

RECEIVED CLERK

FILED

2007 FEB 16 P 6:00

U.S. DISTRICT COURT
DISTRICT OF UTAH

Jesse C. Trentadue (#4961)
8 East Broadway, Suite 200
Salt Lake City, UT 84111
Telephone: (801) 532-7300
Facsimile: (801) 532-7355
jesse32@sautah.com

Pro Se Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

JESSE C. TRENTADUE,

Plaintiff,

vs.

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

Defendants.

**DECLARATION OF TERRY LYNN
NICHOLS**

Case No.: 2:04 CV 00772 DAK

Judge Dale A. Kimball
Magistrate David Nuffer

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

1. I am currently an inmate at the United States Penitentiary Administrative Maximum Facility, which is located at Florence Colorado. My federal registry number is 08157-031.

2. From the outset, I want to acknowledge my poor judgment and culpability in having assisted Timothy McVeigh. I am also now prepared to identify others who played a role in the bombing of the Alfred P. Murrah Building in Oklahoma City, Oklahoma on April 19, 1995. My purpose in doing so is to bring closure, not only to myself but especially to the survivors and families of the victims of the bombing. Thus far I have not been very successful in doing this, however.

3. On September 3, 2004, for example, I wrote to then Attorney General John Ashcroft. My purpose in writing to Mr. Ashcroft was to have the others involved in the Oklahoma City bombing brought to justice. I was prepared to fully cooperate with the Department of Justice to achieve this goal. I have never receive a response to that letter from Attorney General John Ashcroft or from anyone else within the Department of Justice.

4. Since that letter to Attorney General John Ashcroft, I have been trying to speak out on the Oklahoma City bombing but have been frustrated in this effort by the Federal Bureau of Investigation, Federal Bureau of Prisons and Department of Justice.

The Bureau of Prisons and Department of Justice have denied me all contact with the media.

5. I had an opportunity to meet with Congressman Dana Rohrbacher. I had hoped that the results of that meeting would lead to an independent, deeply probing, open investigation of the Oklahoma City bombing, including what I now believe was the hidden role of various federal agencies in that matter. Unfortunately, that did not happen. It did not happen because I was not able to speak openly and candidly with Congressman Rohrbacher since, despite my objections, an FBI agent was present during that interview.

6. Subsequently, I received a request from Congressman Rohrbacher to meet with him again, stating that his purpose for this meeting was "to discuss a connection between the Philippines and the Oklahoma City bombing." Since I know of no Philippines connection, I declined to meet with Congressman Rohrbacher a second time. A true and correct copy of Congressman Rohrbacher's request for that second meeting and my response is attached hereto as Exhibit A.

7. In December, 2006, Congressman Rohrbacher issued the results of his two-year investigation of the Oklahoma City bombing. He concluded that important questions about the case remain unanswered, largely because the Department of Justice refused to cooperate with his investigation. In a media interview, Congressman Rohrbacher said

that based on his investigation, he personally believes that there were others involved who escaped capture and prosecution. Congressman Rohrbacher was correct about the "Others Unknown."

8. I cannot possibly discuss in this *Declaration* all the information I have concerning the Oklahoma City bombing and others involved. But crucial parts of this terrorist act remain hidden from the American people - especially the identities of the "Others Unknown," who collaborated with McVeigh in the bombing. There are others who assisted McVeigh whose identities are unknown to me, but there are two individuals who I believe to have been co-conspirators and will name as such in this *Declaration*.

9. One was acting as a government provocateur. The other was a high-ranking federal government official. I believe both men are now being protected by the federal government in a cover up to escape its responsibility for the loss of life in Oklahoma. It is my desire that as a result of this *Declaration*, my videotaped deposition can be taken so that I can tell what I know about the Oklahoma City bombing and, thereby, hopefully trigger a full, fair and impartial investigation of that event.

10. In December of 1992, Timothy McVeigh told me that while he was serving in the U.S. Army, he had been recruited to carry out undercover missions. McVeigh did not say who recruited him, or specify the nature of his mission. McVeigh did say,

however, that he was to begin making contacts with a "network" of people after the first of the year and that he was to take no action in furtherance of this mission until called upon. McVeigh said he would soon be making his first contact "down south."

11. McVeigh's first contact came one month later, in Florida. It was with Roger Moore: a gun dealer who lived in Royal, Arkansas with his girlfriend and business associate Karen Anderson. McVeigh met Moore at a gun show in Ft. Lauderdale in January of 1993.

On October 01, 1994 (TLN)

12. McVeigh and I stole explosives from a quarry in Marion, Kansas consisting of 8-1/2 cases or boxes containing 229 (2 inch x 16 inch) sticks of the gel type explosive known as Tovex. We took no Kinestik from the Marion Quarry. Furthermore, only a small amount of these quarry explosives was used in McVeigh's bomb. I do not know what McVeigh did with the other 7-1/2 boxes of Tovex.

TLN
Insert after #16

Insert after #16
TLN

13. Thereafter, McVeigh, Anderson and Moore traveled the gun show circuit. This was McVeigh's "network" he used to obtain materials, people and knowledge with which to carry ^{out} (TLN) the Oklahoma City bombing. Attached hereto as Exhibits B and C are, respectively, FBI 302 reports of interviews with Roger Moore and Karen Anderson documenting their travels around the gun show circuit with McVeigh.

14. In April of 1993, Moore, McVeigh and Anderson attended a gun show in Tulsa, Oklahoma. It was at this gun show that McVeigh met Andreas Strassmeir. McVeigh said that Strassmeir would provide a "safe house" if necessary. McVeigh referred to Strassmeir as "Andy the German" and said that Strassmeir was "head of security at some backwoods place in Oklahoma."

15. McVeigh said that in the summer of ^{1993 (TLN)}~~1994~~, Moore supplied him with the explosive known as "Kinestik." According to a *Memorandum* prepared by McVeigh's defense counsel, McVeigh used this Kinestik as a detonator for his bomb. McVeigh said that when Moore furnished the Kinestiks Moore said that he (Moore) knew that McVeigh "would put them to good use." A true and correct copy of that *Memorandum* from McVeigh's defense counsel is attached hereto as Exhibit D.

16. In October of 1993, Moore and McVeigh attend a gun show in Knob Creek, Kentucky. At this gun show, McVeigh had the opportunity to make contact with about 20 people who were bomb experts. McVeigh told me that he himself had no knowledge about how to construct a bomb, but that he always wanted to gain more knowledge about how to construct bombs.

→ Insert #12 here (TLN)

17. From roughly September 30th until early November 1994, McVeigh gathered all the components for a bomb. These included: the Kinestik Roger Moore

provided to detonate a bomb, explosives from the Marion, Kansas quarry, two tons of ammonium nitrate fertilizer, twelve 55 gallon barrels (6 being black metal and 6 being white plastic) to hold the fertilizer, 3 barrels of nitromethane which McVeigh purchased in Texas, and 4 inch x 4 inch x 8 foot treated wooden poles used to secure the barrels in the Ryder truck. It was after McVeigh had assembled the components for a bomb that he asked me to rob Roger Moore.

18. On November 1, 1994, McVeigh approached me about robbing Moore. Initially, I refused. McVeigh threatened to harm both me and my family if I did not rob Roger Moore. McVeigh then went in to great detail about the case with which the robbery would be carried out. He says that "it will be much easier than you think. Moore will be like a kitten and will give you absolutely no trouble at all – just trust me."

19. At this point, I said "If it is that easy, then why don't you do it yourself instead of the two of us?" McVeigh then said: "You're going to be doing it by yourself. I will be in New York with an alibi and since Roger doesn't know you, any investigation will come to an end." Instead of New York, I later discovered that McVeigh's alibi would be his presence at a gun show in Ohio when the robbery took place.

20. McVeigh went on to give me the following details about the robbery: It had to be done on Saturday, November 5, 1994; Karen Anderson, Moore's girlfriend, would

be leaving at 5:00 p.m. on Friday, November 4, 1994 driving their new white Astro van; Karen would be gone all weekend to a gun show in Shreveport, Louisiana; Roger Moore would be home alone; and Moore would walk out of his house at 9:00 a.m. on the morning of November 5, 1994, where I was to be waiting for him.

21. I was also told by McVeigh that the telephone line to Moore's house was underground but comes up on the east side wall of the home and that I was to cut it where it enters the box. McVeigh said that Moore's older white camper van would be sitting right in front of the door under the carport for easy loading of the items taken in the robbery.

22. As for what was to be taken, I was instructed by McVeigh not to take anything belonging to Karen Anderson. McVeigh said that Moore had guns in his bedroom closets, cash in a filing cabinet and so on. In addition, McVeigh said that Moore did not have a list of serial numbers for these particular guns.

23. On November 5, 1994, I arrived at Moore's home about 5:00 a.m. and cut the telephone line. I then stood at the designated corner of Moore's home and waited. Moore appeared at the time McVeigh said and, as per McVeigh's instructions, I told Moore to get down and crawl back into his home on his hands and knees, where I tied

him up. I then gathered Moore's belongings into his van, which was conveniently parked next to the door.

24. Among the things that I took from Moore was a box containing tubes of nitromethane, which form part of the binary explosive Kinestik. This was the box of explosives recently discovered at my Herington, Kansas ~~farm~~^{FLN} home and seized by the FBI. I hid those explosives at my home after the bombing. Although Moore denies ever having had Kinestik, these explosives that I took that day were in a box addressed to "Robert Miller," which was Moore's alias. I also have no doubt that Moore's fingerprints are on that box and/or those explosives.

25. McVeigh's share of the robbery was to be \$2,000. I was to keep the remaining money, which was approximately \$35,000 and all other property. But later, without my knowledge, McVeigh gave about one-third of the 77 guns taken in the Moore robbery to Michael Fortier. I was suppose to keep the rest of the guns. Attached hereto as Exhibit E is a true and correct copy of the *Investigative Memorandum* done on Roger Moore by Roland Leeds from information obtained by the FBI, including Moore's statement to his attorney that he (Moore) would not be prosecuted as a result of the Oklahoma City bombing because he was a "protected witness."

26. When I returned to Kansas following the robbery, I was surprised to learn that McVeigh already knew that it had been carried out. I never knew how McVeigh had known that I had gone through with the Moore robbery. In fact, McVeigh seems to have a way of knowing at all times where I was and what I was doing.

27. I never knew what McVeigh's plans were with respect to a target for his bomb. I did know, however, that it was to be carried out on Thanksgiving, Christmas, or New Year's Day, which is why I left for the Philippines in mid November of 1994.

28. I did not want to be present when and if McVeigh did explode a bomb. Consequently, I left for the Philippines to be out of the country.

29. While in the Philippines, I never heard any news or media report of a bombing in the United States. I assumed that since there had been no bombing McVeigh must have come to his senses. So I returned to the United States on the evening of January 16, 1995.

30. Upon my return to the United States from the Philippines, McVeigh contacted me about eight hours later. Again, he somehow knew that I had returned from the Philippines and where I was staying.

31. In late January of 1995, I met McVeigh at the Sunset Motel in Junction City, Kansas. It was at this time that I learned McVeigh had given Fortier some of Moore's guns. It was also at this time that I learned the reason for the Moore robbery.

McVeigh told me that the robbery was “staged” and that Roger Moore was part of McVeigh’s plot. McVeigh said that I was chosen to carry out the robbery so that if Moore was polygraphed he could truthfully testify that he did not know the robber.

32. McVeigh also said that he and Moore came up with the plan to stage a robbery so that if any investigation of the bombing tracked back to Moore, Moore could claim that he was the victim of a home robbery rather than a supplier of funds and explosives used to carry out the attack. McVeigh specifically told me that the purpose of the robbery was so nobody could link Moore to McVeigh^{TLN} and the bombing. Attached hereto as Exhibit D is a true and correct copy of a *Memorandum* from McVeigh’s attorneys documenting his involvement with Roger Moore, including Moore having provided McVeigh with the Kinestiks and McVeigh’s threat to “sink Roger Moore” if Moore testified against McVeigh. It was shortly after this time that I learned that there had been a change in targets for the bombing.

33. McVeigh was extremely upset and angry. There, in what I believe was an accidental slip of the tongue, McVeigh revealed the identity of a high-ranking FBI official who was apparently directing McVeigh in the bomb plot. The name McVeigh let slip was Larry Potts - lead FBI agent at Ruby Ridge. McVeigh said he believed Potts was manipulating him, and forcing him “to go off script,” which I understood meant to change

the target of the bombing. That was the only time that I ever heard McVeigh refer to Larry Potts in that context.

34. I understood from McVeigh's comments that no bombing had taken place during my absence in the Philippines because the target had been changed, that Potts had had something to do with the change in targets and that Michael Fortier had backed out of the bombing plot. McVeigh said that "he [McVeigh] would get even by using the first blow as a diversion for his second." McVeigh did not, however, reveal to me either of his targets.

35. On the morning of April 18, 1995, I was at Geary Lake and helped McVeigh construct a bomb. The bomb that I helped McVeigh build that morning did not resemble in any fashion the bomb McVeigh described in the book *American Terrorist*. The bomb we constructed was comprised of the metal and white plastic barrels which I previously mentioned. There were no blue plastic barrels. The bomb was in a V shape, not a backward J shape and it took up only about half of the truck, not almost the entire truck as McVeigh's design would require as described in *American Terrorist*.

36. The ammonium nitrate fertilizer used in the bomb was a problem. It had been exposed to water or moisture as a result of being stored since its purchase in the fall of 1994. Consequently, much of the fertilizer had solidified so that it was lumpy. McVeigh broke the bags of solidified fertilizer into smaller chunks and dropped them

into the barrels. This worked well for the metal barrels with removable tops, but the lumpy fertilizer was a problem for the white plastic barrels, which could only be accessed by a small 3 inch bunghole. McVeigh shoved smaller solidified chunks of ammonia nitrate fertilizer into these plastic barrels through the bungholes.

37. I poured the nitromethane into the barrels. Neither I nor McVeigh mixed or attempted to mix the fertilizer and nitromethane. McVeigh then placed one of the Kinestiks he had received from Roger Moore in each barrel. McVeigh also placed one stick of Tovex we had taken from the Kansas quarry in each barrel along with the Kinestik.

38. Altogether, between 90 and 92 fifty pound bags of fertilizer ^{were used and 80} went into the barrels. To the rear of the V formed by the barrels, we stacked the remaining ^{to twelve} ten bags of ammonium nitrate fertilizer that had been soaked in fuel oil since there was not enough nitromethane. The treated wooden poles were nailed to the floor of the truck to keep the barrels from shifting. As I mentioned earlier, I do not know what McVeigh did with the other 7-1/2 cases of Tovex taken from the Marion Quarry and not used in the construction of that bomb at Geary Lake on the morning of April 18, 1995, but McVeigh was planning another bombing later.

39. Attached hereto as Exhibit F are three sketches I made of various bomb configurations. Figure number one is the version of the bomb which Lori Fortier said that

McVeigh had described to her. She told about this at the trial. If I am not mistaken, I think Lori testified that the open face of this V shaped bomb was pointed towards the Murrah Building. If I also remember correctly, Lori said that McVeigh illustrated the shape of this bomb in her home by using soup cans to represent the barrels containing fertilizer.

40. Figure two is the bomb that McVeigh and I built at Geary Lake on April 18, 1995. It consists of barrels arranged as I have drawn them, with the ten bags of ammonium nitrate fertilizer soaked in fuel oil stacked at the bottom of the V. The treated poles we nailed to the bed of the truck to prevent the barrels from shifting are also drawn on this figure.

(PLN) 41. Figure 3 is the bomb McVeigh describes in the book *American Terrorist*. Notice the similarity to - Exhibit F, is a photograph of the damage done to the Murrah Building by the explosion.

42. Not only did the bomb McVeigh described in *American Terrorist* not resemble the one we built on the morning of April 18, 1995, the bomb McVeigh described is larger and thus required more bomb making materials than what was in the Herington storage shed. The bomb McVeigh described also displayed a level of expertise and sophistication which neither McVeigh nor I had in building a bomb.

43. In fact, I was present when McVeigh attempted to construct and detonate an ammonium nitrate bomb using a one gallon plastic container. McVeigh used Tovex as a

detonator for that bomb, but the only thing that exploded was the Tovex. It blew the fertilizer all over the ground. The fertilizer did not explode.

44. I was not present with McVeigh on April 17, 1995, when he picked up a 20 foot Ryder truck. Furthermore, I never saw or spoke with McVeigh after he left Geary Lake on the morning of April 18, 1995. I was not with him in Oklahoma City on April 19, 1995.

41. Neither do I know the identities of the individuals seen with McVeigh on April 17, 1995, when he obtained the Ryder truck or in Oklahoma City on the morning of April 19, 1995, when he drove that truck to the Murrah Building. I likewise had no knowledge as to McVeigh's target that morning.

42. The only indication I had from McVeigh about the identity of his target was that he "wanted to make a statement" and that he was targeting some structure. I did not discover that the Murrah Building was the target until news of the bombing appeared on television.

43. On ~~Friday, April 21~~ ^{Thursday, April 20 (FLW)}, 1995, I went to the Herington, Kansas storage shed where McVeigh kept some of his things. In that shed, I found the rear license plate from the yellow Mercury McVeigh was driving when he was arrested after the bombing. I also found at least one hand grenade. The license plate and hand grenade I threw into a nearby river, on Friday morning the 21st. (FLW)

44. That license plate was on the Mercury when I followed McVeigh to Oklahoma City prior to the bombing. We left the Mercury there to be used by McVeigh as a getaway car. However, McVeigh removed the plate and brought it back to Kansas.

45. To this day, I have never understood why McVeigh removed that license plate, which eventually led to his arrest, brought that plate back to Kansas and deliberately left it in that storage shed among ~~my~~ ^{his (TLN)} personal possessions.


46. On Friday, April 21, 1995, I heard my name mentioned on the radio in conjunction with the bombing. I also heard Attorney General Janet Reno say that the Department of Justice would be seeking the death penalty for anyone associated with the bombing.

47. Upon hearing that, I panicked and thought this would certainly be a case in which the FBI would shoot first and ask questions later. So I told my wife to grab our daughter because we needed to go to the police station. It was my belief that it would be the safest place to be when the FBI came for me.

45. Finally, on the morning of April 21, 1995, I also hid the case of explosives ^{components (TLN)} taken from Roger Moore under my Kansas home. Those explosives ^{components (TLN)} are an important piece of evidence clearly linking Moore to McVeigh and the bombing. I never imagined that once these explosives were seized by the FBI, Moore's involvement would remain hidden to this day.

48. The statements set forth hereinabove are based upon personal knowledge.

Executed under penalty of perjury this 09th day of February, 2007 at Florence
Colorado.

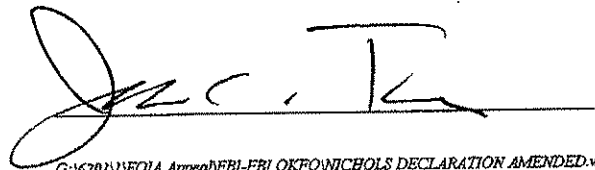


Terry Lynn Nichols
No. 08157-031

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 16th day of February, 2007, I caused a true and correct copy of the foregoing **DECLARATION OF TERRY LYNN NICHOLS** to be served via U.S. mail, postage prepaid, upon the following:

Carlie Christensen
Assistant United States Attorney
185 South State Street, Suite 400
Salt Lake City, UT. 84111

A handwritten signature in black ink, appearing to read 'Carlie Christensen', written over a horizontal line.

G:\6201\NFOIA Appeal\FBI-FBI OKFO\NICHOLS DECLARATION AMENDED.wpd

EXHIBITS A-G SEALED

Clerks Note: Exhibits A-G have been sealed and entered on the docket separately by the clerk due to protected information contained therein, see DUCiv R 7-3. Some information included in the exhibits are dates of birth, social security numbers and personal residential addresses of individuals.