Selected Excerpts from the Trial Transcript of Timothy McVeigh

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1. **Opening Statement by Prosecutor Joseph Hartzler**

Ladies and gentlemen of the jury, April 19th, 1995, was a beautiful day in Oklahoma City – at least it started out as a beautiful day. The sun was shining. Flowers were blooming. It was springtime in Oklahoma City. Sometime after six o'clock that morning, Tevin Garrett's mother woke him up to get him ready for the day. He was only 16 months old. He was a toddler; and as some of you know that have experience with toddlers, he had a keen eye for mischief. He would often pull on the cord of her curling iron in the morning, pull it off the counter top until it fell down, often till it fell down on him. That morning, she picked him up and wrestled with him on her bed before she got him dressed. She remembers this morning because that was the last morning of his life. That morning, Mrs. Garrett got Tevin and her daughter ready for school and they left the house at about 7:15 to go downtown to Oklahoma City. She had to be at work at eight o'clock. Tevin's sister went to kindergarten, and they dropped the little girl off at kindergarten first; and Helena Garrett and Tevin proceeded to downtown Oklahoma City. Usually she parked a little bit distant from her building; but this day, she was running a little bit late, so she decided that she would park in the Murrah Federal Building. She did not work in the Murrah Building. She wasn't even a federal employee. She worked across the street in the General Records Building. She pulled into the lot, the parking lot of the federal building, in order to make it into work on time; and she went upstairs to the second floor with Tevin, because Tevin attended the day-care center on the second floor of the federal building. When she went in, she saw that Chase and Colton Smith were already there, two year old and three year old. Dominique London was there already. He was just shy of his third birthday. So was Zack Chavez. He had already turned three. When she turned to leave to go to her work, Tevin, as so often, often happens with small children, cried and clung to her; and then, as you see with children so frequently, they try to help each other. Little -- one of the little Coverdale boys -- there were two of them, Elijah and Aaron. The youngest one was two and a half. Elijah came up to Tevin and patted him on the back and comforted him as his mother left.

As Helena Garrett left the Murrah Federal Building to go to work across the street, she could look back up at the building; and there was a wall of plate glass windows on the second floor. You can look through those windows and see into the day-care center; and the children would run up to those windows and press their hands and faces to those windows to say goodbye to their parents. And standing on the sidewalk, it was almost as though you can reach up and touch the children there on the second floor. But none of the parents of any of the children that I just mentioned ever touched those children again while they were still alive.
 At nine o'clock that morning, two things happened almost simultaneously. In the Water Resources Building -- that's another building to the west of the Murrah Building across the street -- an ordinary legal proceeding began in one of the hearing rooms; and at the same time, in front of the Murrah Building, a large Ryder truck pulled up into a vacant parking space in front of the building and parked right beneath those plate glass windows from the day-care center.

What these two separate but almost simultaneous events have in common is that they -- they both involved grievances of some sort. The legal proceeding had to do with water rights. It wasn't a legal proceeding as we are having here, because there was no court reporter. It was a tape-recorded proceeding, and you will hear the tape recording of that proceeding. It was an ordinary, everyday-across-America, typical legal proceeding in which one party has a grievance and brings it into court or into a hearing to resolve it, to resolve it not by violence and terror but to resolve it in the same way we are resolving matters here, by constitutional due process.

And across the street, the Ryder truck was there also to resolve a grievance; but the truck wasn't there to resolve the grievance by means of due process or by any other democratic means. The truck was there to impose the will of Timothy McVeigh on the rest of America and to do so by premeditated violence and terror, by murdering innocent men, women and children, in hopes of seeing blood flow in the streets of America.

At 9:02 that morning, two minutes after the water rights proceeding began, a catastrophic explosion ripped the air in downtown Oklahoma City. It instantaneously demolished the entire front of the Murrah Building, brought down tons and tons of concrete and metal, dismembered people inside, and it destroyed, forever, scores and scores and scores of lives, lives of innocent Americans: clerks, secretaries, law enforcement officers, credit union employees, citizens applying for Social Security, and little kids.

All the children I mentioned earlier, all of them died, and more; dozens and dozens of other men, women, children, cousins, loved ones, grandparents, grandchildren, ordinary Americans going about their business. And the only reason they died….is that they were in a building owned by a government that Timothy McVeigh so hated that with premeditated intent and a well-designed plan that he had developed over months and months before the bombing, he chose to take their innocent lives to serve his twisted purpose…..The man who committed this act is sitting in this courtroom behind me, and he's the one that committed those murders. After he did so, he fled the scene; and he avoided even damaging his eardrums, because he had earplugs with him.

Approximately 75 minutes later, about 75 miles north of Oklahoma City, the exact distance from Oklahoma City that you could drive in that time if you had been at the scene of the crime, the exact distance -- he was at the mile marker that you would reach between the time of the bombing and the time he was arrested if you were driving at normal speed limit…..And in his pocket at that time were a set of earplugs, the type that would be worn to protect your ears from a loud noise. And on his clothing, an FBI chemist later found residue of explosives, undetonated explosives, not the kind of residue that would detonate in the course of the explosion but the kind of explosives you would have on your clothing if you had made the bomb, which is what he did.

And the T-shirt he was wearing virtually broadcast his intention. On its front was the image of Abraham Lincoln; and beneath the image was a phrase about tyrants, which is a phrase that John Wilkes Booth shouted in Ford's Theater to the audience when he murdered President Lincoln. And on the back of T-shirt that McVeigh was wearing on that morning, the morning of bombing, the morning that he was arrested, was this phrase: It said, "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants." And above those words was the image of a tree. You'll see that T-shirt; you'll see the tree; you'll see the words beneath the tree, and you'll notice that instead of fruit, the T-shirt -- the tree on the T-shirt bears a depiction of droplets of scarlet-red blood.
 ….

 Inside McVeigh's car, law enforcement agents later found a large sealed envelope. It contained writings and magazines from -- photocopies from magazines and from newspapers. You'll see all those documents in evidence, and they will give you a window into McVeigh's mind. And they'll enable you to see his intention, to know his premeditation, and to understand the twisted motive behind this deadly offense. To give you just two examples of the material you will see, enclosed in that envelope were slips of paper bearing statements that McVeigh had clipped from books and newspapers. And one of them was a quotation that -- from a book that McVeigh had copied. And it was a book that he had read and believed in like the Bible. The book is entitled The Turner Diaries. It's a fictional account of an attack on the federal government which is carried out with a truck bomb blowing up a federal building and killing hundreds of people. And the clipping that McVeigh had with him on this day of the bombing
talks about the value of killing innocent people for a cause. It reads -- and he highlighted this -- "The real value of our attacks today lies in the psychological impact, not in the immediate casualties."
 ….

 Everyone in this great nation has a right to think and believe, speak whatever they want. We are not prosecuting McVeigh because we don't like his thoughts or his beliefs or even his speech; we're prosecuting him because his hatred boiled into violence, and his violence took the lives of innocent men and women and children. And the reason we'll introduce evidence of his thoughts, as disclosed by those writings and others, is because they reveal his premeditation and his intent, and intent is an element of the crime that we must prove.

As McVeigh was leaving the scene moments before the explosion, a maintenance man from an Apartment building in downtown Oklahoma City near the Murrah Building, about a block or so away, walked out the front door of the building to meet his wife and nephew. His nephew was a sixth grader sitting in the back seat of the man's red Ford Fiesta out in front of the apartment building where he worked. His wife had gone inside to get him, tell him that they were there. She walked back outside with her husband and he was standing at the side of his car, holding the door for his wife, when the force of the bomb nearly knocked him off his feet.

At that moment, he was about at least more than a city block from the front door of the Murrah Building; and he heard a whirring sound, like the propeller of a helicopter, coming toward him. He pushed his wife quickly under the car to protect her as more than 250 pounds of twisted metal came crashing down onto his car. Fortunately, it landed on the hood of his car. It crushed the car, but his wife and his nephew survived. That huge piece of twisted metal had been at the center of the bomb. The force of the explosion had sent it whirling through the air for about 200 yards or more. That piece of twisted metal was the rear axle of a Ryder truck. It was a Ryder truck that Timothy McVeigh had rented two days before in Kansas.
 ….

 As you see -- as you'll see, there was a lot of evidence against McVeigh. We'll present a lot of evidence against McVeigh. We'll try to make your decision ultimately easy. That's our goal.... When we're finished, we will have proven -- we will have proven to you beyond any reasonable doubt that Timothy McVeigh destroyed the Murrah Building and killed people inside by means of a huge fertilizer bomb built inside a Ryder truck.
 ….

 On April 19th, 1993, that's four years ago, not – the Oklahoma City bombing was two years ago -- but four years ago on the same day, April 19th, 1993, there was another great tragedy in American history. It occurred at Waco, Texas. That's the day that many lives were lost when the Branch Davidian compound burned down. But it was more than just a tragedy to McVeigh. You'll hear testimony from McVeigh's friends that he visited Waco during the siege and that he went back after the fire and that he had already harbored a great dislike and distaste for the federal government. They imposed taxes and the Brady Bill, and there were various other reasons that he had disliked the federal government. But the tragedy at Waco really sparked his anger; and as time passed, he became more and more and more outraged at the government, which he held responsible for the deaths at Waco. And he told people that the federal government had intentionally murdered people at Waco, they murdered the Davidians at Waco. He described the incident as the government's declaration of war against the American people. He wrote letters declaring that the government had drawn, quote, "first blood," unquote, at Waco; and he predicted there would be a violent revolution against the American government. As he put it, blood would flow in the streets.

 He expected and hoped that his bombing of the Murrah Building would be the first shot in a violent, bloody revolution in this country. As his hatred of the government grew, so did his interest in a knowledge of explosives.
 ….
 The action he selected was the bombing, and the building he selected was the federal building in Oklahoma City. We'll provide you with testimony on this. And he offered two reasons for bombing -- or for selecting that particular building; first he thought that the ATF agents, whom he blamed for the Waco tragedy, had their offices in that building. As it turns out, he was wrong; but that's what he thought. That was one of his motivations; and second, he described that building as, quote, "an easy target." It was conveniently located just south of Kansas and it had easy access. It was just a matter of blocks off of an interstate highway, Interstate 35 through Oklahoma City traveling north; and the building is designed is such that you can drive a truck up, there is an indentation at the sidewalk in front of the building. You can drive a truck right up and park a truck right there in front of the building, right there in front of the plate glass windows that I described in front of the day-care center.

 The day that he selected for the bombing also has significance. He selected April 19th. Of course, first, that was the anniversary of Waco, and he wanted to, as he said, avenge death that occurred at Waco; and second, April 19th a couple of centuries ago, in 1775, that's the day that the American Revolution is reported to have begun. That's the day that the opening shot was fired in Concord/ Lexington. The day is known as Liberty Day.
 ….

 The Turner Diaries taught him how to mix the different ingredients, how to set up the bomb, right down to how to drill a hole between the cargo box and the cab of the truck so that he could detonate it, so that the fuse could run into the cab of the truck and he could fuse it from where he was sitting in the front of the cab. You'll hear from witness testimony that's what he said he would do. So he conferred -- converted the Ryder truck from a cargo vehicle into a gigantic deadly bomb, and he drove it to Oklahoma City; and he detonated it on one of the -- at one of the busiest times of the day. Bear in mind this was not 3 or 4 in the morning, when he could conceivably have detonated the bomb and possibly not have killed anyone. It was at 9:00 -- 9:02 in the morning, when everyone was in their office, business was being conducted, and the children were in the day-care center. The sound and the concussion of the blast rocked downtown Oklahoma City. It was as though it had been struck by an earthquake; and as McVeigh sped away from the scene of the crime, word quickly spread as to the location of the blast. No one in downtown Oklahoma City could have missed the sound. It ripped the air, shattered windows. It was a terrifying explosion. People who heard it because of the noise couldn't help but be concerned. Just like the shock waves of the bomb, the word spread through the city as to where it had been located. The word was, of course, it was at the federal building.

 That morning, Mike Weaver had driven his wife's car down to work. It had needed service, and the service station was closer to his office than to his wife's; so as a favor, he drove her car and she drove his. He dropped their son off at junior high on his way to work; and after dropping his son off, Mike drove downtown to the service station with his wife's car. Mike's workday started at 9:00; and when his wife, Donna, heard the blast and then got the news that it was the Murrah Building, which was Mike's building, she rushed from her office, made her way quickly, as quickly as she could, to the Murrah Building. And on her way, she hoped against hope that maybe Mike had gotten delayed, maybe he had gotten delayed in dropping their son off, maybe he had gotten delayed at the service station, maybe he hadn't made it to work at 9:00. And she stopped in front of the Murrah Building and looked up. His office was gone, and she knew so was he. She was right: He was killed. She didn't have earplugs in her pocket. None of our witnesses had earplugs in their pockets that day.

 The Noise from the concussion from the bomb was felt throughout the city; and Helena Garrett, whose son, Tevin, was in the day-care center. She, of course, was across the street in her building. By pure coincidence, she was on her way to the Murrah Building, still in her building, but she was going to move her car from the Murrah Building to her regular parking lot. When she heard the blast, she rushed outside and saw that the entire front face of the Murrah Building was missing. The plate glass windows that the children pressed their hands and faces against were gone. The entire side of the building was gone. She ran to the scene and frantically searched the area for her son. She watched as rescue workers arrived and carried bodies of small children from the building, and she looked to see if any of them were Tevin. At one point, she climbed on a pile of debris in front of the building until the rescue workers begged her to leave; and then she went home and waited. She waited for days; and when Tevin's body was found, it was taken to a funeral home. And at the funeral home, she asked to see her son; but the funeral director persuaded her not to: The body was too badly mangled. So she never saw her son again.
 …..

 As you can probably tell from what I've said, there is no single witness who is going to come in here and tell the whole sad story. Our case consists of dozens of pieces of evidence put together. His Honor referred to that earlier this morning, when he was speaking with you. And those pieces will come in like bricks building a brick wall. Now, some of the bricks won't fit tightly together, because memories will be slightly different; and as I think we spoke to some of you in jury selection, there will undoubtedly be some unanswered questions. There always are in a case of this complexity. But in the end, we will build a solid wall of evidence against McVeigh, making your job of determining his guilt easy, I believe. You'll get a clear picture of what happened, and it won't depend on any one witness. There will be overlapping proof, and you'll be convinced beyond a reasonable doubt that he's responsible for the bombing in Oklahoma City.

 But there is one witness who is very close to McVeigh and who knows a lot. I haven't mentioned him yet. Our case does not depend on him. We could prove the case without him, but he was very close to McVeigh. I'm referring, of course, to Michael Fortier, his other Army buddy. We will call him as a witness because he provides insight into McVeigh's thinking, his intent, and his premeditation; and he knows a few details that other witnesses do not know…..Michael Fortier is now in prison awaiting sentence. He pled guilty to lying to the FBI, to concealing his knowledge of this bombing, to transporting guns; and he will testify pursuant to a plea agreement with the Government. He faces a maximum of 23 years in prison, but he's hoping to get a much, much shorter sentence than that. At the conclusion of the case, the Judge will instruct you must consider Michael Fortier's testimony with care and caution; and we encourage you to do that and to consider his testimony in the context of all the other evidence we will present. And much of what he tells you will be corroborated independently.
 ….

 I'm not going to again detail the charges. The Judge has already explained them to you; but in presenting all of this evidence to you, we obviously are going to be able to prove the eleven counts against McVeigh. The Judge has explained to you one of the counts is a conspiracy. That's an agreement between two people to commit a crime, two others involved blowing up the building. And then there are eight counts involved of murder, involving eight different law enforcement agents. And I want you to understand that those eight counts are not there because we value the lives of law enforcement agents any more than lives of any of the other people who were lost in that building. There is a specific federal statute that subjects the defendant to the death penalty for murdering a law enforcement agent in the line of duty, and that's why those eight counts are charged.

 Each of the crimes has various elements. The Judge at the end of the case will instruct you on those elements. It's our burden to prove each of the elements for each of the counts. We will meet that burden. We will make your job easy. We will present ample evidence to convince you beyond any reasonable doubt that Timothy McVeigh is responsible for this terrible crime. You will hear evidence in this case that McVeigh liked to consider himself a patriot, someone who could start the second American Revolution. The literature that was in his car when he was arrested included some that quoted statements from the founding fathers and other people who played a part in the American Revolution, people like Patrick Henry and Samuel Adams. McVeigh isolated and took these statements out of context, and he did that to justify his anti-government violence.

 Well, ladies and gentlemen, the statements of our forefathers can never be televised to justify warfare against innocent children. Our forefathers didn't fight British women and children. They fought other soldiers. They fought them face to face, hand to hand. They didn't plant bombs and run away wearing earplugs. Thank you. Thank you, your Honor.

1. **Opening Statement of Defense Attorney Steven Jones**

….I have waited two years for this moment to outline the evidence to you that the Government will produce, that I will produce, both by direct and cross-examination, by exhibits, photographs, transcripts of telephone conversations, transcripts of conversations inside houses, videotapes, that will establish not a reasonable doubt but that my client is innocent of the crime that Mr. Hartzler has outlined to you.

 And like Mr. Hartzler, I begin where he began. As he said, it was a spring day in Oklahoma City. And inside the office of the Social Security Administration located in the Alfred P. Murrah Building…a young black woman named Dana Bradley was feeling the atmosphere a little stuffy and warm; so she left her mother, her two children, and her sister in line and she wandered out into the lobby of the Alfred P. Murrah Building. And as she was looking out the plate glass window, a Ryder truck slowly pulled into a parking place and stopped. She didn't give it any particular attention until the door opened on the passenger side, and she saw a man get out. Approximately three weeks later, she described the man to the Federal Bureau of Investigation agents, as indeed she did to us and to others, as short, stocky, olive-complected, wearing a puffy jacket, with black hair, a description that does not match my client. She did not see anyone else. She saw this individual pause briefly, walk to what she thought might be the back of the truck, and walk away.

 She turned around and went back in the Social Security office; and then in just a matter of moments, the explosion occurred. It took the life of her mother and her two children and horribly burned her sister. She is not a witness for the defense. And that night, approximately 12 hours later, almost to the minute, somewhere between 50 and 100 million people throughout the world, courtesy of CNN, watched physicians crawl through the rubble of the Murrah Building and amputate this….woman’s leg that her life might be saved and she could be extricated from the rubble.

 In addition to the members of her family who died that morning, the bomb claimed [lists names of all victims, omitted]….For those of us from Oklahoma, the bombing of the Alfred P. Murrah Building is the event by which we measure time. It is to my generation in Oklahoma what Pearl Harbor was to my mother and father's generation.

 And on the morning that Mr. Hartzler described, the proof will show that when the fire department arrived, the smoke was so black that at first they thought it was the Walter -- the Water Resources Board across the street that had been destroyed, because the smoke hid the fact that the entire front and the roof of the Murrah Building was gone. And it was three or four minutes before the captain on duty realized as the smoke began to clear that the real catastrophic event was behind him. And the Oklahoma City fire department moved to a second, third, fourth, fifth, sixth alarm. That is the Oklahoma City bombing.

 You have been empowered to determine whether the allegations made by the Government against my client are true; that is to say, whether he is guilty or not guilty.

 Mr. Hartzler has outlined to you this morning the Government's case, the evidence, or at least some of it, which he hopes to prove. The Judge has told you that that is not evidence itself, what he says; and certainly what I say is not evidence. Rather, he and I are trying to put together pieces of a puzzle so that you may look at the puzzle and see whether, in fact, the pieces justify the way that we say they come together. In reviewing the evidence in this case and in the proof that will come, you know, and certainly it will be in evidence, that this was the largest domestic terrorism act in the history of this country…. And I think it fair to say that this was the largest criminal investigation in the history of this country. The question is did they get the right man.
 ….

 I believe that when you see the evidence in this case, you will conclude that the investigation of the Alfred P. Murrah Building lasted about two weeks. The investigation to build the case against Timothy McVeigh lasted about two years. But within 72 hours after suspicion first centered on Mr. McVeigh, we will prove to you that even then, the Government knew, the FBI agents in the case, that the pieces of the puzzle were not coming together; that there was something terribly wrong, something missing. And as Paul Harvey says, our evidence will be the rest of the story.
 ….

 But in May of 1988, [McVeigh] entered the armed services and stayed there until December of 1991, in the United States Army. After Fort Benning, his permanent station duty was Fort Riley, Kansas. And there he became a gunner for a Bradley fighting vehicle and repeatedly throughout his Army service, as his friends will testify here, he achieved a top gun ranking. In fact, first among 93 other Bradley gunners. He achieved extraordinary advancement in the enlisted ranks from a private E1 to a sergeant E5 in less than three years. And then when the Operation Desert Shield, which became Operation Desert Storm, started, he served in the front line assault, in the Kuwait/Iraq operations. He was literally on the front line and made one of the first invasions into the enemy area.

 During this service in the military, he earned one of our highest awards, the Bronze Star. He also earned the Army Commendation medal with an upgrade for valor. He received the Army Commendation medal, two Army Achievement medals, and several others. In fact, his unit was chosen to be the inner perimeter guard at the site where General Schwarzkopf and his opposite number in the Iraqi army arranged the terms of the armistice that ended the war.

 After the war, he returned to the United States. He came back initially to go into the special forces. He had been accepted into it, but he had been in the desert for several months, had lost a considerable amount of weight and frankly physically wasn't up to it; so he and a friend of his who came back with him and joined on the same day dropped out the second day, because they knew they weren't cut out for his physically. He went back to Fort Riley, stayed in the service and then eventually got out, went into the reserves in New York, and then went to work at some of the places that I have suggested to you here.

…..
 Mr. McVeigh's motives as described by the Government in Mr. Hartzler's opening address are that he is anti-government; that he has a hatred for the United States, and that he conspired with others to build a terrible explosive device which he initiated because he was angry at the government of the United States. Mr. Hartzler has told you that the Government's evidence will consist of, among other things, a shirt that Mr. McVeigh was wearing when he was arrested and that in his car he had all this patriot literature -- it was, after all, incidentally, Patriots' Day….but on this shirt, he had sic semper tyrannis, the words spoken by John Wilkes Booth when he assassinated Abraham Lincoln in Ford's theater. And the Government suggests to you that as an expression of his motive.

 Well, sic semper tyrannis is also the official slogan of the state of Virginia and had been for almost 100 years before John Wilkes Booth appropriated it....So sic semper tyrannis is not the exclusive property of John Wilkes Booth. It has a meaning in the historical conservative community of people who follow the revolutionary rule and its antecedents, has really nothing to do only with John Wilkes Booth; likewise with the statement that Mr. McVeigh made to his sister that something big is going to happen. Well, we will give you proof that in the last of March and the first part of April of 1995, the something big that was going to happen didn't have anything to do with the bombing in Oklahoma City. Those words and expressions and communications and conversations were all over the Internet, in which thousands of people exchanged communication back and forth because they believed that the federal government was about to initiate another Waco raid, except this time on a different group.

 Now, we're not concerned with whether the federal government was going to do that. The point is that Mr. McVeigh was just one of tens of thousands of people of his political persuasion who believed that something big was going to happen in April of 1995.

…. Tim McVeigh believed that the federal government executed 76 people at Waco, including 30 women and 25 children. That was his political belief. He was not alone in that opinion. He believed that the federal law enforcement at Waco deployed in a military fashion against American citizens and children who had committed no crime and that the Branch Davidians were not a cult who lived in a compound. He believed that they were what they were, a breakoff of the Seventh Day Adventist church who had lived at Mount Carmel since the 1930's. He believed that the federal government undertook a course of action including the use of tanks and CS gas and other military weapons against the Branch Davidians which was certain to result in their death. He believed that federal agents fired upon the Davidians as they attempted to escape the fire. He believed that these actions and cover-up of these actions, as he saw it, pointed to a federal government out of control; and he made no secret about it. He was at Waco. There is a videotape of Tim McVeigh which you will see in evidence in a flannel shirt sitting on top of his car, talking to a television reporter. And on the top of the car are bumper stickers that he is selling or giving away which describe his political beliefs….. He was not alone in those beliefs. When the federal jury at San Antonio acquitted the Branch Davidians of murder, he saw that as validation; and when the Congress of the United States last year issued its report on Waco, he saw that as validation.

He was also concerned about Ruby Ridge, where Marshal Deacon, much celebrated member of the United States Marshal's Service, was killed. He believed there that the ATF had entrapped Randy Weaver into committing a crime by sawing off a small portion of a shotgun just below the line to make it illegal so that they could then pressure Weaver into being an informant for the ATF in the community in northern Idaho 20 miles from the Canadian border that Weaver had moved his family to, to live life as he wanted. And he believed that an FBI sniper, who was also at Waco, shot and killed Randy Weaver's wife as she was holding her daughter and that they shot and killed a ten-year-old boy, Sammy, as he was running towards the house. And the jury on Ruby Ridge acquitted Randy Weaver of murder.

So his views weren't alone, and they certainly were not secret. He had another belief: He was strongly concerned about the Brady Bill, wrote angry letters about it, talked about it, didn't like it. In his mind -- and the evidence will show -- the Brady Bill was just the first step to effectively repeal the Second Amendment by taking away from people their right to own guns and to protect themselves against abuses of the federal government….. We will prove to you that the evidence that the Government brings to you which they call the motive for blowing up the building proves nothing; that millions of innocent people fear and distrust the federal government and were outraged and that being outraged is no more an excuse for blowing up a federal building than being against the government means that you did it.

….

 Now, if I could, I would like to turn my attention to the proof concerning the evidence in the case. Mr. Hartzler told you that he would call as witnesses to offer evidence Michael and Lori Fortier. He told you, "We could prove the case without them," that they are certainly not dependent upon them. Here is what the proof will show: They cannot prove the case without Michael Fortier; for under the evidence we will present, if they could, they would have charged Michael Fortier…..The proof will also show that at the conclusion of this case, Mr. Fortier at some time will be sentenced; and part of his plea bargain is that the Government may move for a downward departure of his sentencing guidelines. What those are will be explained by witnesses, but basically they will show that Mr. Fortier could face up to 23 years in prison or he could be sentenced to as little as two years in prison. But the proof will certainly indicate that whatever it is, I don't have any influence on it….The Government has the power to arrest him; to indict him; to charge him with an offense that carries the death penalty; to arrest, indict and charge his wife and expose her to the death penalty; to determine what charges will be filed.
More importantly the evidence will show what charges will not be filed and, as I've already indicated, what sentence he will receive. He will admit to you that he has spent more time with Government prosecutors going over his testimony than has been spent with any other witness in this case. I have yet to see the man, and he will acknowledge that.
 ….

 The proof will show that Michael and Lori Fortier's subsequent statements were designed to support the reports that they had read about that was the Government's theory before they decided to cooperate. In fact, Michael Fortier would admit to you that he went so far as to confront the FBI with a copy of the Arizona Republic newspaper of Sunday, April 23, 1995, concerning what he said were false reports. Notations and highlights that Mr. Fortier set forth in the newspaper itself, include "never knew him to shoot illegally," "not true to my knowledge," "anyone charged not convicted should fear for their lives," "guilty until proven innocent." In reference to Mr. Nichols frequenting Mr. Fortier's home, Mr. Fortier wrote, "Never, ever, pure fabrication, which will be taken as true," and, quote, "Never heard of this story," close quote. So the evidence will clearly show that he followed the Government's investigation and knew what they were doing from the newspaper. The evidence will show that these reports that he read, which he now supports, before he began to cooperate with the Government, he vehemently denied to the FBI, to friends, to CNN, Los Angeles Times and anybody else that talked with him.

…...

 Two days after Terry Nichols had been charged as a participant in the Oklahoma City bombing, on May 12, 1995, Michael Fortier contacted the FBI and told them he wanted to cooperate. Prior to this meeting with the FBI at which he had wanted to cooperate, in the sanctity of his own home, Mr. Fortier told, through these wiretaps and bugs, his closest friends and his family that he had no knowledge of the bombing and that Tim McVeigh was innocent.

 In the privacy of his home and on the privacy of his telephone away from the television and newspaper and FBI agents outside, he specifically stated the following: He told his brother John that the FBI played games, lied to him and used intimidation against him and his wife. He told his brother John that the FBI implied that they were going to change the sketch of John Doe 2 to make it look like Fortier, and he repeated those concerns in a nationwide interview on CNN…. Mr. Hartzler told you that the Fortiers would admit, under the Government's proof, that they were users of amphetamines and marijuana. The proof will be they were daily users of amphetamines during the period of time for which they claim to have knowledge. Mr. Fortier was a daily seller of amphetamines, both Michael and Lowry used marijuana; and the evidence will show, as I've already indicated, that the Government wasn't interested in pursuing that; but Mr. Fortier didn't know that….Our proof is that what he could have been charged with that he did is far greater in its severity then that which he pled guilty to but didn't do; and of course, as Mr. Hartzler told you, no charges were filed against his wife whose drug use and habit was almost as great as Mr. Fortier's.
….

[Lengthy discussion of possible issues with the FBI sketches, and misidentification of McVeigh, is omitted]

 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….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."….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 claims].

 Mr. Hanger stopped Mr. McVeigh not because he was speeding, not because of anything that had happened in Oklahoma City, not because he was driving erratically but because he didn't have a license plate on the back of his car…..And the man that the Government says killed 167 people an hour and a half below -- before made no offensive move towards Mr. Hanger, even though he had a number of opportunities to pull the weapon. He was polite and cooperative in every respect….

 Trooper Hanger made no connection with the bombing in Oklahoma City and Mr. McVeigh....The jail is in the courthouse. When he got down to the jail, because this was a routine misdemeanor arrest, the routine procedure was followed…..Mr. McVeigh's belongings were treated as any other prisoner's belongings. Smaller items go into a canvas bag, and then that is put into a larger paper grocery sack with the prisoner's other items of clothing. Mr. McVeigh was no exception. The usual practice is to reuse the grocery sack and to reuse the paper sack.

Mr. Hartzler indicated there could be some criticism of the Federal Bureau of Investigation laboratory. That is not our proof. Our proof will be evidence concerning contamination at the scene, at the laboratory, lack of skilled analysis, using people who are, shall we say, more law enforcement oriented than scientific oriented…..the evidence, our proof will show, was slanted towards the prosecution's theory.
 ….

 The individuals primarily responsible for the supervision and collection will not give evidence of an expert nature in this case; but they handled it, performed examination and tests, and, our evidence is, contaminated it, misstated it, abused it, manipulated it, and engaged in forensic prostitution. And then it was given over to people like Linda Jones; and the Government brings in someone from one of the world's most renowned laboratories, all the way in Europe, Linda Jones. But whatever Linda Jones saw or did or whatever Stephen Burmeister saw or did or examined was a Typhoid Mary before they got it.

 Tim McVeigh had earplugs. He was a hunter and a shooter, and he carried a gun with him, just like many hunters and shooters do. He had nitrates on him because that's found on guns and ammunition. And whether he had PETN or EDGN depends upon the evidence of contamination and the qualifications of the people that reached that conclusion. It also depends on whether PETN and EDGN was found at the scene. If it wasn't, it has no significance.

 If Tim McVeigh built the bomb and put it in the truck, our proof will be that his fingernails, his nostrils, his hair, his clothing, his car, his shoes, his socks would have it all over them. They don't. Out of 7,000 pounds of debris, there is less than half a dozen pieces of evidence of a forensic nature; and we will go over each one of them with you. And our evidence will be that they do not prove Mr. McVeigh guilty or a participant in this bombing.

 I apologize for the time -- I don't apologize. I take it back. I don't apologize for the time. This is an important case. You know it. It's the only opportunity I will have probably for several weeks, if not several months, before we put on our case….Thank you.

1. **Testimony of Jennifer McVeigh**

BY MS. WILKINSON (direct examination):
…..
Q. Now, can you tell the jury your relationship with the defendant, Timothy McVeigh?
A. He is my brother.
Q. And do you have any other siblings other than Mr. McVeigh?
A. Yes. I have an older sister, Patty.
Q. And what is the age difference between you and your brother?
A. Six years.
….

Q. Sure. Did all three of your siblings live with your mom and dad the entire time you were growing up?
A. No. Around fourth grade, my parents divorced.
Q. When you were in fourth grade?
A. When I was in fourth grade.
Q. How old were you then?
A. About 10.
Q. How old was your brother at that time?
A. I'd say about 16.
….

Q. Now, after you graduated from high school, did you correspond with your brother?
A. Yes, I did.
Q. How did you correspond with him?
A. Usually by letter.
Q. And did he write you while he was in the Army?
A. Yes, he did.
Q. Did he write you after he left the Army?
A. Yes.
Q. Did you write him?
A. Yes.
Q. Did you also keep in contact with him by phone?
A. Yes, I did.
Q. How often do you think that your brother wrote you after you graduated from high school?
A. Could you --
Q. Do you think he wrote you once a month, once every couple weeks?
A. I'd say maybe closer to once a month.
Q. And did you read all of those letters that he wrote you?
A. Yes, I did.
Q. And did he correspond with you up until April of 1995?
A. Yes, he did.
Q. And by reading and reviewing those letters, did you become familiar with his handwriting?
A. Yes, I did.
Q. Did you also see his handwriting when you were growing up at home by reviewing notes that he wrote to you and your family members?
A. Yes. We used to have notes on the kitchen table.
Q. Can you tell the jury what are the distinctive factors about your brother's handwriting?
A. He writes -- he usually prints from what I've seen, and he prints with a backwards slant, kind of opposite what normal people do, this way. He has a backwards slant.
Q. And what size are the letters?
A. He wrote kind of small.
Q. Do you have any difficulty in recognizing the hand printing that he does?
A. No.
 MS. WILKINSON: Your Honor, at this time I'm going to show Ms. McVeigh a series of exhibits. Some are in evidence, some are not; and I'd like to offer those that are not, subject
to connection, so Ms. McVeigh does not have to return to the stand.
 THE COURT: Any objection to that procedure?
 MR. NIGH: It's going to depend on each of the exhibits, your Honor. The ones that I've seen cover a broad range of time periods and topics.
 THE COURT: All right.
 MS. WILKINSON: That's no problem, your Honor. I'll announce before which one is in evidence.
 THE COURT: Thank you.
BY MS. WILKINSON:
[remainder of testimony largely to substantiate McVeigh’s handwriting on various documents,

….

Q. Tell the jury about a time when you watched a videotape of Waco with your brother. Where were you?
A. We watched in our living room at my father's house.
Q. And do you recall what time of day it was?
A. No, I don't.
Q. Who was there?
A. Just Tim and I.
Q. And what did the video depict?
A. It was called "Day 51." It was about -- it depicted the government raiding the compound, and it implied that the government gassed and burned the people inside intentionally and attacked the people.
Q. After you watched the videotape, did you have a conversation with him about Waco and what the videotape depicted?
A. I think while we were watching it, yes.
Q. And were you also familiar with your brother's views based on the documents that he had sent you?
A. Yes.
Q. Based on those conversations and the documents, what did you understand your brother to believe about the – what occurred at Waco?
A. He was very angry. I think he thought the government murdered the people there, basically gassed and burned them.
Q. And did he tell you who he thought was responsible for that? Which agency?
A. ATF, FBI, whoever was involved in it, the ones involved in it.
Q. Did he tell you what he thought should have happened to those agents that he believed were responsible?
A. I think he felt that someone should be held accountable.
Q. And did he believe that the government would hold those agents accountable?
A. No.

….
Q. Now, during this same November time period, November-December time period when your brother was home, did he use your word processor?
A. Yes, he did.
Q. What type of word processor do you have?
A. It's a Brother word processor.
Q. And how do you know that he used it?
A. I was there when he was typing a letter to the American Legion on it.
Q. Did you see the letter that he drafted?
A. Yes.
Q. Did you read it while he was writing it, or after he completed it?
A. Yes.
Q. And do you know whether he sent it to the American Legion?
A. Yeah. He did, I think.
….

Q. Ms. McVeigh, can you read this letter in its entirety into the record.
A. "Constitutional Defenders. We members of the citizen's militias do not bear our arms to overthrow the Constitution, but to overthrow those who PERVERT the Constitution; if and
when they once again, draw first blood (many believe the Waco incident was 'first blood').
 "Many of our members are veterans who still hold true to their sworn oath to defend the Constitution against ALL enemies, foreign AND DOMESTIC. As John Locke once wrote 'I
have no reason to suppose that he who would take away my liberty, would not, when he had me in his power, take away everything else; and therefore, it is lawful for me to treat him as one who has put himself into a "state of war" against me, and kill him if I can, for to that hazard does he justly expose himself, whoever introduces a state of war, and is aggressor in it.'
 "The (B)ATF are one such fascist federal group who are infamous for depriving Americans of their liberties, as well as other Constitutionally-guaranteed and INALIENABLE rights, such
as one's right to self defense and one's very LIFE. One need only look at such incidences as Randy Weaver, Gordon Kahl, Waco, Donald Scott --" it says "(et ILL)" -- those are capital
letters "-- to see that not only are the ATF a bunch of fascist tyrants, but their counterparts at the USMS," comma, "FBI, and DEA (to name a few), are, as well…..One last question that every American should ask themselves: Did not the British also keep track of the locations of munitions stored by the colonists; just as the ATF has admitted to doing? Why???....Does anyone even STUDY history anymore???"

Q. And after you saw this letter that your brother wrote to the American Legion, Government's Exhibit No. 8, did you discuss it with him?
A. His sentence structure.
Q. Did you make some corrections for him?
A. I tried.
Q. So you're sure this is the same letter that he wrote on the computer back in November of 1994; correct?
A. Yes.
Q. All right. During the time he was home in November- December of 1994, did you have a conversation with him about explosives?
A. Yes, I did.
Q. Do you recall when that was?
A. Sometime in November, '94.
….

Q. Tell us how the conversation began.
A. I think we were talking about like traffic jokes, near accident jokes, things like that. And Tim brought up -- do you want me to tell the whole conversation?
Q. Sure.
A. A time when he was traveling with explosives and nearly got into an accident. That's basically how it went.
Q. All right. Let me ask you some specific questions: Did he tell you if he was traveling alone or if he was traveling with someone else?

…

 THE WITNESS: Okay. I think there was two cars.
BY MS. WILKINSON:
Q. Did he tell you which car he was driving?
A. No.
Q. In other words, was he driving his own car, or was he driving some other car?
A. I don't -- I don't know.
Q. Did he tell you what type of car the other vehicle was?
A. No.
Q. Did he tell you how much explosives he was carrying?
A. I really don't remember. He implied it was a large amount.
Q. Ms. McVeigh, after the bombing in Oklahoma City, you cooperated with the FBI and made sworn statements, didn't you?
A. Yes.
Q. And do you recall making a sworn statement on May 2?
A. Yes.
Q. And in that statement, did you tell agents of the FBI how much explosives your brother had told you he was carrying that day?
A. Yes, I did. In the statement, I have "up to a thousand pounds."
Q. Now, did he tell you how he almost got in an accident?
A. I think they were going downhill. There was a traffic light, couldn't stop in time, almost ran into each other or ran into something else. It's vague, but it was something like that.
Q. But he and the other vehicle did not get in an accident; is that correct?
A. That's true.
Q. Did he tell you why he was carrying a large quantity of explosives?
A. No.
Q. Did he tell you what he was going to do or what he had --excuse me -- what he had done with those explosives?
A. No.
Q. Did you ask him why he was carrying those explosives?
A. No.
Q. Why not?
A. I don't think I wanted to know.
Q. Did he ever mention explosives to you ever again?
A. No.
Q. Had you ever heard him discuss explosives before that time?
A. No.
….

Q. Do you recall before him leaving a conversation with him about leaving the propaganda stage?
A. Yes. At one point -- I'm not sure if it was in a letter or conversation -- he indicated that he was not in the propaganda stage, which is like passing out papers; that he was now in the
action stage.
Q. Did he explain what he meant when he said he was now in the action stage?
A. No.
Q. Did you ever ask him about that?
A. No.
**….**

**IV. Testimony of Michael Fortier**

BY MR. HARTZLER:
Q. Good morning, Mr. Fortier.
A. Good morning.
Q. Can you tell us where you were born.
A. I was born in Maine.
Q. And approximately how long did you and your family live in Maine?
A. Until I was seven years old.
Q. From there where did you move?
A. We moved to Kingman, Arizona.
Q. And where have you spent most of your life?
A. In Kingman, Arizona.
Q. Are you residing in Kingman right now?
A. I'm in federal custody right now.
Q. And why is it that you are in federal custody?
A. I pled guilty to four felony counts.
Q. What felony counts were you charged with?
A. I was charged with conspiring to transport stolen weapons, transporting stolen weapons, making false statements to the FBI, and misprison of a felony.
Q. And were there any counts that you were charged with which were dismissed?
A. No, sir.
Q. So you pled guilty to all of the counts that you were charged with?
A. Yes, sir.
Q. And that's the four counts you just identified?
A. Yes.
Q. When and where were those charges filed?
A. In August of 1995 in Oklahoma City.
….

Q. How long, then, have you been in custody?
A. For 21 months.
Q. Are you married?
A. Yes, sir.
Q. What's your wife's name?
A. Lori.
Q. Do you have children?
A. Yes, I have two children.
Q. Remind us of their names and ages.
A. My daughter is four years old. Her name is Kayla. And I have a son who is 16 months old. His name is Michael.
Q. So your wife was pregnant when you went into custody.
A. Yes. Yes, sir.
….

Q. Mr. Fortier, do you know Timothy McVeigh?
A. Yes, sir, I do.
Q. When and where did you first meet him?
A. In Fort Benning, Georgia, when I entered the service in 1988.
Q. That was the Army?
A. Yes, sir.
Q. And did you become friends with Mr. McVeigh?
A. Yes.
Q. So just calculate for us how long you have known Mr. McVeigh.
A. Nine years.
Q. After your basic training at Fort Benning, Georgia, what did you do?
A. We were transferred to Fort Riley, Kansas.
Q. The "we" includes whom?
A. The whole company that I went through basic training with, includes Mr. McVeigh and Terry Nichols.
Q. And how long did you remain at Fort Benning in Kansas -- I'm sorry, Fort Riley in Kansas?
A. Until May of 1991.
….

Q. Did you remain friends with Mr. McVeigh after you left the service?
A. Yes, sir.
Q. And did he ever visit you or did you visit him anyplace after you both were discharged from the Army?
A. Tim visited me in Kingman, Arizona.
Q. As best you can recall, tell us when approximately it was that he first visited you in Kingman.
A. Best I can recall, he came to see me in April of 1993.
Q. Now, do you recall the tragedy that occurred at the Branch Davidian compound near Waco, Texas?
A. Yes, sir.
Q. And did you follow that event on the news?
A. Yes, I did.
Q. Mr. McVeigh arrived, as you recall, approximately when in relationship to that incident?
A. Just after the fire destroyed the compound.
Q. And do you recall having any discussions with him about that?
A. Yes, sir.
Q. What did he say?
….

A. …..He told me that they were packing their -- Tim's car and they were just getting ready to leave when Terry came out of the house and yelled for Tim to come watch the TV with him. He told me Terry had said, "We're too late," the fire had started. And then Tim -- Terry stayed in Michigan and Tim just went to my house after that.
Q. Did he give you any indication that he had visited the area of Waco, Texas, prior to his arrival in Kingman?
A. Yes, he had told me he had been there.
Q. And did he have any memorabilia, souvenirs from that area that you saw?
A. He had a hat that said -- a black hat that said "ATF" across the top of it and apparently somebody had drilled some holes in it to simulate bullet holes.
Q. Did you know at that time who he was talking about when he mentioned Terry Nichols?
A. Yes. I did.
Q. How did you know that name?
A. From the service.
….

Q. And during the time that you were stationed with Mr. Nichols, did you and he become friends?
A. We became acquaintances.
Q. Did Mr. Nichols and Mr. McVeigh become friends?
A. Yes. Yes, they did.
….

Q. During that approximately one week that he was staying at your house, do you recall any further discussions with him about the Waco incident other than his plans to leave and hearing about the fire on the radio in Michigan with Terry Nichols?
A. We just discussed the legality of it. We both concluded that the federal government had intentionally attacked those people and maybe not intentionally started the fire, but they
were certainly the cause of the fire and potentially they murdered those people in Waco.
Q. This was a shared belief?
A. Yes, sir.
….

Q. Did you talk at all about the United Nations?
A. Many times.
Q. And can you tell us about the conversations that you had with him about the United Nations?
A. We both believed that the United Nations was actively trying to form a one-world government. To do this, they had to meet certain ends, one of them being they needed to disarm the American public, take away our weapons. We were calling this the New World Order. We spoke quite a bit about that.
Q. What was exactly the New World Order? What's your definition of New World Order?
A. An elite group in the United Nations that is looking to form a single government to control the world.
….

Q. Did you notice any change in McVeigh's attitude during this period when he was in Kingman during the middle section of 1994?
A. He became -- he started to become more defensive, keeping weapons behind his doors in his house. He was collecting wood from TruValue to burn in his wood-burning stove in his home. In the meantime, he was stacking it in his backyard. He explained to me why he was stacking it where he was, that he
didn't want -- or he wanted to use as some type of berm to block bullets in case there was ever any type of Waco-style raid on his home. He just became defensive.
Q. Did he ever talk to you about being at war or declaration of war during that period of time?
A. I remember one statement he made to me driving in his car. He was driving me back to Kingman to my house and he said that he thought the U.S. Government had declared war on the American
public and that they were actively taking our rights away.

….

Q. So he left the area also at the beginning of August of 1994?
A. Yes. I'm not sure exactly when he left.
Q. Well, do you recall your next contact of any sort from him?
A. Yes. I received a letter in the mail from Tim.
Q. Do you recall that letter?
A. Yes, sir.
Q. You read it?
A. Yes, I read it.
Q. Tell us what it said.
A. Tim told me that him and Terry Nichols had decided to take some type of positive offensive action. He wanted to know if I wanted to partake of it; if I did, I would have to keep it a secret from my wife. That's basically what the letter said.
Q. What did you do with the letter?
A. I showed my wife the letter.
Q. Did you respond to that letter?
A. Yes, sir. I told him in my letter that I was curious what he was talking about, but then I would in no way keep any secrets from my wife.
Q. So your response did not reject the idea of taking action; is that fair?
A. I was curious to what he was talking about.
Q. But you invited further conversation at least; you did not reject the idea of taking action against the government; is that a fair characterization?
A. Yes.
Q. After receiving and responding to that letter, did you have further contact with Mr. McVeigh that year?
A. Yes, sir.
…..

Q. Tell us where you had contact or what contact you had with Mr. McVeigh.
A. Tim was at my house. I don't remember much about this visit. It was real short, just a few days. We had a conversation near my fence in my front yard. Tim was telling me what he meant by taking action. He told me that he – him and Terry were thinking of blowing up a building.
Q. Is that the first time you had heard him discuss using explosives to blow up something?
A. Yes, sir.
Q. Other than obviously the desert experience?
A. Yes.
Q. And did he try to persuade you to participate in this activity?
A. Yes. He asked me to help them. I turned him down. I said I would never do anything like that unless there was – until the time that there was a UN tank in my front yard.
Q. What was your reference to having a UN tank in your front yard?
A. Obviously if there was a UN tank sitting in my front yard, we would be at a state of war with the New World Order, and I feel that actions like that would be appropriate at that time, but not before.
….

Q. Did you ever look for a storage locker for any purpose?
A. Yes, sir. Tim gave me a call asking me to rent a storage locker for him.
Q. When was this?
A. In the fall of 1994.
Q. Do you know where he was calling you from?
A. No. He just said that he would be in Kingman in a few days. So obviously he was a few days -- few days' drive away.
Q. And did he tell you why he was interested in a storage locker in that area?
A. He didn't tell me why.
Q. Did he have any special requests, make any special conditions for your renting a storage locker?
A. Yes. He asked me to rent him a storage locker outside the Kingman area. He wanted me to use a fake name, and he wanted me to pay in cash.
Q. And did you rent a storage locker?
A. No, sir.
Q. Did you look for a storage locker?
A. I did go look for a storage locker. Me and my wife drove down to Golden Valley. We located some storage lockers, and I went to the office and asked the ladies inside if I could rent one; and she said that they were all full. Excuse me. We then drove to another area where we could not find any storage lockers. And then we gave up.
….

 Q. Mr. McVeigh requested you rent a storage locker, did he tell you when you could expect to see him again?
A. He told me that he was going to be in Kingman in a few days.
Q. And did you, in fact, see him a few days thereafter?
A. Yes…..I told him, Sorry, I couldn't find you a storage locker. And he told me that was no problem; don't worry about it; we already got one.
….

Q. Do you recall your next contact with him, after he stopped at your house?
A. Yes.
Q. When was that?
A. It was either that night, or maybe it was a few nights later, he showed up at my house almost at 9:00 on the dot. I remember looking at the clock on my wall and seeing that.
Q. So it was dark outside?
A. Yes, sir.
Q. And was he alone?
A. No, he wasn't. He came at my house and asked me to come with him, he wanted to show me something. I went with him in his car. We followed Terry Nichols in his truck to the storage sheds that are near my house.
Q. So they were in separate vehicles?
A. Yes, sir.
Q. Describe the truck.
A. I'm not sure if it's a Ford or Chevy, but it's a just a blue truck with a white camper.
Q. And had you seen that vehicle before?
A. Yes.
Q. All right. Where did the three of you go that evening?
A. We went to some storage units near my home.
Q. You're familiar with those storage units?
A. I had seen them before.
Q. Had you ever gone there before?
A. No.
Q. And when you got to the storage unit area, what happened?
A. We got into a storage locker that they had rented, and Tim showed me some explosives that were inside it.
Q. Do you recall what explosives you saw?
A. I don't recall exactly the explosives I seen that night. What I recall, Tim had a flashlight, and the main part of the beam was shining on the box; and it had a -- and one of those orange triangles or yellow triangles -- not a triangle. Excuse me -- a diamond that says "explosives." That's what I remember
seeing mostly.
Q. And you were actually shown some of these explosives?
A. Tim was reaching into the box and showing me some explosives, but I don't remember exactly what it was he showed me.

…..
Q. At that storage facility, when you were shown the explosives in a box, did you have any discussion with either Mr. Nichols or Mr. McVeigh about the source of those explosives?
….

A. He told me that him and Terry had come across this quarry that was in Kansas, near where Terry was living….He described for me the night that they went into the quarry and stole the explosives.

….

Q. Okay. Sometime before October 31, you had a conversation, a further conversation about the plan to blow up a building; is that correct?
A. Yes, sir….Tim told me that him and Terry had chosen a building in Oklahoma City, a federal building in Oklahoma City. He also told me that he had figured out how to make a truck into a bomb. He explained to me how he would arrange the barrels, 55-gallon drums in the back of that truck to form something he
was calling a "shape charge."…. He had drew (sic) on a piece of paper -- he diagrammed the truck and the barrels, and he diagrammed how he would fuse the bomb from the front of the cab into the back area of the truck.
Q. How was he going to fuse it from the front to the back?
A. He told me he was going to just drill a hole and run a canon fuse through the hole.
Q. The hole would be where?
A. Through the back of the cab into the back portion of the truck.
Q. Did he tell you why they had selected the federal building in Oklahoma City?
A. He told me they picked that building because that was where the orders for the attack on Waco came from. He told me – he also told me that he was wanting to blow up a building to cause a general uprising in America hopefully that would knock some people off the fence into -- and urge them into taking action against the federal government.
….

Q. Did you have any discussion about the deaths that such a bomb would cause?
A. I asked him about that right as he said that. I said, What about all the people? And he explained to me, using the terms from the movie "Star Wars" -- he explained to me that he considered all those people to be as if they were the storm troopers in the movie "Star Wars." They may be individually innocent; but because they are part of the -- the evil empire, they were -- they were guilty by association.
Q. Did he tell you how he intended to acquire the materials for this bomb, other than the explosives, obviously?
A. He told me that him and Terry had already bought some ammonium nitrate….

Q. Did you have any discussion with him as to when this bombing would occur? Not the time of day, but the date.
A. He told me that he wanted to bomb the building on the anniversary of Waco.
….

Q. Do -- did you have any further discussion of the plans to bomb a federal building in Oklahoma City….?
A. Yes, on the first day of the trip, we were on the highway of course, passing -- we were passing a truck that just happened to be a Ryder truck. Tim motioned to it and said that's the type of truck he was thinking of using, except he wanted the one size larger…..he also pointed to the door on the truck and said the one he was wanting to use said 18,000 pounds. The weight measurements that are on the side of the door, he pointed to them. He then told me that he was thinking that he would have to stay inside the vehicle to make sure that it was going to go off. And I was like, "Now you're talking about committing suicide. This is stupid. What you need to do is keep standing on the street corners and telling people about this. In the next 10 years, you'd be much more effective than doing something like this." And he told me that he didn't think talking was accomplishing anything and that he was going to sit inside the vehicle, and if anybody tried to stop it from blowing up, he was going to blow them away.
…..

A. Well, we left Amarillo, and we were driving up to Kansas; and as we passed through Oklahoma City, Tim got off the highway saying he wanted to show me the [Murrah] building. We drove into downtown Oklahoma City. We drove by the back of the building first -- or what I think is the back of the building and around the side --
[Lengthy sections omitted here]

Q. And then [in 1995] when you got out of the [VA] hospital, did you have any further discussion about the bomb plan?
A. Yes, sir. What I was doing for my back was just -- I was mostly just laying around and trying not to work it. And in the hospital, they told me that that was the wrong thing to do.
They suggested that I take walks at least once a day to exercise my back. That's what me and Tim was doing. He came with me on one of these walks. And during this time, he told me that
Terry Nichols didn't want to help him anymore and that he wanted me to help him by going to Kansas and helping him mix the bomb.
Q. What did you say?
A. I told him no, I would never do something like that.
Q. Did he ask for any other assistance, other than mixing the bomb?
A. He asked me if I wouldn't do that, if I would at least give him a ride to the desert, if he could get from Las Vegas to the desert -- if he could somehow get to Las Vegas. I told him I wouldn't do that, either.
….

BY MR. HARTZLER:
Q. Prior to that conversation you had with Mr. McVeigh when the two of you walked around the block and he asked for your assistance, had you made it clear to him before that that you were not willing to participate?
A. Yes, sir. Perfectly clear.
Q. And how long after that conversation did Mr. McVeigh remain staying in your house?
A. A week. No, let me retract that. Maybe two weeks.
Q. What caused him to move out?
A. I was going to start baby-sitting my niece, and he moved from my house, saying that he couldn't handle another child being in the house, meaning my child plus another.
Q. What was the state of your friendship during this period of time?
A. It was deteriorating.
Q. Why was that?
A. I'm not sure. Tim was starting to call me names and give me dirty looks, and just the general vibes that I was receiving from Tim were negative.
Q. Did he once refer to you as being domesticated – too domesticated?
A. Yes. He said it like a curse word, as if that was something that was bad.
Q. And was there ever any conversation about leaving your family?
A. Yes. He was urging me to leave my wife and travel with him on the road, sort of like being a couple desperados, or something of that nature.
Q. You did not agree with that?
A. No. I told him specifically I would never leave my wife, "I'm not going to help you do this."
….

Q. Did you consider calling someone and becoming a government informant at that time?
A. No, sir, I did not.
Q. You realize as you sit here today that you might have stopped this bombing, had you called someone?
A. Yes, sir. I live with that knowledge every day.
Q. Why didn't you?
A. There is really -- there is no excuse that I could offer that would compensate for why I didn't. I think one would have to look at my lifestyle and my friendship with Tim. I -- I had known Tim for quite awhile, eight years up to that point, maybe less than that, six years. But Tim -- well, if you don't consider what happened in Oklahoma, Tim is a good person. He would stop -- he would stop and help somebody that's broken down on the side of the road. I just didn't think Tim had it in him.
….

Q. And when did you learn of the bombing in Oklahoma City?
A. The morning that it happened.
Q. April 19, 1995?
A. Yes, sir.
Q. Where were you?
A. I was at home.
Q. Who was present?
A. My wife was sleeping in the bedroom. So was my child, in her bedroom. And Jim Rosencrans was at my house at that time.
Q. How did you learn of the bombing?
A. Me and Rosencrans had been playing video games all night, and when it -- when he decided to go home, he turned off the video game and the TV will come on, one of the stations; and
the news coverage of the bombing was all over the TV. That's how I seen it.
Q. What was your reaction?
A. I was shocked at all the destruction. It's not what I was expecting to see when he turned off the TV.
Q. You knew who had done it?
A. Right away, I thought Tim did it. I think I thought, Oh, my God, he did it.
Q. Did you consider calling someone and telling them what you knew?
A. Later that day, I asked my wife -- or maybe it was the next day. I'm not sure. I asked her if she thought we should call Les -- that's her father, my father-in-law -- and ask him what we should do. She didn't think that was a very good idea.
Q. Did you think about calling law enforcement?
A. I was frightened of law enforcement.
Q. Why?
A. For one reason, Ms. Reno and President Clinton were both calling for the death penalty for whoever had involvement in this.
Q. Had you ever had an attorney before that time?
A. No, sir.
Q. Were you knowledgeable about criminal law?
A. No.
Q. Well, if you had made it clear to Mr. McVeigh that you would not assist him, why were you concerned for yourself and your involvement in the bombing?
A. Because I knew -- or I thought that someone who knew about this but failed to do anything about it, to try and stop it, for whatever reason was going to be held accountable for it in some way.
….

Q. When you first heard the news of the bombing, did you anticipate that you would be contacted by law enforcement agents?
A. Yes, I did.
Q. Why was that?
A. I didn't think Tim was going to get away with it.
Q. And do you recall when you were first contacted by the FBI about this matter?
A. Yes, sir.
Q. When was that?
A. The 21st of April.
Q. Two days after the bombing?
A. Yes, sir.
Q. And where were you contacted?
A. At my home.
Q. Did you do anything to prepare yourself for that meeting?
A. No, sir.
Q. Were you surprised when the agents arrived?
A. I was surprised that they arrived so quickly. That day, I had seen -- excuse me -- that was the day -- I believe that was the day that they had put Tim McVeigh's name to the sketch of John Doe No. 1, and I knew they would eventually come and talk to me. I didn't realize they would get there so quickly, though.
Q. Were you prepared to lie to them?
A. I didn't have any preparation for it. Everything I said and did during that time period was just off the cuff.
Q. Do you recall what you said to the agents when they first contacted you on April 21?
A. Yes.
Q. Did you tell them the truth?
A. No, sir, I didn't.
Q. What did you lie about?
A. Basically, I lied about any of Tim's involvement in the bombing.
Q. And why was it you lied about his involvement?
A. I felt Tim was like a buffer zone. If people thought he was guilty, then that would bring suspicion down on myself; but if he was innocent, then surely I would be -- have no knowledge
of it.
Q. Do you recall being asked by the agents whether you thought he was capable of committing this offense?
A. Yes, sir.
Q. What was your answer?
A. My answer was a lie.
Q. What was it?
A. I told them that I didn't think Tim was capable of it.
Q. Why did you lie?
A. Because I wanted to conceal all my knowledge. I didn't want them to know that Tim had done it.
Q. Do you recall being asked about Terry Nichols?
A. Yes.
Q. Did you lie about that as well?
A. Yes, sir.
Q. What did you say? Do you remember?
A. Whenever I was asked anything about Terry Nichols, I just gave a negative answer that I didn't know nothing about Terry. I just wanted to push him aside and not even have to think
about him.
Q. You were asked if you, yourself, had knowledge about the bombing?
A. Yes.
Q. And did you lie?
A. Yes, sir.
Q. Denied knowledge?
A. Yes, sir.
….

Q. What was the tone of these interviews during that first weekend, Friday, Saturday, Sunday?
A. It progressively got more aggressive on the part of the agents.
Q. And did the aggressiveness climax at some point?
A. On the 24th, I was already upset over something that was written in the Arizona Republic.
Q. What was that?
A. What I considered just a bunch of inflammatory lies and mistruth -- mistruths. And I felt that the FBI had released some information to the press to somehow intimidate me and so --
Q. Tell us -- give us the detail. What information had been released or do you think was released to the press?
A. I really -- I can't think of anything right offhand.
Q. Okay. Well, was your address listed in the newspaper?
A. Yes.
Q. Was that upsetting to you?
A. Yes, it was.
Q. Okay. Did you think that the agents had disclosed your address to the media?
A. Well, of course anybody could find that out. It would be quite easy. There was other -- other things in there that I was upset about.
Q. Very well. Tell us about the meeting that you had with the agents on Monday, the 24th of April.
A. Well, I was upset in the first place, and I went in there. And there is a special agent named Special Agent Williams. He was very aggressive that morning. He told me that he thought
that I knew more than I was telling them about the bombing. He thought that I might possibly be a conspirator in the bombing, and he actually called me a baby killer at that time. And that
upset me.
….

Q. And when you left, what were the terms that you left on?
A. Harsh terms. I was not going to speak with them anymore. On my way out the door, I asked them -- I said, "It's obvious that the next time we meet, you'll be searching my house." And
I asked them not to raid it with men dressed in black with automatic weapons. There was no need to do that; I will cooperate with them in the search; they didn't need to scare my children -- or my child and my wife.
Q. So you anticipated that your home would be searched?
A. Yes, I did.
Q. And why did you ask them to notify you before the search?
A. I didn't -- I don't remember asking them to notify me. I do remember asking them not to raid it in such an aggressive manner as I had seen them do to the house in Michigan, which I
believe is the Nichols farm.
Q. Well, was a search warrant executed at your house?
A. Yes, sir.
Q. And were you notified before?
A. Yes. I received a call from one of the agents asking me to gather up my wife and child and go meet them at the Mohave Community College.
Q. Did you destroy any evidence or do anything between the time you were notified and the time the search was actually executed?
A. No, sir. Me and my wife just put together a baby bag and put some shoes on my child and gathered up my dog. And I think we got the cats out of the house, and we just drove over there.
Q. Why was it you left your home for this search?
A. Well, I didn't want to. I was kind of arguing with the agent, because I wanted to stay there to watch what they were going to do. I didn't want them to trash my house. But the agent just said really I had no choice. He wanted me to go meet him at the college.
Q. Do you know now why the agents wanted you out of your
house?
A. Well, what the agent told me at the time was he didn't want anything to happen. They were worried about my neighbor. He was acting kind of erratically during that time period, and he
thought there might be problems; but as of now, I really – I don't know the real reason, if any --
Q. Did you learn that something happened the same day of the search that the agents accomplished at your house when you weren't present?
A. Well, they were right about my neighbor acting erratically. He did. He got arrested while they were searching the house. But I don't know of anything that happened at my house.
Q. Well, you know now that microphones were implanted in your house; right?
A. Yes.
Q. And you've reviewed transcripts of some of the conversations?
A. Yes.
Q. And you know that those conversations -- or those tape-recorded conversations started on the same day as the search. Is that right?
A. Yes, sir.
Q. In fact, they started right after the search was executed?
A. Yes, sir.
Q. Is that not correct?
A. That's correct.
Q. You also know your telephone was tapped, don't you?
A. Yes.
Q. You learned both of these months after you began to cooperate; is that correct?
A. Yes.
Q. So is it not your understanding now that the agents asked -- wanted you out of the house so they could implant hidden microphones?
A. Yes. I just wasn't thinking --
Q. You did not know that at the time, though.
A. Excuse me?
Q. You did not know that at the time, though.
A. I did not.
…

Q. Do you recall the date that you were scheduled to appear before the grand jury?
A. The date changed. They gave me my first subpoena, I think was for the 16th; and then they came back and gave my wife one and myself a new one for a later date.
Q. Do you recall the date for hers?
A. The 18th, I believe; and mine would have been the 23d.
Q. Did you go to Oklahoma City in response to this subpoena?
A. Yes, sir.
Q. You traveled together, the two of you?
A. Yes.
Q. And when you got to Oklahoma City -- well, let me ask you
on the way, did you have any conversation about what you would
say to the grand jury?
A. No, sir, none that I can recall.
Q. Did you make any decisions before you got to Oklahoma City
about what you would do for your grand jury appearance?
A. Not any concrete decisions. What I had decided to do was to contact the FBI and correct my statements and to have them get me a lawyer.
….

Q. And do you recall what you told them?
A. Yes, sir.
Q. What did you say initially?
A. Initially I told them that I wanted a lawyer and that I wanted to correct my statements.
Q. Did you correct your statement in any way that evening?
A. I started to; and halfway through it, I got cold feet because I didn't have a lawyer with me. I didn't – still wasn't sure what exactly I should do; so when I came to the portion -- I was being relatively truthful until I came to any type of crimes that I committed; and I just got cold feet and
started lying again.
….

Q. Did you have any further contact with the agents or Government attorneys after you had an attorney appointed for you?
A. Yes. In Arizona, the FBI had presented me with something they were calling a "proffer." It was explained to me that I could say anything I wanted and it could not be held against me
in the courts; and I had made a decision that it would be best for me to start cooperating, best for myself, best for my family, and best for the people of Oklahoma. And when I talked to my lawyer for the first time, I informed him that that's how I wanted to proceed.
Q. Okay. I'm not interested in your disclosing conversations between yourself and your attorney but perhaps the consequences of some of those conversations. You said that the proffer said -- told you or assured you that you could say anything you wanted. Is that true?
A. That it would protect me from prosecution of anything that I said.
Q. That was incriminating of you?
A. Yes, but it was also explained to me that whatever leads that was -- the FBI formed from what I said -- say, they went out and they found a particular -- you know, a certain object
that tended to incriminate me in any way, that they could use that against me. It was just protecting --
Q. What about truthfulness? Were there any provisions regarding truthfulness?
A. Yes. I would have to be truthful in -- on all accounts.
Q. And if you weren't, could the information be used against you?
A. Yes.
Q. And after the -- the attorney was appointed for you and you indicated that he explained to you the terms of the proffer, you agreed, then, that you should cooperate? Is that correct?
A. Yes, sir.
Q. So you had meetings with Government agents and attorneys;
is that correct?
A. Yes.
Q. Were you truthful then?
A. Yes, sir.
Q. And did you disclose much of the information you've disclosed here today?
A. Yes. I was mostly just answering whatever questions they were asking me in a truthful manner.
….

Q. And ultimately, did you reach a plea agreement with the Government?
A. Yes.
Q. Tell us how that came about.
….

A. You, Mr. Hartzler, presented me and my lawyer with an agreement that called for those four counts that I recalled earlier. I was in agreement. I did commit those crimes, and I signed off on the agreement.
….

Q. Did the plea agreement contain an escape clause of some sort?
A. Yes, it did.
Q. Are you familiar with that clause?
A. More or less. It says that if there is any information that you find that you could charge me with any bombing of any building that you will do so.
Q. And did the local state's attorney in Oklahoma City also accept that agreement and sign off on it?
A. Yes, he did.
….

Q. Since the date that you signed that plea agreement and entered it in open court, have you cooperated fully?
A. Yes, sir.
Q. Did you testify before the grand jury?
A. Yes, I did.
Q. Did you testify truthfully?
A. Yes, I did.
Q. Have you done so here today?
A. Yes, I have.
Q. Have you met repeatedly with me at my request?
A. Yes, sir.
….

Q. Under this plea agreement, your sentence -- your maximum sentence could be what?
A. 23 years.
Q. And is there any provision that you know of for a minimum sentence?
A. I know something called the -- the -- excuse me. I don't remember it right now.
Q. Sentencing guidelines?
A. Sentencing guidelines. Yes, sir.
Q. Those provide guidelines for the various offenses that you pled guilty to?
A. Yes.
Q. And I assume you're hopeful your sentence will be far, far, far less than 23 years.
A. Yes.
Q. You understand that the Government has the right to move to reduce your sentence, ask the court to reduce your sentence in return for your cooperation. Is that right?
A. Yes.
Q. And you're hoping that will happen?
A. Yes.
Q. You realize nevertheless that there are a lot of people that hate you for what you did not do, don't you?
A. Yes, sir.
Q. How are you going to deal with that?
A. I will just accept the consequences of my actions. I understand that it is the sole discretion of the judge to sentence me. He does not have to go by the guidelines. I will accept any just sentence.
….

1. **Testimony of Daina Bradley (Defense Witness)**

 **DIRECT EXAMINATION**
BY MS. RAMSEY:
Q. Ms. Bradley, how old are you?
A. I'm 2 -- going to be 22.
Q. You're going to have to speak up.
A. 21.
Q. You're 21 now, soon to be 22? You need to answer yes or no.
A. Yes.
Q. Okay. And you do have an attorney representing you in this case, don't you: Ms. Wallace?
A. Yes.
Q. And can you see her --
A. Yes.
Q. -- in the courtroom?
 Okay. Where do you live, Ms. Bradley?
A. Oklahoma City.
Q. And how long have you lived in Oklahoma City?
A. Born there.
Q. All right. So you've lived there all your life?
A. Yes.
….

Q. You don't want to be here, do you?
A. No.
Q. You would rather be back in Oklahoma City with your son, as you said; is that correct?
A. Yes.
Q. All right. And you are here because you received a subpoena from the defense; isn't that correct?
A. Yes.
….

Q. Now, Ms. Bradley, you went to the Murrah Building on April the 19th, 1995, didn't you?
A. Yes.
Q. And why did you go?
A. I -- I went for my son to get -- change my son's Social Security card and to get an appointment for SSI.
Q. All right. You need to speak up now. To get an appointment for SSI?
A. Yes.
Q. All right. Now, is that the son that you just talked about a moment ago?
A. No.
Q. Who did you go to the Murrah Building with on April the 19th, 1995?
A. I went with my mother.
Q. And what's her name?
A. Cheryl Hammon.
Q. All right. And you went with who else?
A. And my sister, Felicia Bradley.
Q. And who else accompanied you there?
A. And my daughter Peachlyn Bradley and my son Gabreon Bruce.
Q. And what time did you get to the Murrah Building; do you remember?
A. It was before -- it was like 8 -- we all got there early to try to -- try to beat the people, the rush there.

….

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. 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. 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. 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. 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. 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 4th 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, 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, 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. 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. 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 19th, 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 19th, 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. 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. 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….. (Reconvened at 10:10 a.m.)
 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 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.
….

A. Yes.
Q. And you [originally] 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. 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: 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. 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.

1. **Prosecution Closing Argument by Larry D. Mackey**

….

The next day was April 19. It was the anniversary of Waco. It was Liberty Day, as Tim McVeigh would describe it, a day that Tim McVeigh had long been waiting for. It takes about
five hours to drive from Junction City and that area down to downtown Oklahoma City, maybe longer if you're transporting something as sensitive as was in the back of this particular
Ryder. Minutes before 9:00 -- and you saw in this case the ghostly image of a Ryder truck appears just outside the Regency Towers captured by the video camera….McVeigh was driving that truck, just like Michael Fortier told you was his intent. You can't see it from the video, but you can see it from all of the other evidence in this case.
 McVeigh lit the fuse and left the truck, left the truck separating only by a wall of glass that truck and the people inside. At that point in time, nothing is going to stop this bomb. You cannot turn the hands of time back; and in fact, the hands of time fell to rest that morning at 9:02 a.m.
 Over the four short years between that event and prior to that, Tim McVeigh had been at the helm of two weapons of mass destruction. In the Gulf War, he was a good soldier. He was a soldier who manned a Bradley tank, a vehicle -- a vehicle of mass destruction that's built for that reason. It's built to kill other people. And on the side of that tank is the words, "U.S. Army"
and an American flag. Those are words and symbols meant to declare its purpose, its killing power. That was one weapon of mass destruction that Tim McVeigh manned.
 The second one was a Ryder truck, a Ryder truck that he delivered to the door of the Murrah Building on April 19, 1995. On the side of that truck was the name "Ryder," were the
words "18,000 pounds" for its capacity and a 1-800 number. These are words meant to disguise the purpose that was packed in the back of that truck by Tim McVeigh. That truck crawled to a stop in front of the Murrah Building on that morning, right in front of children and women
and men; and then Tim McVeigh ran away.
 The law enforcement officers that died that morning were not "treasonous" officials, as Tim McVeigh had declared; "cowardice bastards," as he had described to you. The credit union employees that disappeared that morning were not tyrants whose blood had to be spilled in order
to preserve liberty. And certainly the 19 children that died that morning were not storm troopers that Tim McVeigh had said must die, innocent storm troopers who must die because of their
association with an evil empire.
 In fact, the people who Tim McVeigh murdered on April 19, 1995, weren't one thing. They were bosses and secretaries, they were executives and others. They were blacks, they were whites, they were mothers, they were daughters, they were fathers and sons. They were a community. So who are the real patriots and who is the traitor? You met some of the victims and survivors in this case. Think about that. Compare in your mind the dignity that they exhibited,
the characteristics and qualities of good people, and contrast that for a moment with what you've come to know about Tim McVeigh, a man who was intent to kill anyone and everyone and
then run away. In his opening statement, Joe Hartzler talked to you about grievances, and he described one grievance that was going on and being settled in a Democratic fashion by Lou Klaver that morning, a dispute over water, in democratic fashion, due process at work. And the other means of resolving grievances that he told you about was the means that Tim McVeigh employed on April 19, 1995: terror, violence, and murder.
 When Tim McVeigh blew up that truck bomb and brought down the Murrah Building, he did more than simply create the emotional wreckage that you exhibited -- or that we saw during
the course of this trial. He did more than kill innocent men, women, and children. What he did was he created a new grievance. A new grievance. A grievance against the victims and against the United States of America.
 And for myself and each member of this prosecution team, it has been our pleasure to represent those victims and the United States in settling that grievance. We have done so
in a way that Tim McVeigh would not choose. We have done so through the due process system; but the process is over now. The process over. Tim McVeigh has received his due process, and it is now time to render judgment. And your job as jurors, your privilege, your duty, as well as your job, is to do justice. And on behalf of the United States, I ask that you
return a verdict of guilty as charged against Timothy McVeigh.
 Thank you.