They discover that the Dreamland Motel remembered a guest with a Ryder truck and the owner of the motel tells the FBI that the individual who rented the room was named Timothy McVeigh. A Mrs. McGowan was shown the famous sketch of John Doe #1 and when asked if it was McVeigh, Mrs. McGowan said yes. Jones made some claims in his opening statement and allow me to refresh your memory:

"I've already told you that he bought the automobile because his car gave out as he pulled himself into town. And after he got this car he drove down to the Dreamland Motel, which is owned and operated by a lady named Lea McGown who will testify in this case. Ms. McGown, a very industrious woman, I think she's originally from Germany, and she operates this motel and lives there and says that she only leaves two days a year, Easter and Christmas, and she's kind of there 24 hours a day. And she at got a daughter, Kathleen and her son, Eric, and sometimes they help her out with the motel.

"The proof will be that Tim McVeigh comes into the motel and registers under his own name, Tim McVeigh -- that's what she will testify to -- fills out the registration card and goes down and is given Room 25, which is pretty close, maybe a door or two within sight or distance of Ms. McGown's office.

"Now, her memory is that she saw him in a Ryder truck, but the proof is that the Ryder truck that carried the bomb here wasn't rented until Monday afternoon at 4:30. When asked how she could reconcile that, Lea McGown said it couldn't have been on Monday because Easter doesn't come on Monday, it comes on Sunday; and she remembered it. In fact she remembers it so well that she told her son, "Go down there and tell Mr. McVeigh to move that Ryder truck because it's blocking somebody else's door." There was a day sleeper that lived down in that area of the hotel.

"Now, I wasn't there. I don't know whether she saw Mr. McVeigh in a Ryder truck, or she saw a Ryder truck and Mr. McVeigh wasn't in it, or she saw Mr. McVeigh; but there was about 25 to 30 to 50 people in and out of this motel every day, and they saw Mr. McVeigh at times inconsistent with the Government's proof in this case.

"Now, the proof is that a phone call was placed from the Dreamland Motel to a Chinese restaurant. Hunan's, I think it is. And somebody in the name of Robert Kling, according

to the restaurant records, ordered some Chinese food to be delivered to Room 25. That's what the written record of proof will be.

"Jeff Davis, who was the delivery man, took the order to the Dreamland; and when he got there, there was a man standing in front of a door and the door was open and the man paid him and gave him a tip and took the order that had been placed for Robert Kling. Jeff Davis will tell you that the man he gave the Chinese food to was not Timothy McVeigh. That will be the evidence.

"Timothy McVeigh was staying at the Dreamland under his own name. Robert Kling rented the Ryder truck. The Ryder truck call was made, according to Vickie Beemer, at 10:30 in the morning to reserve the truck. There was a little conversation on the phone about size of the truck and what was needed and how much deposit was made. And she will tell you that she told Mr. Kling that he had to come in and make a deposit Saturday morning in order to keep the truck -- and Elliott's wasn't open all day on Saturday. It was only open for certain periods of the day in the morning -- and that Mr. Kling would be -- or Mr. Elliott would be there.

"On Saturday morning, an individual identifying himself as Robert Kling appeared at Elliott's; and Mr. Elliott was there, and he paid him for the rental of the truck and advised that he would pick up the truck on Monday afternoon. The description that Mr. Elliott gave of the person that came, according to the proof, was that he was about 5' 10" to 5' 11", medium build, weighed 100 to 185 pounds. That was Robert Kling. The proof is that Tim McVeigh is a tall, skinny guy anywhere from 6' 1" to 6' 2" and weighed 161 pounds.

"On Monday afternoon, there is a videotape at McDonald's -- there are two McDonald's in Junction City. If you're going from the Dreamland Motel to McDonald's, it's shorter to go to the one in town if you are going by miles, but it's quicker if you're going to the one on the interstate because there's less traffic. You can get right down there from the Dreamland. You just simply exit the Dreamland, get on Interstate 70, go to the next exit, and there's McDonald's. That McDonald's is about a mile point three to a mile point five from Elliott's, which is further west and on an incline up on kind of a little bluff overlooking Interstate 70.

"Now, there's a taxicab service in Junction City, and there's a man that works for the taxicab company; and when he was questioned by the FBI, the proof will be, he denied that he had carried Tim McVeigh to McDonald's. He'll testify -- and he has a severe diabetic problem. And the FBI was with him that day and they were with him the next day, and then he changed his story and he said, well, it must have been Tim McVeigh that he took; but his original thought of who his customer was, was it was not Tim McVeigh.

"Whether Tim McVeigh took a taxi there or not is an issue for you to determine, but there isn't any dispute; and the evidence is clear that Tim McVeigh is in McDonald's. He's there, and Mr. Hartzler gave you the time; and he was last seen at McDonald's at approximately 4:00. There is a little clock on the picture, as I recall, and you can see him with his food in his hand. You can also see the clothes that he is wearing.

"Approximately 15 minutes later, Robert Kling and another man walked into Elliott's. Robert Kling is wearing military fatigue-type clothing. In the picture at McDonald's, Tim McVeigh is not wearing military fatigue-type clothing. When Kling and the other man enter Elliott's, there are three people that clearly see them that day: Vickie Beemer, who works in the front office; Mr. Tom Kessinger, who works there; and Mr. Eldon Elliott, who owned it. There is a computer that indicates when the transaction to rent the truck ends. There is a lease agreement that Robert Kling has to sign to rent the truck. *The proof is Tim McVeigh's fingerprints are not on the lease and Tim McVeigh's fingerprints are not anywhere in Elliott's.*"

Well? What do we have here? A real problem, because if you read all the transcripts, Jones got this one right. I have asked this question before, but no one seems to have an answer: Just whose fingerprints were on the rental contract and the counter? Hm?

I've also struggled with this one: The FBI gets this partial VIN number and with the assistance of Ryder, they track it to Junction City, Kansas. They get their agents over there and find out that a Robert Kling rented the truck. Okay, so far so good. A manhunt is underway and law enforcement begins canvassing. At this point in time, the FBI couldn't possibly have known about Lori and Michael Fortier or her famous testimony about how McVeigh cooked up his phony Robert Kling license, named in honor of the Klingons from the Star Trek series.

It makes sense to check the surrounding hotels in case this Kling guy spent the night and evidence could be collected. McVeigh stayed in the Dreamland Motel. He registered under his own name. He was seen with a yellow Ryder truck. He tells Trooper Charlie Hanger that he's moving to Arkansas and has already taken a load of stuff out there and is on his way back.

The FBI says they checked and no yellow Ryder truck was rented to McVeigh recently. We can't ask McVeigh at this point because he's dead, so this leaves more speculation.

In any event, the FBI is looking for a Kling person. They know he's probably not in Junction City, Kansas because he was just in OKC blowing up a federal building. Now, somehow and this is what I don't get: How is it that the search for a Robert Kling who does not match the description of McVeigh, get the feds focused on a Timothy McVeigh who signed in at this little motel? Why didn't they focus in on another suspect matching the description given at Elliott's at the Blue Bell Motel (fictional) up the street? How come that suspect wouldn't come under consideration? Why McVeigh? Handwriting? Could be, but I have a real tough time with how and why they made this particular connection. I guess I have a suspicious mind when it comes to federal law enforcement.

Now here things get real interesting. In Trooper Hanger's testimony, he recounts each and every step of what happened when he pulled McVeigh over at approximately 10:20 am, April 19, 1995. Please note what he said regarding his request that McVeigh give him a driver's license. This is direct cross by the government:

<http://www.cnn.com/US/9703/okc.trial/transcripts/april/042897.am.txt>

Q. Did ask you him for anything at that point?

A. Yes. I asked him for his driver's license.

Q. What did he do?

A. He went to his right rear pocket and produced a camouflage- colored billfold and took his driver's license from it.

Q. Now, as he reached for his billfold, in his right rear pocket, can you describe to the ladies and gentlemen of the jury physically how did he this?

A. Turned like this, reached into his pocket.

Q. As Defendant McVeigh reached for his driver's license, did you notice anything out of the ordinary underneath his clothing?

A. Yes.

Q. What?

A. I noticed a bulge under his left arm. He was wearing a jacket, and it was -- there was a bulge under his left arm, in this area right here.

Q. What type of jacket?

A. It was a light wind breaker type jacket.

Q. After Defendant McVeigh took out his wallet, did he hand you anything?

A. Yes.

Q. What did he hand you?

A. His driver's license.

Q. Let me ask you to look at Government Exhibit 427.

MR. MENDELOFF: Your Honor, maybe we could do it with the other --

THE COURT: Well, that doesn't seem to be working.

THE WITNESS: I found it.

THE COURT: Do you have it, 427?

THE WITNESS: Yes, sir.

MR. MENDELOFF: He's got it.

BY MR. MENDELOFF:

Q. What is Government Exhibit 427?

A. That is a Michigan driver's license in the name of Timothy James McVeigh.

What did the government prosecutor say in his opening about the phony driver's license used to rent the Ryder truck?

"During this period of time in the spring of 1994, before the bombing, while McVeigh was hanging out in Arizona, he asked Lori Fortier if he could borrow her typewriter. She let him take it for a day or so; and when he returned it he had a phony driver's license. It was on one of the blank driver's license forms. It had been obtained through the -- or ordered through one of those ads at the back of Soldier of Fortune magazine, one of the ads that sells phony identification kits. And McVeigh had typed on the blank form. He had made it look like it was a driver's license from North or South Dakota. He had typed in those words, the name of state. And the phony name he had selected -- I'm going to give you another alias name -- was Robert Kling.

"He liked that name, he told Lori Fortier -- and you'll be able to remember it -- because it reminded him of the race of characters on that TV show "Star Trek," the Klingons. And you'll hear that name a lot in this trial, because that's the name that McVeigh used to rent the Ryder truck that he used to blow up the federal building, "Robert Kling."

"To finish the phony driver's license, McVeigh asked to borrow Lori Fortier's iron, so he could iron on plastic lamination -- lamination that came with the blank form. And she was afraid he would ruin his (sic) iron, and she offered to iron it on for him. That's how it is she can tell you she saw the driver's license she remembered the name.

"He handed her the Robert Kling driver's license. She ironed on the lamination. It had on it a small photo that McVeigh attached up in the corner in the box where the photo for a driver's license would fit. It was McVeigh's photo, of course. She ironed -- the lamination -- lamination and gave it back to McVeigh."

This second license in the name of Robert Kling was not found on McVeigh when he was arrested and while his Michigan license, government exhibit 427, was presented during the trial, this second license is never presented. Where is it? Hartzler (government prosecutor quoted above) is describing what was told to him by a meth freak. A woman who not only did lots of drugs, but she received full immunity and her husband would get about a 40 year pass on his possible prison term if he told the feds what they wanted.

Strong incentive to lie, wouldn't you say? Point the finger at your former friend. The best man at your wedding. Read the testimony of both Lori and Michael Fortier. Then wonder if it can't happen to you.

You see, there is a whole lot of circumstantial evidence here for you, the jury, to decide. I have heard I don't know how many experts on the tube say that it's better for our legal system to let one guilty guy go, than to convict an innocent man. *This would never be the case with the OKC bombing.* No, I don't want the guilty to go free for this slaughter. I bring this up because it's important to understand the lynching mentality that was going on because of the horrific loss of life connected to this mass murder. Many would be surprised to hear what one of the pieces of evidence found in McVeigh's car said:

"Well, that's part of my contribution to defense of freedom, this call to arms. In the past, I put to use the above points. I intend to become more active in the future. I would rather fight with pencil lead than bullet lead. We can win this war in voting booth. If we have to fight in the streets, I would not be so sure. Those guys have helicopters and tanks. Assault rifles and 223s are ineffective against an Abram tank or an Apache helicopter. All too often in the past, we gutsy gun owners have lost the battle because we have failed to fight. The Brady Bill could have been defeated in Congress if gun owners had become more involved in electing officials and communicating to those officials what was expected to them. The Brady Bill will pass by the thinnest of margins. The next bills will make Brady look mild. Start your defense today. Stamps are cheaper than bullets and can be more effective."

He had lots of different kinds of opinions by all kinds of people. It's obvious he favored them, including the one above or he wouldn't have had it with him.

McVeigh told Hanger that he was in the process of moving to Arkansas and had just bought the Mercury up in Junction City. McVeigh, according to Hanger was on his way to Arkansas. I want you to get out an atlas and look at the State of Oklahoma. Look north of OKC on I-35. You will see the 412 cut-off that begins a toll road. If you go east on this toll road, you head to Arkansas. Look just north of Perry and you'll see the toll road. Look a little farther north of the toll road and you'll see Billings. Trooper Hanger pulled McVeigh over south of Billings before the 412 cut-off. If you keep looking at your map, north on I-35, you'll see it goes straight into Kansas.

In other words, McVeigh contends he bought the car in Junction City, Kansas. This is north of where he was arrested. He was close to the cut-off to Arkansas where he said he was headed. 75 miles south of where he was arrested is OKC. Was McVeigh heading for the cut-off to Arkansas, just a short distance from where he was stopped? Here are Trooper Hanger's words:

A. I was northbound on Interstate 35 in the left hand lane, and I passed that vehicle. As I was passing by it, I noticed that it was not displaying a tag; so I slowed down, got in behind it. It was in the right lane, I was in the left lane. And I pulled in behind that vehicle and initiated my emergency lights signaling for it to pull over.

Q. And this is in the northbound lane going towards Kansas?

A. Yes.

So, according to Trooper Hanger, McVeigh was heading north and not south, which would take him to the highway that would go to Arkansas. This is a question that cannot be reconciled without McVeigh to explain why he was headed north, away from the turn-off. The only explanation is that McVeigh may have wanted to hit Billings for gas before he got onto the toll road. Maybe he had to use the bathroom before getting on the toll road. I don't know. On one or two occasions when traveling, I have reconsidered my gas supply and pulled off at the next exit, got gas and went back the other way. I hate doing that, but I always figure better to be safe than sorry. Any testimony on this? During cross by the defense:

Q. And what did he tell you?

A. He said that he had -- he was in the process of moving to Arkansas, had taken a load of his belongings down there, and was on his way back for more of his belongings.

Q. I want to turn your attention back to Government's Exhibit No. 1, which is the map that has been, previously been admitted -- I'm sorry. No. 410. I want you to look at that map and tell me isn't there on Interstate 40 -- isn't that a route to Arkansas?

A. Depending on what part of Arkansas you're going, yes.

Q. Or coming from?

A. Yes.

Q. All right. Now, isn't there -- or aren't there other ways to get from Arkansas to Junction City, Kansas?

A. I'm not familiar with Junction City, Kansas.

Q. Do you go up the turnpike to Tulsa and then over to Cimarron Turnpike and then get on I-35?

MR. MENDELOFF: Objection, your Honor. He said he wasn't familiar with it.

THE COURT: Well, she's suggesting an answer. He can agree with it or not.

BY MS. RAMSEY:

Q. Can you go up the Muskogee Turnpike and over to the Cimarron Turnpike, which you're familiar with, to I-35 and then head into Kansas?

A. You could.

Q. Those are toll roads; isn't that correct?

A. Yes.

Q. I-40 is not a toll road; isn't that correct?

A. That is correct.

Q. And Interstate 35 is not a toll road; isn't that correct?

A. That is correct.

Q. Also, back roads could be taken such as 177 through Stillwater, or 81 through Enid in order to get to Kansas; isn't that correct?

A. Yes, it could be. Longer route of travel.

Q. Right. But it would not be as well traveled a roadway; isn't that correct?

A. Wouldn't be as heavily traveled as the interstate system.

Q. Right. Thank you.

If you would like a list of the specific pieces of evidence found, please go to:

<http://www.okcitytrial.com/content/current/April/e0425.html#E0425-FOR042597>

<http://www.okcitytrial.com/content/current/April/e0428.html#E0428-FOR042897>

<http://www.okcitytrial.com/content/current/April/e0429.html#E0429-FOR042997>

Timothy McVeigh, driving on a public highway carrying a concealed weapon doesn't notice that he has no license plate? I guess it's possible to overlook something so unimportant as that while you're escaping from blowing up a building full of people in broad day light.

There are a number of important witnesses regarding opportunity because they relate to things like fingerprints, the search of McVeigh's car, the discrepancy in documents sent to the trial from the FBI lab in DC and what Trooper Hanger says were taken on April 19, 1995 and crucial information along those lines. In the index section of this piece, I have given a short explanation of the witnesses whose testimony is especially important from an evidentiary standpoint vs the very sad recounts of the carnage from survivors or witnesses who testified that lost a loved one.



[Click here to go to Part IV](#)