

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF WEST VIRGINIA

U.S. DISTRICT COURT  
FILED AT WHEELING, WV

AUG 20 1997

NORTHERN DISTRICT OF WV  
OFFICE OF THE CLERK

UNITED STATES OF AMERICA,

v.

CR. NO. 1:96-CR-43-02

JAMES R. ROGERS,  
Def.

TRIAL TRANSCRIPT - VOL. 4 -  
(8/19/97)

(Document Separately Bound in file)

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA, )

Plaintiff, )

VS. )

CRIMINAL ACTION NO.

JAMES R. ROGERS, )

1:96CR43-02

Defendant. )

VOLUME FOUR

Proceedings had in the Jury Trial of the above-styled  
action on August 19, 1997, before Honorable Frederick P. Stamp,  
Jr., Chief Judge, at Wheeling, West Virginia.

U.S. DISTRICT COURT  
FILED AT WHEELING, WV

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AUG 20 1997

APPEARANCES:

NORTHERN DISTRICT OF WV  
OFFICE OF THE CLERK

On Behalf of the United States of America:

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United States Attorney  
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The Defendant was present in person.

Proceedings recorded utilizing realtime translation,  
transcript produced by computer-aided transcription.

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I N D E X

Witness\Proceeding                      Vol Direct Cross Redirect Recross

8-19-97

By the Government:

Okey M. Richards                      4                      330                      334

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Exhibit

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Government's Exhibit No.

Defendant's Exhibit No.

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## PROCEEDINGS

1  
2 (8-19-97, 8:08 o'clock a.m., defendant present, in conference  
3 room)

4 THE COURT: Good morning. Good morning, Mr. Rogers.

5 Let's go ahead and proceed. This is a hearing on the  
6 memorandum that has been submitted to me regarding the testimony  
7 of Special Agent Earl Roberts by the government. And I have  
8 received and reviewed the government's memorandum and then the  
9 defendant's memorandum filed yesterday.

10 I want to hear from both sides, obviously. Maybe I can at  
11 least attempt to let you know where I see this issue going. I  
12 think initially Mr. Zimmerman had approached this at a pretrial  
13 conference in, perhaps, one of the pretrial motion conferences  
14 as a Daubert matter. And the government's memorandum on the  
15 subject, which contained a proffer, also contained what I  
16 thought was an appropriate point concerning whether or not this  
17 is a Daubert issue or whether or not it is a straight Rule 702,  
18 703, 704 issue.

19 I think the difference is only if it is Daubert and it is a  
20 scientific issue, you should run through the drill of deciding  
21 whether or not it is peer reviewed, and that sort of matters.

22 And I have been more or less of the opinion, particularly  
23 after reading the opinion by one of my colleagues, Judge G.  
24 Ross Anderson of South Carolina in Thornton versus Caterpillar,  
25 and I may be misinterpreting what the government indicates the

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1 expert is going to be dealing with--is a rather technical matter  
2 and, therefore, you proceed on this as a Rule 702 subject.

3 Then the defendant's memorandum, I think, raises an  
4 interesting issue of whether or not this is a matter that needs  
5 to be addressed under 704(b), and whether or not--whether or not  
6 there is a prohibition to the expert's testifying on matters of  
7 intent. And I thought the defendant made some good points on  
8 that score.

9 But, the dilemma that I have is that--and it seems to me  
10 the government's brief is saying that they want to use him for  
11 purposes of intent and motive, and that looks like a Rule 704  
12 matter to me. Now, there are exceptions to that, I think, one  
13 of them being as set forth by the Fourth Circuit in United  
14 States versus Barber, which talks about the fact that you  
15 can--you can use this to explain the elements of the crime. And  
16 I don't want to create an issue where one doesn't exist, but  
17 that is a possible means of doing that.

18 But then we get into the government's--this is a matter, I  
19 think, that Mr. Cipriani raised for Mr. Looker and Mr. Zimmerman  
20 endorsed, which was you don't--the government has taken the  
21 position that all you have to do is to show material support, to  
22 show that you have a document and then it is simply a question  
23 of intent. But, Mr. Zimmerman, it seems to me you have argued  
24 in your brief that the clear meaning of the statute is read,  
25 "When a reasonable person concludes," that the defendant must

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1 provide something that is material to the success of the  
2 endeavor by the recipient.

3 So I think if I were to take the government's position  
4 on this, that under Barber it might be useful for an expert to  
5 say, "Well, the things that were brought together were things  
6 that were enough to damage the building." And that seems to me  
7 to follow the defendant's--what the defendant's position has  
8 been. It doesn't follow the government's position, so you may  
9 be entitled to use the expert for the defendant's reasons.

10 MR. ZIMMERMAN: The thing is, your Honor, when I  
11 approached that particular issue initially, it was to challenge  
12 the statute.

13 THE COURT: I understand.

14 MR. ZIMMERMAN: And so--you know, the reason I did was  
15 because it seemed to me at the time that it was extremely  
16 overbroad and vague, as the argument I made in front of  
17 Magistrate Seibert; that a clipping out of the Washington Post  
18 of the Capitol Building certainly won't seem to be the type of  
19 material that was addressed by the statute. However, not only  
20 did Magistrate Seibert disagree, but you have affirmed his  
21 opinion. And so now I am--I have to look at the case in a  
22 different way now, and that is I have to accept the law of the  
23 case, which has already been clearly announced by you, which  
24 says that the statute is not overbroad because it is not  
25 required that--it is really a question of intent of the

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1 defendant. And so I am sort of stuck with that. So, regardless  
2 of what I may have argued concerning the constitutionality of  
3 the statute, I think that that, certainly, is not my position at  
4 the present time knowing what the law of the case is.

5 If that wasn't the law of the case, I would be in  
6 Pittsburgh having a cappuccino at my favorite little store this  
7 morning, but since that is the law of the case and I think what  
8 they are--what they want to do here is they really want to  
9 establish his intent with Mr. Roberts, and that is why I object  
10 to this.

11 THE COURT: Well, I am not surprised that you would  
12 make that argument and that is, I think, probably a logical kind  
13 of argument to make at this juncture. However, haven't you  
14 raised during this trial the fact that you could get these  
15 drawings anywhere, that what you got was just a lot of things  
16 that--while maybe not totally in the public domain, certainly  
17 partially. You, obviously, had to drive to Elkins to get that  
18 geologic survey.

19 MR. ZIMMERMAN: Sure.

20 THE COURT: Maybe if you knew somebody else at the  
21 city hall or town hall or county building, you could have gotten  
22 drawings. The grand juror had a set of drawings.

23 MR. ZIMMERMAN: Sure. I have raised that, your Honor,  
24 and I think legitimately so, to let--because I think the jury  
25 needs to know that.

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1 THE COURT: Then why can't the government show that  
2 what you--what was provided was an element of the crime, the  
3 material support?

4 MR. ZIMMERMAN: Because it doesn't make the fit, your  
5 Honor. The law is that he has provided this material and if he  
6 intended it to be used to damage the building and to use the  
7 other statute, that that is the crime, if the jury finds that.  
8 But what they are saying is they want their expert to say that  
9 he did do it, that his intention was--because other than  
10 that--you see--

11 THE COURT: I understand. That is where I think--Mr.  
12 Wilmoth, that is where I think there is a problem for the  
13 government under 704(b), your having said you want to use it for  
14 intent. How does that get around 704(b)?

15 MR. WILMOTH: Let me clear up for everybody the  
16 misimpression I gave everybody with my memorandum. I am not  
17 even sure that Special Agent Roberts' testimony is expert  
18 testimony. Basically, what he is--except for the ultimate  
19 question, which I will get to in just a second.

20 What he is going to testify to mostly is that if you take  
21 the photographs and compare them to the drawings, those big  
22 rolls of construction drawings, which we will ask to be  
23 introduced into evidence, you take these four photographs and  
24 taken together they are a photograph of the entire--of this  
25 entire drawing. That is the first thing he is going to do. He

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1 is going to show how the photographs fit together in pretty much  
2 the same way we watched on videotape Mr. Rogers and Mr. Looker  
3 going through and showing where they go together.

4 Then he is going to testify as to the various disciplines  
5 from which those drawings were taken. And the only thing that I  
6 think is arguably an expert opinion is probably the last  
7 question that I would ask him, which would be something like  
8 this: Having been the construction manager for this project,  
9 being an engineer by education and profession, can you state to  
10 a reasonable degree of scientific certainty whether or not this  
11 is the sort of--this list of drawings is the sort of list that  
12 one would need if one intended to damage the building? In other  
13 words, are these--are these utilities and computer center--are  
14 these the most important, the most crucial parts of the center,  
15 and if a terrorist was going to attack the center, are these the  
16 things that would do damage? I certainly do not intend to ask  
17 him what was Mr. Rogers' intent.

18 THE COURT: What is the difference?

19 MR. WILMOTH: Well, the difference is that he--for the  
20 last question, "What is Mr. Rogers' intent," Mr. Roberts would  
21 have to be inside Mr. Rogers' head to know what his intent was.  
22 But in order to show the jury what these drawings are and that  
23 the drawings show the ultimate--the most important parts of the  
24 center, then one can argue what Mr. Rogers' intent was.

25 THE COURT: If you ask a hypothetical like that and

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1 you ask, what would one need, there is only one person we could  
2 be talking about here--

3 MR. WILMOTH: Well, no.

4 THE COURT: --and that is the defendant.

5 MR. WILMOTH: No. The question, the way I intend to  
6 phrase it, is, "Anyone who wanted to do damage to the center."

7 THE COURT: Well, how is that relevant?

8 MR. WILMOTH: Well, it shows the materiality of the  
9 material--the materiality of the material. Let me rephrase  
10 that. It shows the importance of the particular 12 out of 1,650  
11 drawings that were photographed. It shows that they are not  
12 landscaping plans; they are the guts of the building. And if  
13 anyone wanted to do damage to this facility, these are the  
14 drawings they would need.

15 THE COURT: Of course, we are somewhat in unchartered  
16 waters here because we are dealing with a new statute or  
17 relatively new statute about which there is not a great deal of  
18 case law or any case law, reported at least. But I would have  
19 some problems with the hypothetical because I think that just  
20 adroitly and skillfully circumnavigates what is essentially a  
21 704(b) prohibition. Let's look at whether or not it is a Rule  
22 701 lay opinion, because that is the first time I have heard  
23 that addressed. Is that what your position is? It is not an  
24 expert opinion, it is just a perception by--I was trying to find  
25 the rule so I could get the language correct.

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1 MR. WILMOTH: I guess what I was sneaking up on,  
2 Judge, was that everything that this witness is going to say,  
3 except, perhaps, the last question, is simply, "This photograph  
4 and this photograph taken together are a photograph of this big  
5 construction drawing."

6 MR. ZIMMERMAN: See, I don't object to that. I have  
7 no basis to object to that. I think that is proper.

8 THE COURT: Well--

9 MR. WILMOTH: So to that extent, his testimony up to  
10 that point is not expert.

11 MR. ZIMMERMAN: I don't have problems with that. I  
12 have problems with the last question, as the Court does.

13 THE COURT: That is two of us.

14 MR. GODWIN: Your argument is you agree with the Judge?

15 MR. ZIMMERMAN: Absolutely.

16 THE COURT: Listen, you agreed with me once last week.

17 MR. GODWIN: Yes, it worked for me.

18 THE COURT: That is the way I would intend to see it.

19 Mr. Wilmoth, I think in all fairness, I think the last  
20 question would be a problem under Rule 704(b). And I do think  
21 701 would probably give you the right to state the perceptions  
22 of that person, particularly since I understand he was the  
23 project manager, construction manager for the center.

24 MR. WILMOTH: Yes. He was there for four years  
25 on-site while the facility was being built.

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1 MR. ZIMMERMAN: You won't hear a peep from me if you  
2 ask him those questions. I will sit there calmly and smile like  
3 I will do for the rest of the trial.

4 THE COURT: I will say, Mr. Zimmerman knew exactly how  
5 long this conference would take.

6 MR. ZIMMERMAN: My terrible clock wasn't permitting me  
7 to get here any sooner.

8 MR. WILMOTH: Judge, there is one more thing about Mr.  
9 Roberts' testimony, since we are all here, maybe I should bring  
10 up. This facility is not one that is open to the general  
11 public. It is a secure facility because of the functions that  
12 are performed out there. I have no idea exactly what the agent  
13 would testify to if Mr. Zimmerman were to ask if there are any  
14 national security sorts of activities planned or going on or  
15 possible in that center. If there are some sort of national  
16 security plans, and I really don't know whether there are,  
17 obviously, we would not want Special Agent Roberts to have to  
18 testify to that in open court. If there are none, then that, in  
19 itself, is an important piece of national security information.  
20 The absence of--I also don't think it has any relevance, but I  
21 thought I would bring that up to you as an objection in advance.

22 THE COURT: No. I appreciate your doing that.

23 MR. ZIMMERMAN: Long ago, your Honor, when I first  
24 started traveling around the country trying marijuana smuggling  
25 cases, there was a defense called, which some of us thought up

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1 one night in a bar--there was a defense called, "The CIA  
2 defense." What we would do is we would subpoena a retired CIA  
3 agent and call him to the witness stand and ask him if he had  
4 known any of the defendants, and he would naturally say, "No."  
5 Then we would ask him, if he had known them as a part of his  
6 job, would he acknowledge that he knew them. He would say,  
7 "Obviously, I would never acknowledge that." Because he was  
8 aware of smugglers, there was always some overtures of the CIA  
9 being involved as a part of the smuggling, so as a result of  
10 that, we accomplished something that we have said, "If there is  
11 something going on, we don't want to say it; and if there is  
12 not, we don't want to say it."

13 So I--to allay some of his fears, I intended on asking Mr.  
14 Roberts if there was anything that was outside or the course of  
15 legitimate law enforcement or legitimate government actions  
16 going on that he was aware of. I think that is an appropriate  
17 question. I mean, certainly it is a secure FBI Center that does  
18 fingerprints and is going to have the NCI Center to our  
19 knowledge. That is confidential stuff and can affect national  
20 security, but it is a legitimate law enforcement endeavor. But  
21 my question would be, if I ask it--I mean, I may not--would be  
22 whether or not there is any military--whether there is a  
23 military installation involved.

24 THE COURT: How is that relevant? Assume there is  
25 something--assume they were training troops or planning to train

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1 troops out there, and that bolsters some opinions that we have  
2 heard on the tapes, how does that make that any less of a crime  
3 if the defendant is proven guilty beyond a reasonable doubt?

4 MR. ZIMMERMAN: It doesn't. I guess it doesn't, to be  
5 very candid about it. It doesn't really refer to this inquiry  
6 at all. I guess we don't have to worry about that.

7 THE COURT: All right. I appreciate that.

8 MR. ZIMMERMAN: Your Honor, I need a few minutes  
9 before we get started, if I could.

10 THE COURT: I would like to keep the jury not waiting.

11 (Recess at 8:28 a.m. until 8:34 p.m., defendant present,  
12 jury not present)

13 THE COURT: Good morning. May we bring the jury down,  
14 please.

15 (Jury present)

16 Members of the jury, good morning to you.

17 A JUROR: Good morning.

18 THE COURT: I met with counsel and the parties earlier  
19 this morning, a little bit after 8:00, to go over some legal  
20 issues. I'm sorry we kept you up there for about five minutes  
21 longer than necessary. Thanks to the lawyers, we were able to  
22 work out a few things that I think will save you some time in  
23 this case.

24 So we will now proceed with the further examination of Mr.  
25 Richards. Mr. Godwin?

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1 DIRECT EXAMINATION (Continued)

2 BY MR. GODWIN:

3 Q. Mr. Richards, the excerpt we will hear is the conversation  
4 you had with Mr. Rogers on September 4, 1996. There are four  
5 excerpts we will play here in a moment. There is some  
6 discussion in this conversation about a place where it is  
7 reported that Mr. Rogers had answered an alarm and reported 100  
8 PC's and referred to Mr. Durrett and Mr. Edgell. Do you recall  
9 which facility that was he was talking about in that part of the  
10 conversation?

11 A. Yes. I think the pronunciation is Morpho. The moreno  
12 Company located at Rosebud Plaza in Clarksburg, West Virginia.

13 Q. So those--the facility that he is discussing here is  
14 different than the FBI facility? Is that Morpho Center?

15 A. That is correct. But they are involved with the Bureau  
16 from what I understand--

17 MR. ZIMMERMAN: I object to that explanation, your  
18 Honor, because he doesn't have any basis to know that.

19 THE COURT: Sustained.

20 Q. I would like to now play the four excerpts from this  
21 conversation. They are identified by the electric file names  
22 59b-1a.251, and then it is 1b, 2a, and 2b. If we could play  
23 those in succession.

24 (The tapes corresponding to the file numbers 59b-1a.251,  
25 59b-1b.251, 59b-2a.251, and 59b-2b.251 were played for the jury)

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1 Mr. Richards, I would now like to play excerpts from a  
2 conversation you had with Mr. Looker and Mr. Rogers on September  
3 10, 1996. These would be three excerpts, played in succession,  
4 of this conversation which you taped. Now, the excerpts are  
5 identified as 62a-2a and 2b and 2c. I would like to play those  
6 at this time.

7 (The tapes corresponding to file numbers 62a-2a.251,  
8 62a-2b.251, and 62a-2c.251 were played)

9 In that last conversation, Mr. Rogers was indicating he was  
10 trying to get a group of specialists together. You responded  
11 with something about an A team. What was the reference to an A  
12 team?

13 A. The--Mr. Looker and people like Mr. Cornkey(phonetic) have  
14 suggested to militias that they form small units. These units  
15 are called "cells," and they recommend that these cells operate  
16 with individuals that are specialized in things like  
17 demolitions, communications, weaponry, and that these cells  
18 would be able to operate. They would keep--after they were  
19 formed, they would keep additional individuals from coming into  
20 the cell, and it would make it very difficult for the government  
21 to monitor or to infiltrate these units. So, that is what he is  
22 referring to. When we mentioned these small units or A teams,  
23 an A team is a military word, and those units would consist of  
24 six to 12 people.

25 Q. Now, the last conversation that we are going to play two

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1 excerpts from is one that you recorded on September 19, 1996  
2 between yourself and Mr. Looker. These are identified as  
3 67-1a.251, and 1b. So, if we could play those at this time.

4 (The tape corresponding to file numbers 67-1a.251 and  
5 67-1b.251 were played)

6 Mr. Richards, there was a reference to a person named  
7 Chi-Ana. Who was Chi-Ana?

8 A. That was Mr. Looker's wife.

9 Q. And in this last conversation we heard, there apparently  
10 was to be an exchange of \$40,000 within 30 days for this  
11 information. Is that a correct understanding of that  
12 conversation?

13 A. Yes, sir.

14 Q. Mr. Looker also indicated that you were not to be present.  
15 Do you recall that?

16 A. That's correct.

17 Q. Let me draw your attention to October 11, 1996. Were there  
18 any events of that day in which you participated that had to do  
19 with this matter?

20 A. Yes, sir.

21 Q. Okay. What did you do on that day?

22 A. I delivered to Mr. Looker the package with the plans and  
23 the written material that we had put together.

24 Q. Okay. Where did you get the package that day?

25 A. That package was given to me by Special Agent Raffety.

1 Q. Do you recall the time of day?

2 A. It was about 2:00 o'clock in the morning on October the  
3 11th.

4 Q. And would you describe what was handed to you by Agent  
5 Raffety?

6 A. It was in a sealed Manila envelope or Manila package. I  
7 didn't open it up.

8 Q. This Manila envelope, the package, was sealed with tape?

9 A. That's correct.

10 Q. You say you did not open it while it was in your possession?

11 A. I do not recall opening it, no.

12 Q. Tell us where you received it from Mr. Raffety?

13 A. He did a drive-by, as I remember, passed my home and gave  
14 it to me, and I kept it in my possession until about 4:00  
15 o'clock in the morning.

16 Q. What happened at about 4:00?

17 A. I delivered it to Mr. Looker.

18 Q. Where was that?

19 A. I think that was up in the parking lot of a Hardee's  
20 restaurant in Fairmont near the mall.

21 Q. Did you continue your playing the role of militia  
22 intelligence officer after October 11th?

23 A. No, sir.

24 Q. So October 11, 1996 terminated your role in that capacity?

25 A. Yes, sir.

1 Q. And did you at that time then relocate with your family?

2 A. Yes, I did.

3 MR. GODWIN: I have no other questions, your Honor.

4 THE COURT: All right. Let's, members of the jury,  
5 take the midmorning break now. It may be a little bit earlier  
6 than we usually do. We can then go into cross-examination of  
7 Mr. Richards following the break.

8 If you will, leave your notebooks by your chairs and please  
9 do not discuss the case while you are on your break.

10 Mr. Richards, you may step down.

11 (Recess at 10:07 a.m. until 10:27 a.m., defendant present,  
12 jury not present)

13 THE COURT: Bring the jury down, please.

14 (Jury present)

15 All right. Mr. Zimmerman, cross-examination.

16 MR. ZIMMERMAN: Thank you, your Honor.

17 CROSS-EXAMINATION

18 BY MR. ZIMMERMAN:

19 Q. Mr. Richards, I take it from the tenor of that last tape we  
20 heard that if you hadn't given Ray Looker 85 bucks, the  
21 undercover agent would have never been able to get in touch with  
22 him because he would have had no phone; is that right?

23 A. I don't agree with that.

24 Q. Well, his phone was going to be shut off the next day and  
25 you gave him the money to keep it on.

1 A. That is what he told me, that his phone was going to be  
2 shut off.

3 Q. Now, sir, I understand--how old are you, sir?

4 A. Forty-three.

5 Q. And you were born in Virginia; is that correct?

6 A. West Virginia.

7 Q. West Virginia. And you spent a lot of your early life,  
8 however, in Virginia; is that correct? You graduated from high  
9 school at someplace in Virginia Beach or somewhere around there?

10 A. We moved 16 times in 18 years. My father was in the  
11 service. Yes, I did graduate from high school in Virginia Beach.

12 Q. All right. And what year was that, sir?

13 A. 1972.

14 Q. And after that, did you join the Navy?

15 A. Yes.

16 Q. Did you work anywhere before that or go to college anywhere  
17 before that?

18 A. No.

19 Q. Before joining the Navy?

20 A. No.

21 Q. You joined the Navy immediately after high school, then?

22 A. I believe it was August of '72.

23 Q. And when I say, "joined," you enlisted. You didn't  
24 volunteer for the draft or anything like that? You weren't  
25 drafted?

1 A. No.

2 Q. You enlisted in the United States Navy, and how long was  
3 your enlistment, sir?

4 A. Four years.

5 Q. With an additional commitment of two years in the reserves;  
6 is that correct?

7 A. I don't recall.

8 Q. All right. And when you enlisted, did you enlist to--for  
9 any special kind of training or schools or placement of any sort?

10 A. Yes, sir.

11 Q. What was that?

12 A. Ocean systems technology.

13 Q. What does that mean?

14 A. I don't know. I didn't get to go to that school.

15 Q. All right. What school did you go to?

16 A. I went to radar training.

17 Q. Okay. And you took your boot camp at the Great Lakes Naval  
18 Training Center?

19 A. Yes, sir.

20 Q. And that would have been in early fall of 1972 that you  
21 graduated from there, then; is that correct?

22 A. I believe so.

23 Q. Well, it was six or eight weeks training, your basic  
24 training, and then you went on to school at the same facility;  
25 is that correct?

1 A. Right.

2 Q. You learned how to be a radar man?

3 A. That is correct.

4 Q. And what was your--when you enlisted, you were an enlisted  
5 man, you went in as an E1; is that correct?

6 A. Yes.

7 Q. And then after you got out of your training school, sir,  
8 where was your first duty station?

9 A. Uh, I ended up staying there at Great Lakes.

10 Q. Were you ever transferred to anywhere else? Were you ever  
11 aboard a ship?

12 A. Eventually I ended up in Norfolk, Virginia.

13 Q. All right. And when was it that you were assigned to a  
14 ship at Norfolk?

15 A. I don't recall. Probably 1973--probably 1974.

16 Q. And how long did you serve--of that four years, how long  
17 did you serve, sir?

18 A. I got out in November of 1974.

19 Q. So you didn't serve your full four-year enlistment?

20 A. No, sir.

21 Q. As a matter of fact, the Navy recommended that you be  
22 discharged because you were unfit to continue; is that correct?

23 A. I don't agree with that.

24 Q. Well, sir, you signed up for four years, and after about  
25 two years you were charged with a variety of, how should we say,

1 activities that weren't in accordance with the Navy's  
2 regulations; is that correct?

3 A. There were some problems there, yes.

4 Q. For an example, sir, November the 5th, 1974, you were an  
5 unauthorized absentee from the U.S.S. Hassayampa that was  
6 located in Pearl Harbor.

7 A. The Hassayampa?

8 Q. Yes.

9 A. I received leave from that ship to go back to Chicago and  
10 when I arrived in Chicago, I was in contact with the Naval  
11 Intelligence Agency or the Naval Investigative Service.

12 Q. Well, sir, your naval records indicate that you were placed  
13 in a restrictive status pending disciplinary action--

14 A. That is correct.

15 Q. --back in November of 1974.

16 A. Yes.

17 Q. Is that right?

18 A. Yes, it is.

19 Q. And that shortly thereafter, sir, you were separated from  
20 the service after being charged with a variety of things, were  
21 you not?

22 A. I don't--

23 Q. For example, 6-17-74, a violation of Article 86, United  
24 States Code of Military Justice, missing movement; June 17,  
25 1972, violation of Article 92, United States Code of Military



1 Justice, failure to obey a lawful order or regulation. Do you  
2 recall that, sir?

3 A. Yes, I do.

4 Q. And also 11-6-94, failure to obey a lawful order, breaking  
5 restriction, punishment, reduced to E2, forfeited \$120 per  
6 month. Do you recall that, sir?

7 A. Yes, I do.

8 Q. What was the day you were separated, sir?

9 A. From what? The military?

10 Q. Yes. From the United States Navy.

11 A. I don't know what day it was. I don't recollect what day  
12 that was.

13 Q. What rank were you when you did that, when you were  
14 separated?

15 A. I don't believe I made another rank, so I was probably an  
16 E2.

17 Q. Was the discharge that you got characterized as an  
18 administrative discharge?

19 A. It was an agreement between myself and the Navy. We agreed  
20 that I would leave the service, that it was in my best interest  
21 and theirs, and I left with a general under-honorable-conditions  
22 discharge.

23 Q. But you and the Navy agreed that you would leave the Navy  
24 and they wouldn't court-martial you, isn't that correct, because  
25 you had pending charges at the time?

1 A. They deemed it wasn't in their best interest because I was  
2 involved in narcotics investigations.

3 Q. You were involved in narcotics investigations?

4 A. That's correct.

5 MR. ZIMMERMAN: Excuse me for one minute, your Honor, if I  
6 may.

7 (Pause)

8 Q. Do you recall who the officer was that was involved with  
9 you in your separation from the armed services, sir?

10 A. That was involved in my separation?

11 Q. Yes. Who was the fellow that was your commander when you  
12 were separated?

13 A. I don't know, Mr. Zimmerman. I was at a transit personnel  
14 unit. There was a commander who was in charge of that unit at  
15 the time. I don't recollect who he was.

16 Q. Are you--were you ever advised, sir, that one of your  
17 commanding officers--

18 MR. GODWIN: I object, your Honor, reading from an old  
19 Navy record on cross-examination.

20 THE COURT: Overruled.

21 Q. Have you ever been advised, sir, by one of your commanding  
22 officers that you were recommended for this administrative  
23 discharge because you were considered unreliable for duty?

24 A. I don't recollect that, no.

25 Q. Well, are you trying to tell us that you were engaged in

1 some kind of an undercover activity that the Navy sanctioned and  
2 even though they sanctioned it, they discharged you? They sort  
3 of terminated you?

4 A. Yes, sir; I am.

5 Q. Do you have any--in the entire world, sir, have any  
6 evidence, any documents, any reports or any person that I or  
7 anyone else could contact to verify that you, in fact, were  
8 involved in an undercover operation for the United States Navy?

9 A. Yes, sir, I do.

10 Q. And who is that?

11 A. Special Agent J.J. Baker with the United States Naval  
12 Investigative Service.

13 Q. And when is the last time you spoke with Mr. Baker?

14 A. Probably in 1974.

15 Q. And since that particular time, sir--well, strike that.

16 Did you get a document other than--and the document shows  
17 that you were discharged?

18 A. What document?

19 Q. You have a document showing that you were discharged from  
20 the Navy; isn't that correct?

21 A. Yes.

22 Q. And it shows that you were discharged?

23 A. General, under honorable conditions.

24 Q. General?

25 A. Under honorable conditions.

1 Q. A regular discharge, it is not, sir. Since we are talking  
2 about the military, you get honorably discharged. You go in, do  
3 your time, mind your P's and Q's and you get discharged--  
4 honorable discharge, right?

5 A. There are four categories, Mr. Zimmerman. There is  
6 honorable discharge and then honorable under general--general  
7 under honorable conditions.

8 Q. Excuse me?

9 THE COURT: Let the witness answer.

10 Q. The discharge that you got, sir, was an honorable  
11 discharge--a general discharge under honorable conditions?

12 A. That is correct.

13 Q. In the hierarchy of discharges, that is lower than a  
14 discharge, that is, an honorable discharge, it is not?

15 A. It is underneath of an honorable discharge.

16 Q. In fact, it is an administrative discharge that you have  
17 already told us that you agreed with with the Navy; is that  
18 correct?

19 A. Yes.

20 Q. When you got out of the Navy--incidentally, sir, were you  
21 married when you were in the Navy?

22 A. I got married towards the end, yes.

23 Q. To whom?

24 A. I beg your pardon?

25 Q. To whom? What was--what was the name of the woman that you

1 married?

2 A. Her maiden name was Nancy Goodbaster\*\*.

3 Q. Where is she from, sir?

4 A. Chicago.

5 Q. And how long did that marriage last?

6 A. Approximately five years.

7 Q. Did you have any children?

8 A. No, sir.

9 Q. And did she move back here to West Virginia with you?

10 A. Yes.

11 Q. And she was aware, then, naturally of the status of your  
12 discharge from the Navy and your situation with the Navy; is  
13 that right?

14 A. Yes.

15 Q. Do you know if she is still around West Virginia?

16 A. I think she is.

17 Q. All right. When you came back from being in the service, I  
18 guess you were discharged in Chicago?

19 A. Right.

20 Q. When you--after that happened, what did you do? What did  
21 you do with yourself? Where did you go?

22 A. I looked for work.

23 Q. And where did you look for work?

24 A. I had--where did I look?

25 Q. Yes.

1 A. In Chicago.

2 Q. Did you get a job there?

3 A. I had several small jobs.

4 Q. Doing what, sir?

5 A. I worked at a gas station, and I worked for an individual  
6 that built race cars, and I worked for a while at a small  
7 security company.

8 Q. And what did you do at the security company, sir?

9 A. Primarily I was a security guard and worked at one of their  
10 client's. That was at the Underwriter Laboratories facilities.

11 Q. How long did you stay in Chicago, sir?

12 A. I don't recall. One, two years, maybe.

13 Q. While you were in the Navy, sir, did you receive any  
14 special training outside of being a radar man?

15 A. Yes.

16 Q. What was that?

17 A. I trained at Little Creek, Virginia, with--they classified  
18 it as a ship's landing party. We trained over there, though,  
19 with SEAL Team 2, and UDT 21 was being absorbed into SEAL Team 2  
20 at the time.

21 Q. Are you trying to tell us you were in the Navy SEALS?

22 A. No, sir.

23 Q. That you have any Navy SEAL training?

24 A. No.

25 Q. So the training you had to do was when you were in--what

1 was it, Virginia?

2 A. Correct.

3 Q. What did it consist of, sir?

4 A. What did it consist of?

5 Q. Yes. What did you do?

6 A. Uh, we were taught small arms, really just a basic--a basic  
7 training similar to what an individual would receive if they  
8 went through army basic training.

9 Q. Did you serve in Vietnam, sir?

10 A. No, sir.

11 Q. Were you ever even on orders to Vietnam?

12 A. No.

13 Q. Now, did you ever tell anyone you served in Vietnam, sir?

14 A. Yes, I did.

15 Q. And how many people would you say over the years when you  
16 got out of--when you got this administrative discharge from the  
17 Navy until today, you told people that you served in Vietnam?

18 A. I have no idea.

19 Q. Well, would it be more than five or six?

20 A. I don't know, Mr. Zimmerman. I embellished about that, and  
21 I am sure that there was a lot of people that I told that to.

22 Q. You lied about being in Vietnam to many, many, many people,  
23 did you not?

24 A. Yes, sir.

25 Q. Have you ever told people that you, in fact, were a member

1 of the Navy SEALS?

2 A. Yes, I did.

3 Q. And do you know how many people that you had told that to?

4 A. I have no idea.

5 Q. Would it be about the same number of people that you  
6 indicated to that you served in Vietnam?

7 A. Quite possibly.

8 Q. Could we put that number at at least 50 people?

9 A. I'm not going--I don't agree with that. I don't know.

10 Q. That is what I am asking you, sir. I mean, was it two?  
11 Was it 50? See that man in the suit there? Mr. Shaffer, you  
12 told him that, didn't you?

13 A. Yes, I did.

14 Q. And so when you told these people that you were a member of  
15 the Navy seals, you lied to them, too, did you not?

16 A. Yes, I did.

17 Q. And did you ever tell anybody that as part of your job in  
18 the service for the Navy seals that you, in fact, were in  
19 Vietnam and had taken prisoners of war out of prison camps and  
20 so on?

21 A. Yes, I said that.

22 Q. And how many people did you tell that to?

23 A. I don't know, Mr. Zimmerman.

24 Q. But however many you did, it was close to the same amount  
25 as the others? Whoever you told that, you were lying?



1 A. Yes, sir.

2 Q. Did you began telling people that--when did you begin  
3 telling people that you were a Navy seal, and Vietnam, and took  
4 prisoners of war out and all that? Did you do that in the late  
5 '70's?

6 A. Probably.

7 Q. And I assume you did that to impress people so that they  
8 would have a higher, higher view of your esteem; is that correct?

9 A. I had very low self-esteem, yes.

10 Q. So you made up this scenario about you being a special Navy  
11 seal doing all this dangerous work, and all this intricate  
12 knowledge about special military operations so that people would  
13 think of you in that way; is that right?

14 A. Yes.

15 Q. And when you first met Ray Looker in 1990 or whenever it  
16 was, you told him you were a Navy seal; is that correct?

17 A. Yes, I did.

18 Q. You also told him you were in Vietnam?

19 A. Yes.

20 Q. You also told him you were a POW escort?

21 A. I was involved in what they called "Project Homecoming."  
22 It was a very small thing, and it was in Chicago. It did  
23 involve bringing back POW's, but I embellished it, yes.

24 Q. Sure. The Project Homecoming; and you arranged for the  
25 cars. You didn't go out and pull anybody out of a prisoner of

1 war camp, did you?

2 A. That is correct.

3 Q. That is correct? You did not; right?

4 A. That is correct. I did not.

5 Q. As a matter of fact, have you ever been out of the United  
6 States?

7 A. Yes.

8 Q. And where have you been?

9 A. I have been to Mexico, been to Hawaii. I have been to  
10 Puerto Rico. I have been to Haiti, Canada.

11 Q. None of these visits that you did, however, were part of  
12 any secret military operation.

13 A. No, sir.

14 Q. Now, did you also tell people from, say, the mid '70's on  
15 until today, that you also had some affiliation with the CIA?

16 A. I may have said that.

17 Q. Well, I mean, did you tell Mr. Shaffer, sitting right here,  
18 that you, in fact, worked closely with the CIA?

19 A. I don't recall saying that.

20 Q. Saying what? You don't recall saying that or telling him  
21 that?

22 A. I don't recall, that is correct.

23 Q. Do you recall telling anybody that you had contacts and had  
24 done work for the CIA?

25 A. I may have said something like that, but I don't recall who

1 it would be.

2 Q. And why would you have said something like that, sir?

3 A. I have no idea, Mr. Zimmerman.

4 Q. You would have said that so that someone would have thought  
5 more highly of you, thought that you actually did it; correct?

6 A. I would assume it would be the same reason, yes.

7 Q. You wanted the people that you told this story to, that you  
8 had formulated, to think that it was true. Isn't that accurate?

9 A. Yes.

10 Q. I mean, you wanted them to think of you as being a former  
11 Navy seal, former intelligence guy, an undercover guy, more or  
12 less; correct?

13 A. You mean a former Navy seal? Yes.

14 Q. And you also told your business associates these stories  
15 for business purposes; isn't that correct?

16 A. I don't know that I would say for business purposes, but I  
17 have--I just said that I have embellished.

18 Q. You embellished? "Embellished" means "stretching." You  
19 actually lied, did you not; made something up out of whole  
20 cloth, completely whole cloth, fabricated and you told many,  
21 many people that.

22 A. Yes.

23 Q. Now, sir, you told us the other day that you had gone to  
24 college; is that correct?

25 A. That I had what?

1 Q. Gone to college.

2 A. Yes, sir.

3 Q. And you told us you went to the University of West Virginia.

4 A. Right.

5 Q. Now, what years were they, sir?

6 A. I believe that was in 1978-79. Somewhere in there.

7 Q. How long did you attend the University of West Virginia?

8 A. A year or two.

9 Q. Were you a full-time student?

10 A. I believe so, yes.

11 Q. How many courses did you take per semester?

12 A. I don't remember. I think it might have been 14 hours, 16  
13 hours per semester.

14 Q. And after that period of time, you discontinued your  
15 education; is that correct?

16 A. Yes, sir.

17 Q. And you say that was in 1979?

18 A. I think that is about right, '78, '79, somewhere. It might  
19 have been a little earlier than that.

20 Q. And in that time were you married?

21 A. Yes.

22 Q. To whom were you married then?

23 A. Uh, Diane.

24 Q. Diane. What is her last name, sir?

25 A. Richards.

1 Q. Are you still married to her?

2 A. No.

3 Q. So she was your second wife?

4 A. Correct.

5 Q. And when did you get married to Diane?

6 A. I think it was in '78.

7 Q. Did you tell Diane that you, in fact, were in Vietnam?

8 A. Yes.

9 Q. Did you tell her that before you were married?

10 A. I believe so.

11 Q. And did you tell her that into your marriage?

12 A. Mr. Zimmerman--if I told her before, I would assume I  
13 stayed with the same story.

14 Q. Stayed with the story?

15 A. Right.

16 Q. Did there come a time, sir, when she asked you to go to see  
17 a psychologist by the name of Samuel Goots?

18 A. Yes.

19 Q. Did you, in fact, go to see Samuel Goots?

20 A. Yes.

21 Q. Did you tell Samuel Goots that you were in Vietnam?

22 A. Yes, I did.

23 Q. Did you tell him you were a Navy seal?

24 A. Yes, I did.

25 Q. Did you tell him about bringing POW's out of Vietnam?

1 A. I don't remember that, but I may.

2 Q. Did he diagnose you as having Post Traumatic Stress  
3 Syndrome? Did he tell you that?

4 A. That is correct. Yes. He said I had some type of Post  
5 Traumatic Stress Syndrome. He wasn't sure what it was from.

6 Q. You know what that is, Post Traumatic Stress Syndrome? An  
7 ailment that causes you a lot of problems over some great trauma  
8 such as really serving in Vietnam?

9 A. Right, or child abuse, yes.

10 Q. Or a lot of things?

11 A. That is what I was trying to tell Mr. Goots, but I could  
12 never get it out.

13 Q. So then you told him that you were a Navy seal and you were  
14 in Vietnam, and he diagnosed you as having Post Traumatic Stress  
15 Syndrome on the basis of your service in Vietnam; is that right?

16 A. I am sure he made the diagnosis based on what I told him.

17 Q. And you told him, you know, you were having difficulties  
18 because you were a seal in Vietnam and all that.

19 A. That is right. I lied because I was unable to tell him the  
20 truth.

21 Q. You convinced your own psychologist of your lies; is that  
22 correct?

23 A. Evidently.

24 Q. You were convincing enough to convince a professional who  
25 was trying to help you that you were in Vietnam and that you

1 were having serious problems because of your Vietnam service;  
2 correct?

3 A. Yes.

4 Q. And after this diagnosis, did you continue to see him for  
5 therapy? Did you go back and see him for sessions to talk about  
6 your problems and do whatever?

7 A. I saw him. I don't recollect how long I saw him. I saw  
8 him for a while.

9 Q. So it wasn't just a one-shot visit that you went to see Dr.  
10 Goots and he talked to you a little bit and then made this  
11 diagnosis? He--you went to see him, he evaluated you and he  
12 counseled you for some time; is that correct?

13 A. Three, four months. Maybe longer.

14 Q. And during that three or four months, did you ever reveal  
15 to him that you lied to him about being in Vietnam?

16 A. No, sir.

17 Q. And you knew he was trying to help you. I mean, you knew  
18 that Dr. Goots was trying to help you, did you not? I mean,  
19 that is why you went to him, for help; right?

20 A. Right.

21 Q. And you knew he was trying to help you, and you still  
22 didn't tell him the truth; is that right?

23 A. I wasn't able to, yes.

24 Q. You weren't--you were--would you say you couldn't because  
25 you were a pathological liar?

1 A. No.

2 Q. So after you stopped treating Dr. Goots--with Dr. Goots  
3 excuse me--were you working at the time you were seeing Dr.  
4 Goots?

5 A. I don't remember.

6 Q. Well, let's go back to your work history for just a  
7 moment. You got out of the Navy and worked at some small jobs  
8 in Chicago, and then you came back to West Virginia, you and  
9 your first wife; is that correct?

10 A. Right.

11 Q. And you came back to West Virginia with your first wife.  
12 Where were you employed, sir?

13 A. Uh, let's see. One of the--I worked at Eureka Pipeline  
14 Company for about a year.

15 Q. What did you do, sir?

16 A. I was what they call a rouster, temporary rouster. They  
17 have a union, so they hire people in the summer, in the hot-  
18 weather months.

19 Q. What did you do after you left there?

20 A. I think the following year I worked at Consolidated Gas.

21 Q. What did you do for Consolidated Gas?

22 A. Same type of work.

23 Q. Physical labor?

24 A. Yes.

25 Q. And how long did you work for them?



1 A. A year. About a year.

2 Q. And after that, what did you do? That gets us to about  
3 1976, sir. Do you know where you worked then?

4 A. No.

5 Q. When did you get divorced from your first wife?

6 A. I guess it was about the same time.

7 Q. About 1976?

8 A. Yes.

9 Q. Well, after the gas company, do you recall where you were  
10 employed?

11 A. I was unemployed for a while.

12 Q. Okay. And during this period of time, where did you live?

13 A. I didn't have anyplace to live.

14 Q. Well, did you live in Clarksburg?

15 A. Yes.

16 Q. And you didn't have anyplace to live because you and your  
17 first wife were having a dispute over the house you were living  
18 in; is that correct?

19 A. We didn't have a dispute. It was pretty clear that I  
20 wasn't allowed to go back to the house. I went to a mission.

21 Q. So she didn't allow you to go back to the house because of  
22 marital discord; is that correct? And so--well, where was the  
23 next place that you lived after that, sir?

24 A. I lived at a mission.

25 Q. Okay. And how long did you live at the mission?

1 A. I don't know. Several months.

2 Q. And while you were at the mission, were you employed?

3 A. No, not that I--not that I recall.

4 Q. Well, after you got past that, where did you live after you  
5 left the mission?

6 A. I don't remember, Mr. Zimmerman.

7 Q. Well, when did you meet your second wife?

8 A. I guess it was during that time.

9 Q. During the time you were in the mission?

10 A. Yes.

11 Q. And when was it that you got married to her?

12 A. 1977 or '78. '78.

13 Q. And then, I take it, you had some children?

14 A. We had one child.

15 Q. One child. And when you had the child, where were you  
16 living?

17 A. In Nutter Fort.

18 Q. Nutter Fort?

19 A. Yes.

20 Q. And do your folks live around Clarksburg?

21 A. Yes, they do.

22 Q. Were you living with them at the time or by yourself?

23 A. Uh, I guess I stayed with--I guess I stayed out at the farm  
24 for a while.

25 Q. And then how long were--I take it you are not still married

1 to Diane?

2 A. No, I am not.

3 Q. When did you and Diane get divorced?

4 A. About five years later.

5 Q. So that would make it, what? You got married in '77.

6 A. It would be about 1982.

7 Q. About 1982. And when you got divorced from Diane, were you  
8 living in Clarksburg?

9 A. Yes.

10 Q. And where were you working at that time?

11 A. Uh, American Plate Glass.

12 Q. What did you do for them?

13 A. I worked in security.

14 Q. What does that mean? You were a security guard?

15 A. No. I was the chief of security for them.

16 Q. You were the chief of security for--who was that again?

17 A. APG Industries.

18 Q. So you made sure their buildings were safe?

19 A. Yes.

20 Q. To get that job, sir, did you tell them you were a former  
21 Navy seal?

22 A. I embellished my resume, yes.

23 Q. You lied on your application about being in the Navy seal.  
24 Did you tell them you were a Vietnam veteran?

25 A. Yes.

1 Q. You lied again about that. Did you lie and tell them you  
2 were involved in the intelligence community?

3 A. I may have.

4 Q. So on the basis of your persona, so to speak, what you told  
5 them about your other life, they hired you as chief of security?

6 A. Yes.

7 Q. Okay. And how long--how long was it that you worked as the  
8 chief of security for this company?

9 A. A year or so.

10 Q. And after that--after that, where did you work, sir?

11 A. I don't recall.

12 Q. So you recall working for the security company, but you  
13 don't know what you did after that. What is the next thing you  
14 remember, the next job that you remember having after the  
15 security company, after being the chief of security?

16 A. Somewhere in there I ended up going into sales. I think I  
17 worked for Finn Construction\*\*.

18 Q. For who?

19 A. For Finn Construction.

20 Q. Where is that located, sir?

21 A. In Clarksburg.

22 Q. You sold stuff for Finn Construction?

23 A. Yes.

24 Q. What did you sell for them, sir?

25 A. I sold home improvement products.

1 Q. Like remodeling jobs for houses and so on?

2 A. Yes. Roofing, siding.

3 Q. You would go out and sell people siding and new roofs, new  
4 game rooms and that sort of thing?

5 A. Yes. Yes.

6 Q. And were you successful at that?

7 A. Yes.

8 Q. And how long did you work for them?

9 A. About a year. Actually it wasn't even that long. Maybe  
10 six months.

11 Q. Did you tell them about your Navy seal, Vietnam stuff to  
12 get that job?

13 A. I don't recall.

14 Q. You don't know if you did that or not?

15 A. No.

16 Q. Did you have to fill out a written application?

17 A. I believe I did.

18 Q. You don't know whether that application contained that  
19 information?

20 A. It may have.

21 Q. It wouldn't surprise you if it did; right?

22 A. No, sir, it would not.

23 Q. And were you still married to Diane when you were working  
24 selling the home improvement jobs?

25 A. No, sir.

1 Q. You had been divorced from her by then?

2 A. Yes.

3 Q. Did you marry someone else?

4 A. Yes, I did.

5 Q. And who was that?

6 A. Renee.

7 Q. And when did you marry Renee?

8 A. About--I think it was 1984.

9 Q. Okay. And did you and Renee have any children?

10 A. We have two sons.

11 Q. All right. How long were you married--are you still  
12 married to Renee?

13 A. No.

14 Q. How long were you married to Renee?

15 A. About five years.

16 Q. Okay. So how old are your sons today?

17 A. Eleven and 10.

18 Q. Now, when you married Renee, were you--was this while you  
19 were working as the salesman for the home improvement or was  
20 that afterward?

21 A. I think it was--I think I got that job the first month that  
22 we were married or maybe a little bit before.

23 Q. And after you finished selling these home improvements,  
24 you moved on to another job, I assume; is that correct?

25 A. Yes.

1 Q. And where was that?

2 A. Actually, I went to college. I went to Alderson-Broaddus  
3 College.

4 Q. Okay. What was the year that you went to Alderson--I'm  
5 sorry. Alderson-Broaddus?

6 A. Alderson-Broaddus, uh-huh.

7 Q. Okay. Where--how long did you go there?

8 A. I think I started in the fall of '84. I was there in '84,  
9 '85, and, let's see--I don't recall. I think I was there two  
10 years.

11 Q. Okay. Where did you live then?

12 A. I started out down in Philippi, in the town of Philippi,  
13 and we were caught in the '85 flood and lost everything.

14 Q. Uh-huh. And so you were living in Philippi. And how did  
15 you support your wife and family while you were going to  
16 college?

17 A. We didn't have any children at the time.

18 Q. I see. You had a child with Diane; right?

19 A. Right.

20 Q. How did you support him--support that child? Did you have  
21 any income so you could pay for your child's well-being?

22 A. We--I had some small jobs at the college. I had a  
23 work-study program that I worked in.

24 Q. What did that consist of, sir?

25 A. I ran--did all of the photograph developing, that type of

1 thing, ran the dark room for them.

2 Q. You worked in the dark room?

3 A. Yes.

4 Q. And during that period of time, sir, did you, in fact, pay  
5 any child support to your second wife, Diane, and your first  
6 child?

7 A. Diane told me that it wasn't necessary at that time because  
8 I was in school and didn't really have the money to do it, but I  
9 did the best I could.

10 Q. Do you recall if you ever paid any child support to her  
11 during that period of time?

12 A. I don't know, Mr. Zimmerman.

13 Q. Okay. So after you--well, so you lived in Philippi and you  
14 had the problem with the flood and you were in college and  
15 working in the dark room. Was Renee working?

16 A. I don't remember what job she had. I think she did do  
17 some--I think she did work, yeah.

18 Q. And when--you were there two years. While you were there,  
19 did you have any children or did that come afterward?

20 A. No. We had two children during that time.

21 Q. During the time you were in college--

22 A. Yes.

23 Q. --you had two children. You were still working in the dark  
24 room?

25 A. Right.



1 Q. Is that correct? Where did you get the money to support  
2 yourself?

3 A. Well, one summer I went to work for another home  
4 improvements company.

5 Q. That is selling again; correct?

6 A. Right.

7 Q. And how about--well, after you left the college, then, you  
8 didn't get a degree or anything, did you?

9 A. No, sir.

10 Q. And after you left that college, did you get a job?

11 A. Uh, I continued to work for the same construction company  
12 for a while.

13 Q. Selling home improvements?

14 A. Yes.

15 Q. What is the name of that place, sir?

16 A. At that time it was Omni Window Company--it was Omega  
17 Window Company, and they sold the Omni windows.

18 Q. Omega Window Company; is that correct?

19 A. Right.

20 Q. Did you ever--were you ever involved in any other group  
21 called the Omega group or anything like that?

22 A. No.

23 Q. Did you ever tell anyone you had a company or were involved  
24 in some Omega group of some sort?

25 A. I don't recall that.

1 Q. So the Omega Window Company was a company that sold  
2 replacement windows; is that correct?

3 A. Right.

4 Q. And you would go out from house to house and sell windows?

5 A. Well, it started out that way, but I actually helped run  
6 their offices. They had a couple offices, and so I trained  
7 sales people and worked with sales people and trained them how  
8 to sell products.

9 Q. You trained sales people?

10 A. Yes.

11 Q. Does that consist of telling them what kind of speeches to  
12 make to potential customers and techniques to get their point  
13 across so that they can close the sale?

14 A. Sure. We received training from all sides--corporation out  
15 of Akron, Ohio, and we followed that training.

16 Q. Do you know a fellow by the name of Gary Keith?

17 A. Yes, I do.

18 Q. When did you meet Gary Keith?

19 A. About the same time.

20 Q. The same time as what, sir?

21 A. As I was--when I was working with Omega Window.

22 Q. Did you ever tell anyone that you and Gary Keith formed a  
23 thing called the Omega Group, which was a special operations  
24 group that did intelligence work?

25 A. I don't recall.

- 1 Q. Well, you might have done that?
- 2 A. I just said that I don't recall, Mr. Zimmerman.
- 3 Q. Do you know a fellow by the name of Roy Johnson, Jr?
- 4 A. Yes.
- 5 Q. You were associated with Roy Johnson, Jr, in business for a
- 6 while?
- 7 A. Mr. Johnson worked for a business that I had.
- 8 Q. He worked for a business called EMT; right?
- 9 A. Correct.
- 10 Q. Was Gary Keith a partner in EMT, sir? Was he one of your
- 11 partners?
- 12 A. He was a principal in the company.
- 13 Q. Was he a person that also held himself out to be a special-
- 14 forces-type of military fellow?
- 15 A. To my knowledge, he was an ex-CIA agent.
- 16 Q. So he was an ex-CIA agent?
- 17 A. That is what I understood.
- 18 Q. Did you tell him that you were a Navy seal?
- 19 A. Yes.
- 20 Q. And he believed you?
- 21 A. He may have. I don't know what he believed.
- 22 Q. Most of the people that you told your stuff to about the
- 23 seals and Vietnam, they believed you; isn't that correct?
- 24 A. I don't know.
- 25 Q. Well, did they ever--did anyone ever question you or say,

1 "That is bull, Mr. Richards. You didn't do that."

2 No one ever did that?

3 A. No.

4 Q. And you got to be such a good salesman that you, in fact,  
5 moved up in your company to train other salesmen; is that  
6 correct?

7 A. Yes.

8 Q. You became--would you consider yourself to be a real good  
9 salesman?

10 A. Yes.

11 Q. So how long after you began working as a sales trainer did  
12 you continue to work for Omega Window Company?

13 A. I don't recall. Maybe a year.

14 Q. Then after that, what did you do?

15 A. In 1988, I was campaign strategist for a U.S. Senate seat.

16 Q. And they lost; right?

17 A. Yes.

18 Q. And who was it?

19 A. It was state senator--former State Senator of West  
20 Virginia, Jay Wolfe, ran in--

21 Q. I'm sorry to interrupt you. Go ahead.

22 A. He ran in 1988 against Senator Byrd.

23 Q. What was your function as his campaign--

24 A. I served as campaign strategist for that job.

25 Q. Was that a paid job?

1 A. I don't recall if I received anything or not. I don't  
2 think. I may have gotten something, but it was minuscule.

3 Q. What did you do to pay your bills while you were working  
4 for the state senator?

5 A. It seems to me that Omega Window Systems, they restarted  
6 --and I forgot the name that they were using at that time, but I  
7 had also been selling some home improvement products. Then in  
8 19--I guess it was '88, '89, somewhere in there, I also started  
9 EMT. I think I did receive something during the campaign, but I  
10 don't recall what it was. It was very small.

11 Q. Up until 1988, including the year of 1988, what was the  
12 most money that you ever made in one year's period that you  
13 reported on your taxes?

14 A. I don't know. It wasn't a lot.

15 Q. Well, would it have been less than \$30,000 a year?

16 A. It shouldn't have been when I was at Finn Construction, but  
17 they didn't pay me \$17,000 of my commissions. That is why I  
18 left them.

19 Q. Uh-huh.

20 A. But I doubt very seriously that I ever made over \$30,000.

21 Q. Okay. And then when you started working--when you started  
22 at EMT, that was your own company; right?

23 A. Yes.

24 Q. Did you incorporate that company?

25 A. Yes.

1 Q. You filed incorporation papers?

2 A. Yes.

3 Q. And what did that company do, sir?

4 A. We sold security systems, but the primary product was an  
5 emergency response system that could be expanded into a full  
6 security system.

7 Q. The emergency response would be something like you sold to  
8 the elderly? In case they fell down or something like that,  
9 they could notify some center someplace so that they could get a  
10 quick response if they were in trouble?

11 A. We sold it--we sold it to anybody that had a need. In all  
12 honesty, everybody needed that device. If an individual had an  
13 accident at home, they could simply push a button and it would  
14 automatically notify a monitoring station, which in turn would  
15 notify emergency rescue. It also had a fire detection system  
16 built into it.

17 Q. Did you--who manufactured the product that you sold?

18 A. Capry Corn Electronics\*\*.

19 Q. Did you invent that machine, sir?

20 A. No.

21 Q. Did you tell lots of people that you did?

22 A. I embellished the product, and I embellished the company.

23 Q. Did you tell people that you invented the machine?

24 A. I don't think I said that I invented it.

25 Q. Did you tell them that you had anything to do with its

1 invention or its production?

2 A. With its development?

3 Q. Yes.

4 A. Yes.

5 Q. Did you have anything to do with its development?

6 A. Only from the standpoint of sitting down with Capry Corn  
7 Electronics and telling them what I wanted the machine to do.

8 Q. And it was--well, did you tell people that you had a patent  
9 on this machine or a patent pending?

10 A. There was a patent pending, but it was by Capry Corn.

11 Q. Excuse me, sir. Did you tell other people that you, Okey  
12 Marshall Richards, had either a patent or a patent pending on  
13 this device?

14 A. I don't think so. I may have.

15 Q. Now, not only did you sell this device with EMT, you got  
16 involved in selling franchises or territories to this device,  
17 did you not?

18 A. We tried to dealership the company.

19 Q. What does that mean, you "tried to dealership the company"?

20 A. We were trying to grow the company on a national scale and  
21 we met an individual by the name of Vince Nigrelli who became  
22 another principal of the company. Mr. Nigrelli had a  
23 background, very strong background from the Shacklee Vitamin  
24 Company\*\* and he suggested that we attempt to open up national  
25 dealerships.

1 Q. And you attempted to do that; is that correct, sir?

2 A. Yes. We attempted to do that.

3 Q. This company of yours eventually failed; right?

4 A. Yes, it did.

5 Q. Now, this is actually where you met with this Mr. Shaffer  
6 fellow that is sitting here, right, with EMT?

7 A. Yes.

8 Q. He worked for you there, also; right?

9 A. He was there for a short while.

10 Q. And Mr. Johnson?

11 A. Yes.

12 Q. And his wife, Deborah Johnson?

13 A. Yes.

14 Q. Do you know a person by the name of Barbara Haccadamo  
15 (phonetic)?

16 A. You mean Barbara Accamando?

17 Q. Accamando.

18 A. She was out of Pennsylvania. She was one of the dealers  
19 with the company.

20 Q. Did you have trouble with her?

21 A. Beg your pardon?

22 Q. Did you have any trouble with her?

23 A. Any trouble with her?

24 Q. Yes. Did you have a dispute with her about money she paid  
25 you and her wanting it back because the product was not what you



1 said it was?

2 A. I don't recollect that, no. I know that Barbara needed a  
3 lot of training and a lot of help.

4 Q. Did you tell her that you were a Navy seal?

5 A. I would imagine I did, yes.

6 Q. That you were a spy?

7 A. I don't recollect that.

8 Q. That your wife died in an automobile accident? That your  
9 first wife died in an automobile accident?

10 A. I don't recall that, saying that.

11 Q. That you worked with the Secret Service?

12 A. I don't recall saying that, either.

13 Q. Did you tell anyone, sir, that you in conjunction with  
14 NASA, the space agency, developed this device that you were  
15 selling?

16 A. I don't recollect saying that. I did say that the  
17 technology that was utilized in the system was from the  
18 aerospace industry.

19 Q. And that was because someone else manufactured it; correct?

20 A. Capry Corn Electronics.

21 Q. How much would you pay for one of these devices, EMT? What  
22 was your cost?

23 A. I think our total cost was approximately \$250 or so.

24 Q. And what was the price you were selling them to people,  
25 individuals out in the community?

1 A. You mean retail?

2 Q. Yes.

3 A. About \$1800.

4 Q. How many of them did you sell?

5 A. I don't know.

6 Q. Well, did you sell 100 of them?

7 A. We sold a lot of them. I don't know how many we sold.

8 Q. Does that company of yours--did you keep any records?

9 A. I beg your pardon?

10 Q. Did you keep any records?

11 A. We had records, yes.

12 Q. Did you pay taxes on all of the money that you paid through  
13 that company?

14 A. We paid taxes. We had some problems when the company  
15 started to fail.

16 Q. Did you, yourself, make any money from EMT?

17 A. A small amount.

18 Q. Uh-huh. And you, yourself, had some tax problems; is that  
19 correct?

20 A. Yes.

21 Q. As a matter of fact, there are a variety of tax liens filed  
22 against you from the federal government and from the state, the  
23 State of West Virginia; isn't that correct?

24 A. I know that there is a tax lien with the State of West  
25 Virginia because of EMT, yes.

1 Q. Do you know anything about the federal tax liens that are  
2 filed against you?

3 A. No, sir, I don't.

4 Q. Did you ever receive any notices from the IRS that say,  
5 "Pay up. You owe us X amount of dollars. Pay up or we are  
6 going to file a lien against you"?

7 A. There was a \$3,000 dispute between myself and the IRS that  
8 I know of.

9 Q. Well, did you always--

10 MR. ZIMMERMAN: May I approach the witness, your Honor?

11 THE COURT: Yes, sir. Would you show counsel?

12 MR. ZIMMERMAN: I have earlier. Do you want to see  
13 them any further?

14 MR. GODWIN: I am familiar with the documents.

15 Q. I want to show you what has been marked here, sir, as  
16 Defendant's Group Exhibit 12. And what I would like you to do,  
17 sir, is to review those documents for a moment without making  
18 any comment, sir, or anything about them, just--

19 A. Okay.

20 Q. Do those refresh your recollection, sir, about some monies  
21 that you owe to the federal government? If they don't, just say  
22 so.

23 A. No, sir, they don't.

24 Q. These are documents with your name on them, purporting to  
25 be federal tax liens, though; do they not?

1 A. Well, they say--this one says, "Emergency Monitoring  
2 Technologies."

3 Q. Well, that was you; is that correct?

4 A. This one is EMT. It wasn't just me. It was a company.

5 Q. Well, so the company--who else owned the company besides  
6 yourself?

7 A. There were three principals in the company.

8 Q. And who were they, sir?

9 A. There were four. Excuse me. So it was myself, it was my  
10 father, there was Mr. Keith, and Mr. Nigrelli.

11 Q. Mister who?

12 A. Nigrelli.

13 Q. Where did you get the money to start EMT, sir?

14 A. I didn't have any money to start EMT.

15 Q. How were you able to buy your \$200 machine that you sold  
16 for 1800 bucks.

17 A. I already had a demonstration model in my possession and I  
18 had 34 cents in my pocket. And I sold the--I sold the demo  
19 model, and when I ordered additional equipment, I ordered two  
20 systems and put the demonstration model back together.

21 Q. Now, sir, after--and you don't recall exactly how many of  
22 these machines it was that you actually sold?

23 A. No.

24 Q. Was it enough to support the four principals of the  
25 company?

1 A. No, it wasn't.

2 Q. In 1988, is that when you started? In '88 or was it '89?

3 A. It was '88, '89. Somewhere in there.

4 Q. Do you recall how much money you reported as your income  
5 for 1989?

6 A. You mean personally or the company?

7 Q. Yes, personally. How much money you, Mr. Richards, made?

8 A. I don't know.

9 Q. Was it less than \$10,000?

10 A. I don't know, Mr. Zimmerman. I just answered that.

11 Q. Did you file a tax return that year?

12 A. I believe I did.

13 Q. Did you pay your taxes?

14 A. If I filed, I am sure--I don't know, Mr. Zimmerman.

15 Q. Okay. And how about 19--did I ask about '89? How about  
16 1990, sir? How much money did you make in 1990?

17 A. I don't know how much money I made in 1990.

18 Q. Did you file a tax return then?

19 A. I would assume I did.

20 Q. But you are not sure.

21 A. I don't know right now.

22 Q. And how about 1991? How much money did you make then?

23 A. I don't know how much money I made.

24 Q. Starting in 1990, where did you live, sir?

25 A. In Clarksburg.

1 Q. And with whom did you live?

2 A. Carolyn Garber\*\*.

3 Q. And who is Carolyn Garber?

4 A. My wife.

5 Q. She is your fourth wife; is that correct?

6 A. Yes. Yes.

7 Q. And when was it that you and Renee got divorced? Before  
8 EMT or after?

9 A. I don't know when we got divorced. It was probably 1990.  
10 Somewhere in there.

11 Q. After you began EMT?

12 A. Yes.

13 Q. And when--were you separated for a period of time before  
14 that?

15 A. Yes.

16 Q. And how long were you--did you live apart from her and your  
17 two children?

18 A. I don't know, Mr. Zimmerman.

19 Q. When was the last time that you lived with Renee Richards?

20 A. I don't know that, either, right now, Mr. Zimmerman. How  
21 am I supposed to answer this? This is eight years ago, seven  
22 years ago.

23 Q. When was the--what was the address that you lived at with  
24 Renee Richards?

25 A. We lived at the college.

1 Q. Well, did you have a house? Did you own a house?

2 A. No. We were provided a place to stay at the college.

3 Q. The college gave you housing as a part of your tuition?

4 A. Living quarters--well, Renee was able to obtain a position  
5 there working as like a dorm manager.

6 Q. And when you left there, when you left college, you  
7 couldn't live there anymore because you weren't associated with  
8 the college; isn't that right?

9 A. Right.

10 Q. So my question is: Where did you and Renee move?

11 A. What?

12 Q. Where did you move?

13 A. Renee and I separated. Renee stayed at Alderson-Broadus.

14 Q. Okay. I see. And you went someplace, but you don't  
15 remember where that was?

16 A. I remember where it was.

17 Q. Where was that? That was my first question.

18 A. My father had a business that he had closed down, and I  
19 went and stayed there at that--at that office.

20 Q. You stayed at the office?

21 A. Yes.

22 Q. Okay. Now, as I understand it, you first met Ray Looker in  
23 1990, or thereabouts; is that right?

24 A. '90, '91, somewhere in there.

25 Q. And you met him, according to what you told us the other

1 day, through this state senator, Jay Wolfe? Is his first name  
2 Jay?

3 A. Right.

4 Q. And you were introduced to Mr. Looker by Mr. Wolfe--

5 A. Yes.

6 Q. --is that correct? And that Mr. Wolfe and Mr. Looker were  
7 putting together some--trying to put together some type of a  
8 newspaper?

9 A. Right.

10 Q. A conservative newspaper, a right-wing paper?

11 A. Right.

12 Q. And that you were--you became familiar with Mr. Looker as a  
13 result of that?

14 A. Yes.

15 Q. And you tried to help him with his newspaper?

16 A. I didn't try to help Mr. Looker with the newspaper. I was  
17 asked by Mr. Wolfe if I would--as I recall, if I would take a  
18 look at it from a marketing standpoint, how they might be able  
19 to market the paper and whether or not it was--whether or not I  
20 felt that it was sellable or buyable, you know, that people  
21 would buy it.

22 Q. By the way, did you tell Senator Jay Wolfe that you were a  
23 Navy seal--

24 A. Yes.

25 Q. --and that you served in Vietnam?



1 A. Yes.

2 Q. And so you were actually a strategist for his campaign, but  
3 while you were doing his strategy, you told him these lies about  
4 yourself; is that correct?

5 A. I had told him those lies when I first met him, which  
6 was--which was back in 19--I believe it was 1983 or '84,  
7 something like that. I had met him several years prior to that.

8 Q. When you were marketing your franchises with EMT, was your  
9 training of your--the people that were working with you, did you  
10 encourage them to lie?

11 A. I don't think I encouraged them to lie.

12 Q. Did you, yourself, lie about the product that you were  
13 selling?

14 A. I told you that I embellished the product and I embellished  
15 the company.

16 Q. So did you--when you were selling these franchises or these  
17 territories or whatever it was, were you on the up and up with  
18 the prospective purchasers? Did you tell them the truth?

19 A. In what regard?

20 Q. In all regards, about how easy it was to sell, about the  
21 cost to the company, about who manufactured them, about  
22 everything, about the structure of the company, about how much  
23 money they were going to make, about how they were going to sell  
24 and what kind of support you were going to give them to help  
25 them in their business so that they could make a lot of money,

1 and finally about how much money you made? Did you tell them  
2 any of those things?

3 A. Sure, we did.

4 Q. And did you tell them the truth all of the time?

5 A. If I did tell them--if I said anything that was untruthful,  
6 it would have been about myself.

7 Q. Well, sir, do you know a man named Charlie Rollins?

8 A. Yes.

9 Q. Do you know his father, Charlie Rollins, Sr?

10 A. Yes.

11 Q. Isn't it true you had an arrangement with the Rollinses to  
12 take prospective purchasers of your franchise to Mr. Rollins  
13 Sr.'s home and conduct a fake sale and have him buy your  
14 equipment to impress the people?

15 A. No.

16 Q. Never did that?

17 A. No. What we did was--we utilized them as part of the  
18 training program. And people--the dealers knew that. They came  
19 down for training. We took them out on actual demonstrations  
20 with people that had been telemarketed, and we also took them  
21 over to the Rollinses'. I simply tried to help them out. They  
22 didn't have any money. Mr. Rollins came to me, Charlie came to  
23 me and said that his parents would be willing to participate in  
24 a training program and that is how we utilized them.

25 Q. And so you are telling us that you never told any of these

1 prospective buyers of your goods--that you went out there and  
2 made just a quick sale so that they were impressed, you never  
3 did that?

4 A. No. That wasn't intended to be that way, no.

5 Q. Well, did you do that to Barbara Accamando?

6 A. I don't know if Barbara Accamando went out to the  
7 Rollinses' or not. We had several sales people that went out to  
8 the Rollinses', Mr. Zimmerman, because that was, like I said--it  
9 was part of normal training.

10 Q. When you say, "out to the Rollinses'," do you remember what  
11 the Rollinses' house looked like?

12 A. Yes.

13 Q. What was it, sir?

14 A. It wasn't much of a house.

15 Q. It was an old, beat-up shack; right?

16 A. It was very dilapidated.

17 Q. And so did you take a person by the name of Wilkes\*\*--a  
18 fellow by the name of Wilkes out there? Donald Wilkes?

19 A. I don't recall who Wilkes is.

20 Q. How about George and Connie Shaw? Do you remember them?

21 A. Yes.

22 Q. You ended up in a big dispute with George and Connie Shaw;  
23 is that correct?

24 A. There was a serious problem, yes.

25 Q. A serious problem about money?

1 A. Yes.

2 Q. And they were from Connecticut and San Francisco  
3 respectively; correct?

4 A. Yes.

5 Q. And they actually gave you what was your price for selling  
6 these franchises, ten grand?

7 A. Yes.

8 Q. They gave you a check for \$10,000; is that correct?

9 A. Yes.

10 Q. And you didn't deliver the machines as you said you would?

11 A. No. We did deliver the machines.

12 Q. And they didn't--you didn't deliver all of them, though; is  
13 that correct?

14 A. I don't know. I don't recall.

15 Q. And you didn't provide them with any training; is that  
16 correct?

17 A. No. The training was there, and it was being done on a  
18 regular basis. All an individual had to do was to show up.

19 Q. Well, they lived in Connecticut and San Francisco and you  
20 knew that when they--

21 A. They lived in Connecticut. Mr. Shaw had another business  
22 in San Francisco.

23 Q. Did you take them out to the Charlie Rollins shack, so to  
24 speak?

25 A. I don't know if I did or not.

1 Q. How about a fellow by the name of Long?

2 A. Who?

3 Q. A fellow by the name of Long, Keith Victor Long? Did you  
4 have any dealings with him?

5 A. I don't know who that is.

6 Q. Were you aware, sir, back in 1995 that you and EMT had been  
7 the subject of an FBI investigation?

8 A. No, sir. I wasn't aware of.

9 Q. And you were involved in this case with Agent Francke at  
10 some point, were you not?

11 A. I beg your pardon?

12 Q. You were involved in this case with Steve Francke?

13 A. In what case?

14 Q. This case. The case we are here on today.

15 A. Yes. Steve Francke.

16 Q. Okay. Did Mr. Francke ever tell you when you were--excuse  
17 me. Did you have personal contact with him?

18 A. No.

19 Q. You never sat down and talked to him ever?

20 A. In what capacity?

21 Q. Any capacity, sir. Did you and Francke ever have a  
22 personal conversation face-to-face?

23 A. Well, along with Mr. Looker.

24 Q. By yourselves?

25 A. You mean Mr. Francke and myself?

1 Q. Yes. Were--did you ever have occasion to be alone with him  
2 or with Mr. Raffety?

3 A. Of course, I was with Mr. Raffety.

4 Q. Listen to the question, please. Were you ever face-to-face  
5 with Mr. Francke and Mr. Raffety?

6 A. Yes.

7 Q. Just the three of you?

8 A. I may have been, but I don't recall the time that would  
9 have occurred.

10 Q. Right. I am not asking you for the specifics. You do  
11 recall being together, though, do you not?

12 A. Yes.

13 Q. Did Mr. Francke ever tell you that, in fact, was a part of  
14 the investigation of you?

15 A. I don't remember that, no.

16 Q. He never told you that?

17 A. I said that I don't remember that.

18 Q. Okay. Did Mr. Raffety ever tell you at any time during  
19 your participation in--as we will generically term the militia  
20 situation, did he ever tell you that you and your company were  
21 under investigation?

22 A. I don't remember that, no.

23 Q. Do you know today that you were?

24 A. Yes.

25 Q. When did you first learn that, sir?

1 A. About a week or two ago.

2 Q. All right. Now, sir, back in--when you first started EMT,  
3 how long did that go on? How long did that business go on  
4 before it failed?

5 A. A couple years.

6 Q. Okay. And during those couple years, sir, how much money  
7 did you make--did you average a year with that?

8 A. Me personally?

9 Q. Yes.

10 A. It wasn't very much.

11 Q. Well, was it more than \$10,000?

12 A. I think it was probably around \$20,000.

13 Q. About \$20,000?

14 A. I think.

15 Q. And at that time when you were at the end of EMT, is that  
16 when you married your present wife or was that afterwards?

17 A. We got married three years ago.

18 Q. That is, like, '94?

19 A. Yes.

20 Q. And so that was after EMT?

21 A. Yes.

22 Q. Okay. So after EMT failed--and it is true that EMT failed  
23 because of poor management?

24 A. Yeah. I take the complete blame for that, yes.

25 Q. And that you were charging too much for your equipment; is

1 that correct?

2 A. Looking back on it now, I think that there were a lot of  
3 different problems and that might have--that might have been one  
4 of them.

5 Q. You had difficulty selling your franchises because once you  
6 sold them, you always had problems with them; right?

7 A. No. People--people were having difficulty selling the  
8 equipment, I agree with that. But there was--there were people  
9 that sold a lot, you know, that sold equipment, too.

10 Q. After the--so let's go back to Looker. Excuse me. We got  
11 off track there for a moment.

12 You met Looker in 1990 because he was trying to put  
13 together this newspaper with Jay Wolfe; right?

14 A. Yes.

15 Q. That is the first time you ever met Ray Looker; is that  
16 correct?

17 A. Yes.

18 Q. And at that time, that is when you told him about your  
19 service, your Vietnam experience and all that?

20 A. Yes.

21 Q. And you learned that Mr. Looker actually really was in the  
22 military for some 13 or 14 years?

23 A. That is what he said.

24 Q. That is what he told you. And so I take it that you  
25 developed some sort of a friendship with Mr. Looker on the basis



1 of what you were doing for he and Wolfe?

2 A. Yes.

3 Q. And would you say that you became good friends of his?

4 A. Yes.

5 Q. Did you visit back and forth at his house, with his wife  
6 and your wife?

7 A. No.

8 Q. Did you socialize together?

9 A. No.

10 Q. Did you engage in any type of other business together?

11 A. Wait a minute. When you say, did we socialize, did we  
12 visit, that type of thing, you mentioned my wife and I.

13 Q. Well--

14 A. Now, what exactly are you getting at there because if you  
15 mean did I visit Mr. Looker? Yes. Did I try to help him move  
16 to New York? Yes, I did that. Did I visit him while he was in  
17 New York? Yes, I did that, too.

18 Q. Thank you. So from 1990 when you first met Mr. Looker when  
19 he was still living in West Virginia, right, how long did you  
20 know him before he moved to New York?

21 A. It was a short period of time.

22 Q. Well, what does that mean, sir? A month? Two months?

23 A. A couple months. I would say two, three months.

24 Q. During that period of time you became friendly with him,  
25 did you not?

1 A. Yes.

2 Q. Did you meet his wife?

3 A. Yes.

4 Q. And did--were you--you were not married at that time, as I  
5 understand it.

6 A. That is correct.

7 Q. Were you dating your present wife at that time?

8 A. Yes.

9 Q. And did you introduce her to Mr. Looker and his wife?

10 A. I may have. I don't recall when that would have taken  
11 place.

12 Q. All right. And at that time did you know--well, you were  
13 working for EMT at that time; right?

14 A. I think I was in the process of shutting the company down.

15 Q. Right. You were--you were still employed. That was your  
16 source of income, such as it was?

17 A. I guess, yes.

18 Q. And so Mr. Looker was having some bad times. He didn't  
19 have a job, and he didn't have any money; is that correct?

20 A. Yes.

21 Q. And so you helped him move his family to New York, up  
22 around Niagara Falls because his wife had some family there.

23 A. That is right.

24 Q. Is that correct?

25 A. Yes.

1 Q. And during the time that you got to know him, first of all  
2 in West Virginia and then when you went up to New York to visit  
3 him, did you and he ever have any--did you exchange war stories  
4 about your past and your exploits while you were in the service  
5 and so on?

6 A. Yes.

7 Q. Okay. And so Mr. Looker, obviously, believed you because  
8 he introduced you to other people as a Navy seal; is that  
9 correct?

10 A. Yes.

11 Q. And he obviously thought you had some great expertise in  
12 the military stuff because he asked you eventually to join his  
13 group in a command structure; is that correct?

14 A. Yes.

15 Q. So you had convinced Mr. Looker that, in fact, you were a  
16 Navy seal and that, in fact, you were in Vietnam and that, in  
17 fact, you took POW's out of Vietnam, and were engaged in  
18 intelligence operations in the United States.

19 A. I convinced him I had a background, yes.

20 Q. Correct. Did you ever tell anybody that you and Mr. Keith  
21 were not allowed to have your photographs taken because of  
22 national security?

23 A. I don't recall that.

24 Q. Do you not recall going to work one day and making an  
25 excuse that there was an armored car or something that was held

1 up and you had to establish a perimeter for them? Do you recall  
2 telling that particular story?

3 A. Well, that, in fact, actually happened.

4 Q. And did you set up a perimeter?

5 A. What I did--I don't recall saying that I set up a  
6 perimeter. What I did was I checked to make sure the  
7 individuals were not in need of medical attention that I might  
8 be able to provide, and then I went and was able to make a phone  
9 call for them. They set up their own perimeter.

10 Q. And did you tell people after that, that as part of your  
11 persona, that you came upon this and you exercised your  
12 authority to get involved in that investigation?

13 A. I don't think I put it that way at all, Mr. Zimmerman.

14 Q. Now, after Mr. Looker got moved up to New York until 1995,  
15 were you in touch with him very often?

16 A. A few times.

17 Q. Some of the times you went up there?

18 A. I went up two or three times.

19 Q. To visit him, just as a social visit, friends?

20 A. Yes.

21 Q. Friends visiting friends?

22 A. Yes.

23 Q. Okay. And then were you aware of his views at the time and  
24 his distrust of the government?

25 A. Yes.

1 Q. You were aware at that time that he was thought--thought  
2 that there was some sort of a conspiracy for someone to take  
3 over the world--

4 A. Yes.

5 Q. --and the New World Order and all that.

6 A. Yes.

7 Q. And when you had those discussions with him, did you tell  
8 him that that was wrong or did you kind of agree with him?

9 A. We had some disagreements about it. I voiced my opinions.  
10 I didn't tell him he was wrong.

11 Q. Well, did you try to point out that the things that he was  
12 basing his beliefs on were erroneous?

13 A. I told him that I didn't see the evidence of it.

14 Q. Okay. And did you talk about that a lot?

15 A. I don't know that we talked about it a lot. I know that we  
16 had discussed it at least on one or two occasions.

17 Q. Now, how long--after he got up there and you shut down EMT,  
18 where did you go to work, sir?

19 A. I didn't have any work for a while.

20 Q. And how long was it that you were--that you had no work at  
21 all?

22 A. I don't know.

23 Q. Well, when did you get your next job?

24 A. Well, I went to--I went to Florida and tried to get work in  
25 Florida.

1 Q. Where did you go in Florida?

2 A. Uh, Fort Myers.

3 Q. And did you live in Florida for a while?

4 A. Yes.

5 Q. For how long, sir?

6 A. About six months.

7 Q. Did you take your present wife with you?

8 A. No, sir.

9 Q. You went by yourself?

10 A. Yes.

11 Q. And what kind of work did you try to do down there?

12 A. I did labor work.

13 Q. And for whom? What was the name of the company?

14 A. I don't recall the name of the company.

15 Q. Did you try to get other types of work?

16 A. Yes.

17 Q. And what kind of work--where did you apply? What did you  
18 do?

19 A. I worked for a telemarketing company for a while.

20 Q. What was the name of that place?

21 A. I don't recall the name of it. I was only there a very  
22 short while, maybe two weeks.

23 Q. Where did you get the money to support yourself for six  
24 months in Florida? You didn't have any money when EMT went  
25 bust; right?

1 A. Right.

2 Q. So where did you get the money to go down and live in  
3 Florida?

4 A. I just told you, I had worked when I was in Florida.

5 Q. You don't remember for whom?

6 A. It was a company--you could see them down there along the  
7 strip. And basically what you do is you show up in the morning  
8 at 5:00, 5:30 in the morning; if they have a job, then they post  
9 the jobs that are available. You apply for the job and  
10 hopefully you get picked.

11 Q. And how much money do they pay you?

12 A. Minimum wage.

13 Q. So at that time it was four bucks an hour, four and a  
14 quarter an hour?

15 A. Right.

16 Q. And did you live in an apartment or a house or hotel or  
17 what?

18 A. For a while I lived in the back of my van.

19 Q. And after that, after that while was over, where did you  
20 live?

21 A. I was down there with another individual and we were able  
22 to--we were able to rent a house for the winter.

23 Q. Who was that other individual, sir?

24 A. Uh, Al Connor.

25 Q. Al Connor.

1 A. Right.

2 Q. Is Al Connor still down there?

3 A. I don't know. I don't know if he is or not. He was when I  
4 left, but Al was diagnosed--the last I heard, he was diagnosed  
5 with inoperable lung cancer.

6 Q. Was he one of the people that you told that--your Navy  
7 seal, Vietnam story to?

8 A. Sure.

9 Q. So you came back to West Virginia, I guess. And when you  
10 got back here, where did you--you got a job someplace?

11 A. Uh, I came back. I was home for about four days and my  
12 wife and I were in a car accident. We were stopped at--in  
13 traffic, and we were rear-ended by another individual.

14 Q. Now, when did you get married to Carolyn?

15 A. Three years ago.

16 Q. Before you were went to Florida or after?

17 A. After.

18 Q. So you came back and you got married; correct? And were  
19 you married when you had the car accident?

20 A. I don't believe we were married at that time.

21 Q. So you had an automobile accident, and you weren't working  
22 at the time; correct?

23 A. I don't think I had a job at that time, no.

24 Q. And then how long was it before you got a job?

25 A. Well, I was--I had to have my leg operated on, and I think



1 that it was--a year went by before I was able to go to work.

2 Q. So you were unemployed or were on a disability of some sort  
3 for a year?

4 A. I was unemployed, and I didn't receive anything.

5 Q. No money for a year?

6 A. Right.

7 Q. And what year was that?

8 A. About, what? I guess 1993 or something like that.

9 Q. In 1993. So that would get us into 1994. Now, in 1994,  
10 did you get a job?

11 A. Uh, I eventually I did, yes.

12 Q. With whom? Who was your employer then?

13 A. I worked for a--I worked for my wife, actually, for a  
14 little while.

15 Q. What did she do?

16 A. Well, she lost her job and we sold--we actually sold  
17 flowers along the road.

18 Q. So you sold flowers along the road. Did you make any money  
19 doing that?

20 A. A little bit.

21 Q. Did she have any children?

22 A. She had two children.

23 Q. And how old were they when you married her, when you two  
24 married?

25 A. Twelve and 10.

1 Q. And how was it that you were able--that she was able to  
2 support them selling flowers along the road?

3 A. Well, she had a job up in--you know, she was a dental  
4 assistant. And then when she lost that position, then we set up  
5 a small roadside stand.

6 Q. And were you married when she lost the job?

7 A. No.

8 Q. You weren't married? And that is before the accident or  
9 after the accident?

10 A. After the accident.

11 Q. So you had an automobile accident where you were injured,  
12 she lost her job, and you were selling flowers on the roadside?

13 A. We sold flowers. We sold vegetables. We sold fruit. We  
14 did very well. We didn't have to go on welfare. We didn't  
15 receive any assistance.

16 Q. Where did you live, sir?

17 A. In Clarksburg.

18 Q. And what was the address?

19 A. 412 Haymond Highway.

20 Q. And was that a rental or was that--

21 A. We rented the house.

22 Q. You rented a house. Did she receive child support from  
23 the father of her children?

24 A. No.

25 Q. And I assume that all during this period of time that you

1 were not paying support to your--for your three children; is  
2 that correct?

3 A. I don't know if I was then at that time or not.

4 Q. Well, there is a variety of court orders in Harrison County  
5 concerning your arrearages in support for all of your children;  
6 is that correct?

7 A. Yes.

8 Q. And do you know how much behind you are in support payments  
9 for your first child with Diane?

10 A. No, I don't.

11 Q. Do you know how much you are in arrearages for your  
12 second--two children with Renee?

13 A. Yes, I do.

14 Q. And how much do you owe them?

15 A. Approximately \$20,000.

16 Q. Okay. Before October the 11th of 1996--you remember that  
17 day, do you not?

18 A. I beg your pardon?

19 Q. You remember that day?

20 A. What date is that?

21 Q. October 11?

22 A. Of '96?

23 Q. Yes. That is when Looker and Richards and these fellows  
24 were arrested. Before that day, sir, how much money in 1996 had  
25 you paid to your children in support?

1 A. I don't know, Mr. Zimmerman.

2 Q. Did you pay any?

3 A. Yes, of course.

4 Q. Did you pay it through the courts?

5 A. Sir?

6 Q. Did you pay it through the courts?

7 A. What do you mean, "through the court"?

8 Q. Well, you have a court order, do you not, that you have to  
9 pay so much--

10 A. Did I make those payments through the Child Advocate's  
11 Office out of Charleston?

12 Q. Yes.

13 A. No, I did not.

14 Q. So you tell us that--well, did you make any payments at all  
15 to them?

16 A. Yes. I was current.

17 Q. You were current in your payments throughout all of 1996?

18 A. I believe so, yes.

19 Q. Now, sir, how much money did you make in 1996?

20 A. I don't know, Mr. Zimmerman.

21 Q. How much money did you make in 1995?

22 A. I don't know that, either.

23 Q. Did you file an income tax in 1995? Did you file a return  
24 in 1995?

25 A. No, sir. I didn't file in '95, and I didn't file in '96.

1 Q. How about in '94?

2 A. I believe I did file in '94.

3 Q. Uh-huh. And where did you work in 1994?

4 A. I believe I was working for Automotive Research  
5 Technologies.

6 Q. I beg your pardon? I was rustling my papers. For whom?

7 A. A.R.T.

8 Q. Where are they located?

9 A. They--let's see. Their main office is located in  
10 Morgantown, West Virginia.

11 Q. And what did you do for them?

12 A. It was a myriad of things. I just--I worked for Jody  
13 Stirewalt, who is the president of the company, and basically  
14 did whatever he asked me to do.

15 Q. Well, scrub the floors, or were you a salesman or what?

16 A. Sometimes I scrubbed the floors.

17 Q. Did you sell things for him? Were you in marketing? What  
18 did they do?

19 A. They were--they are a company that has developed and  
20 installs products for alternative fuels.

21 Q. And is that the group that you were working with when you  
22 made contact with J.C. Raffety in 1995?

23 A. No, sir.

24 Q. So how long did that job last?

25 A. I worked at the company when they started out in--I think

1 that was 1994. Then I took a position--I took a position with  
2 Natural Gas Transportation Company out of Charleston, and then  
3 from there went back to work for Automotive Research  
4 Technologies, all in the same field of alternative fuels  
5 development.

6 Q. And did you have some background in alternative fuels?

7 A. No, sir.

8 Q. Your background was in sales; right?

9 A. Yes.

10 THE COURT: Mr. Zimmerman, if you are at--at a  
11 stopping place, we can go ahead and take the noon recess.

12 Members of the jury, if you will leave your notebooks,  
13 please, by your chairs. Please remember not to discuss the case  
14 among yourselves while you are on the lunch recess. We will  
15 resume the testimony at approximately 1:15. Thank you very  
16 much.

17 Mr. Richards, you may step down, also.

18 (Recess at 12:00 o'clock noon until 1:15 p.m., defendant  
19 present, jury not present)

20 THE COURT: All right. Bring the jury down, please.

21 (Jury present)

22 Mr. Zimmerman.

23 MR. ZIMMERMAN: Thank you, your Honor.

24 CROSS-EXAMINATION (Continued)

25 BY MR. ZIMMERMAN:

JENNIFER VAIL-KIRKBRIDE, RPR-RMR  
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1 Q. Sir, when we left for the break, we were discussing your  
2 employment, and I would like to go back there, if I may. In the  
3 beginning of--or excuse me.

4 When you first talked to Agent Raffety in 1995, I guess it  
5 was April or May, by whom were you employed at that time, sir?

6 A. When I first talked to Agent Raffety, I believe it was in  
7 February or March of 1995, and I was working as a consultant at  
8 that time for Northwestern College in Lima, Ohio.

9 Q. Okay. Now, when was it, sir, that you began that  
10 employment at Northwestern College?

11 A. In December of '94.

12 Q. Okay. And what were you--who were you consulting?

13 A. I beg your pardon?

14 Q. Who were you working with?

15 A. I was recommended to them by Consolidated Gas. I was  
16 consulting the president of the college about how they might be  
17 able to develop an alternative fuels program.

18 Q. Now, sir, you are not an engineer, are you?

19 A. No.

20 Q. Do you have any technical skills about alternative fuels?

21 A. You mean formal education?

22 Q. I mean scientifically, how you make an alternative fuel,  
23 how you turn something common into a fuel, do you have any of  
24 that expertise?

25 A. Only from my experience in working with it. I started out

1 with Automotive Research Technologies when they first started.

2 Only the knowledge I was able to pick up during that.

3 Q. In Automotive Research Technologies, when did you begin to  
4 work with them, sir?

5 A. I think it was--I don't rightly recall. I think it was  
6 December of '93 or something like that.

7 Q. December of '93. And I think you told us you did  
8 everything, including scrubbing the floors and all that type of  
9 stuff there; right?

10 A. Yes, I did.

11 Q. Did you receive any--what would you say that your job  
12 description for them was?

13 A. I was there to advise the owner of the company on how he  
14 might be able to--I was there to help him do a business start, a  
15 business start. There was only three of us. There was Mr.  
16 Stirewalt, there was another individual and myself.

17 Q. So this wasn't a big company. This was just two other guys  
18 and yourself were trying to start a business in alternative  
19 fuels?

20 A. No. It was one guy trying to start a business and he hired  
21 me to--

22 Q. He asked for your help?

23 A. --to give advice.

24 Q. Was he aware your previous business in EMT had just failed?

25 A. Yes.



1 Q. Did you advise him about your Navy intelligence, Vietnam  
2 stuff? Was he aware of that, also?

3 A. I don't think I did that to any great detail, but I  
4 probably--

5 Q. You probably told him that?

6 A. Yeah. Uh-huh.

7 Q. Okay. And you worked for him for a short period of time.  
8 About a year or so?

9 A. Right. A year and a half.

10 Q. And after that, you tell us that you were hired to consult  
11 the President of Northwestern University in Ohio?

12 A. No. I was--I went from Automotive Research Technologies  
13 and was asked by the president of the company down in  
14 Charleston, West Virginia, a company known as Natural Gas  
15 Transportation Company, which is a subsidiary of Eastern  
16 American Energy--and they were in the process of developing and  
17 building natural gas fueling stations in the State of West  
18 Virginia, and I was asked to do some marketing research for  
19 them.

20 Q. Okay. So, your job, then, was not in the technical aspect  
21 of this business, but how to market it?

22 A. Yes.

23 Q. So, in other words, you were back in kind of like the sales  
24 end of this situation.

25 A. I don't--no. I don't agree with that because I wasn't

1 selling anything.

2 Q. Okay. But, nevertheless, after you did your--you were  
3 doing marketing surveys and--

4 A. That is correct.

5 Q. --explaining what they needed to do to get their product on  
6 the market so they eventually could sell it; correct?

7 A. Yes.

8 Q. And so after your--was that a big company or was that,  
9 again, just another couple guys?

10 A. Oh, Natural Gas Transportation Company consisted of about  
11 seven people, but Eastern American Energy is a very large  
12 company.

13 Q. So you stayed with them for a short period of time and that  
14 is when you--incidentally, how did you get the job that we are  
15 talking about now, this last job where you were showing them how  
16 to market their products?

17 A. They asked me.

18 Q. And did you meet the guy who hired you? How did you come  
19 to meet him?

20 A. I met the president of Natural Gas Transportation Company  
21 while I was working at Automotive Research Technologies. He saw  
22 the work that I did with ART in helping them to do their  
23 start-up and was impressed by it, and I think we had lunch or  
24 something like that a couple times, and he asked me to--to do  
25 some marketing research for his company.

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1 Q. Was he aware of the failure of your other business, the  
2 EMT?

3 A. I don't think I ever got into that with him.

4 Q. So you didn't disclose that to him.

5 A. It wasn't a matter of disclosure, it was a matter of the  
6 subject didn't come up.

7 Q. Well, did he ask you for your background? Did you have to  
8 fill out any papers about your education, about where you went  
9 to school or anything like that?

10 A. Not--not when I was doing consulting work for him, no.

11 Q. Did he withhold taxes for you?

12 A. No. Not at that time.

13 Q. How much money were you being paid by the automotive  
14 technical thing you were doing, whatever it was?

15 A. You mean Automotive Research Technologies?

16 Q. Right. Right.

17 A. I don't know. It wasn't much. I think it was maybe \$5 an  
18 hour.

19 Q. So you are a \$5 an hour worker for them, and then you go to  
20 your next job where the president asked you to help him with  
21 marketing. How much are you paid there?

22 A. I don't know. I think it might have been in the  
23 neighborhood of \$100 a day, plus expenses.

24 Q. And where was the office located?

25 A. In Charleston, West Virginia.

1 Q. And you still lived in Clarksburg?

2 A. Yes.

3 Q. And how often did you go down and talk to him down there?  
4 How many days a week did you work for these people?

5 A. For Natural Gas Transportation Company?

6 Q. Yes.

7 A. Let's see. It varied because I was doing consulting work  
8 for them and, again, what they wanted me to do was to go into a  
9 specified territory, which is what--an area that they were  
10 telling me they were interested in, and to obtain qualitative  
11 and quantitative data on--from a marketing aspect to determine  
12 if they were going to be able to build a natural gas fueling  
13 station there. Sometimes it was three days, sometimes it was  
14 five days, sometimes it was more, just depending on  
15 whatever--however long the survey took to get the information  
16 for them.

17 Q. Did you--that was in 1995; right? In '94 and '95?

18 A. I believe that is where--I think that is correct.  
19 Somewhere in there.

20 Q. And during that period of time they paid you--

21 A. '94, '95, no. That is not correct.

22 Q. '93-94?

23 A. So--I guess we are back around '93, yes.

24 Q. Okay. So you started out at the college, the Northwestern  
25 College?

1 A. In December of '94.

2 Q. In December of '94. Did you have to fill out an  
3 application for employment over there?

4 A. No. I wasn't employed. I worked as a consultant.

5 Q. Okay. And who--did you have a written contract?

6 A. Yes.

7 Q. And do you have a copy of that anyplace?

8 A. I would imagine I do.

9 Q. What does the contract call for you to do?

10 A. I don't know, Mr. Zimmerman. I think it was to--my  
11 recollection is that I was there to assist them in--and advise  
12 them as to what they could do to develop a natural gas training  
13 program for their school.

14 Q. Were you interviewed by--

15 A. And, I was there to try to help raise grant money for them.

16 Q. When you were retained by them, were you interviewed by  
17 anyone?

18 A. I met with the president of the college.

19 Q. All right, and. Did you tell him about your background?

20 A. I don't recall.

21 Q. Well, did you tell him what your qualifications were for  
22 the job?

23 A. I told him that--it wasn't a job. I told him I had done  
24 work with Natural Gas Transportation Company, I had done work  
25 with Automotive Research Technologies, I was involved in the

1 partnering of Automotive Research Technologies/West Virginia  
2 University, and he knew I was recommended to him by Consolidated  
3 Gas.

4 Q. Who were you a partner with at West Virginia University?

5 A. I wasn't a partner. I said that there was a partnering  
6 between private industry and the university, and that private  
7 industry was Automotive Research Technologies.

8 Q. I guess the point is, did he ever ask you for your  
9 qualifications, whether you had a degree, where you went to  
10 college? Did you ever have to give him a resume of any kind so  
11 that he could understand who you were?

12 A. I don't recall giving him a resume.

13 Q. You just went in and talked to him?

14 A. Yes.

15 Q. And he said because he had heard of you from others, that  
16 he was going to give you this contract to consult with the  
17 president of the university?

18 A. I told you that I had been recommended to him by  
19 Consolidated Gas.

20 Q. Now, how much were you being paid in this contract?

21 A. I think it was for \$1,000 a week.

22 Q. \$1,000 a week?

23 A. Yes.

24 Q. And how long did the contract last?

25 A. Six months.

1 Q. And what did the contract require you to do?

2 A. To assist them in the development of an alternative fuels  
3 training program.

4 Q. I understand that is what you tell us. Did it require you  
5 to be at the university a certain number of hours?

6 A. You mean at Northwestern College?

7 Q. Yes.

8 A. I don't recall if we got into specific hours or not. It  
9 may have specified that.

10 Q. Did it require you to--

11 A. I was there Monday through Friday.

12 Q. Did it require you to submit any reports or any special  
13 reports to anyone else?

14 A. I reported to the president of the college.

15 Q. And that is it? That is the chain of command; you, the  
16 president.

17 A. I met with--I met with his son, who was the vice-president,  
18 who took care of the marketing.

19 Q. Now, this college, this is--is this an accredited college  
20 in Ohio?

21 A. Yes.

22 Q. Is it a large school?

23 A. Yes.

24 Q. How large is it, sir?

25 A. Well, it is a two-year business college, and it is also an

1 automotive and diesel college. And I think that there is  
2 approximately 1,000 students there or so. There may be more  
3 than that.

4 Q. It is a private school, not a state-run school; is that  
5 correct?

6 A. That is correct.

7 Q. So you went from \$5 an hour with Automotive Technologies to  
8 \$1,000 a week in this alternative fuels business in a year, is  
9 that--about a year and a half?

10 A. Yes.

11 Q. All right. Without having any scientific or technical  
12 background in the area; your area was marketing and development?

13 A. Correct.

14 Q. Right. Now, did you complete the contract?

15 A. Yes.

16 Q. Was it renewed?

17 A. No.

18 Q. Did you submit a report, a final report to him about what  
19 you concluded from your study?

20 A. Yes. He received reports on a frequent basis.

21 Q. Are you still in touch with him?

22 A. Beg your pardon?

23 Q. Have you been in touch with him recently?

24 A. Recently, no. I was in touch with him after I left

25 Northwestern College because I went from there to West Virginia



1 University. The contract that I had with him was for six  
2 months, with a renewal of an additional six months if he and I  
3 determined or decided that we wanted to go that route.

4 Q. And you, obviously, did not?

5 A. We did not because it was more beneficial to his school and  
6 to the program for me to be involved at West Virginia  
7 University, and the reason is because West Virginia University  
8 had a contract from the Environmental Protection Agency and I  
9 believe also the Department of Energy, to develop a national  
10 alternative fuels training program. That national program was  
11 going to consist of West Virginia University at the hub, with  
12 other universities and colleges throughout the United States,  
13 all teaching the same curriculum for alternative fuel  
14 technicians. And so I went--I went to West Virginia  
15 University and--Northwestern College, as a matter of fact,  
16 became the first school to adopt the national program and to be  
17 accepted into it.

18 Q. Did you set that program up, sir?

19 A. The program was set up by Larry McLaughlin and the National  
20 Research Center for Coal and Energy. And--but I assisted from  
21 the standpoint of--let me back up.

22 Q. From marketing?

23 A. Well, they already had the program underway. And so then  
24 after I got there, then I served as an advisor to Mr. McLaughlin  
25 primarily from a marketing and development standpoint.

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1 Q. Who were you marketing the university to, to students  
2 or--is that what you were doing? You were marketing this  
3 curriculum for students to get involved in this? Were you  
4 trying to sell something to other companies?

5 A. No.

6 Q. Well, for the University of West Virginia--when you got  
7 hired by the University of West Virginia, did they make you fill  
8 out an application for employment?

9 A. No. It wasn't employment. I was there as an advisor to  
10 the program to help that program develop. And what I did was I  
11 met with--with the universities across the country, called them  
12 on the phone and discussed with them about the possibility of  
13 the automotive departments or engineering departments starting  
14 up a training program for alternative fuel technicians.

15 Q. Now, did they do a background check on you at the  
16 University of West Virginia?

17 A. I don't think so, no.

18 Q. Did you--did you tell them that you were a Navy SEAL? Did  
19 you tell the other people that were working there your  
20 intelligence background that you had made up?

21 A. I may have.

22 Q. And you did that with Northwestern University, also?

23 A. I don't believe so, but it may have come up in discussion  
24 between myself and the president or something.

25 Q. And when you went to West Virginia University, then, to get

1 involved in this, you had advised them that you had some  
2 contacts in business and in the intelligence community, did you  
3 not?

4 A. I don't believe that is correct. What I did--what they did  
5 know is they knew my work at Automotive Research Technologies,  
6 they knew of my work at Natural Gas Transportation Company, they  
7 knew of my work at Northwestern College. The relationship I had  
8 with Mr. McLaughlin had spanned over a year. They knew of my  
9 work at helping Automotive Research Technologies and themselves  
10 to partner in a combined project up in Morgantown because I had  
11 also renovated a building up there where Automotive Research was  
12 located and the alternative fuels program for the university was  
13 located.

14 Q. So during all that time you also renovated a building?

15 A. Yes.

16 Q. Did you do that yourself? Did you plan the renovations or  
17 did you subcontract it out? How did you go about doing that?

18 A. I subcontracted it out.

19 Q. Who gave you the authority? Did you go out and buy a  
20 building for them?

21 A. No. The authority came from the president at Automotive  
22 Research Technologies, Jody Stirewalt.

23 Q. In other words, the company that had only two people in it  
24 told you to fix up a building for them; is that right?

25 A. Mr. Zimmerman, when the company started out--I explained

1 that, that it was Mr. Stirewalt, an engineer and myself. There  
2 were three people there. By this time the company had shown  
3 some pretty good growth and had probably seven or eight people  
4 employed at that point.

5 Q. And you were still being paid--for five bucks an hour, you  
6 renovated the building, you put the program together, you  
7 marketed their program, and then after a year you left to go to  
8 another company, even though you were in on the ground floor?  
9 Is that a correct summary of what you did?

10 A. I didn't have any stock in the company. I didn't have--I  
11 wasn't a partner in that company. I was there to help that  
12 company, which I did. I went to work at Natural Gas  
13 Transportation Company, and the president at Automotive Research  
14 knew that I was going there and encouraged me to take--you know,  
15 to do that work.

16 When I left Natural Gas Transportation Company, he invited  
17 me back to Automotive Research. I went back and tried to assist  
18 and help again. And I worked for \$5 an hour because I chose  
19 to. I wanted to help that company, and I knew that they didn't  
20 have a lot of money, and I chose to work for that--for that low  
21 wage.

22 Q. And you chose to work for that little wage when, in fact,  
23 during that period of time you still had an obligation, did you  
24 not, for three children that you were to pay support for, which,  
25 during 1993 and 1994, you paid not one cent; isn't that correct?

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1 A. I don't know--I don't know about those years, no.

2 Q. Well, just think about them for a moment, sir. 1993, you  
3 know that for 1993 you were required to pay support for three  
4 children to two different wives; is that correct?

5 A. Yes.

6 Q. And you know, do you not, that you didn't pay one cent for  
7 their support during that year, don't you?

8 A. No, sir, not right now, I do not. I do know--I do know  
9 that Renee and I went back to court and we got a new agreement,  
10 and that I had stayed current with that agreement. I stayed--

11 Q. Well, sir--

12 A. Yes.

13 Q. My question is, in 1993 when you wanted to help this  
14 company and you took that \$5 an hour job, you were not paying  
15 your children any money, were you?

16 A. Mr. Zimmerman, I have answered that question twice.

17 Q. Well, let's try it again. Did you pay your children  
18 support during 1993? Yes or no.

19 A. I don't know.

20 Q. How about the same question for 1994. Did you pay your  
21 children support in 1994? Yes or no.

22 A. Yes.

23 Q. And how much, sir?

24 A. I don't know.

25 Q. How much money did you make in 1994?

1 A. I don't know, Mr. Zimmerman.

2 Q. How much money did you make in 1993?

3 A. I don't know.

4 Q. How much money did you make in 1995?

5 A. I don't know, Mr. Zimmerman.

6 Q. Did you file a federal tax return in 1995?

7 A. I testified earlier that I did not file for '95, did not  
8 file for '96.

9 Q. You recognize, do you not, that failure to file an income  
10 tax return for a year is a misdemeanor and you have just  
11 confessed to that crime?

12 A. Yes, sir.

13 Q. Do you understand that?

14 A. Yes.

15 Q. Do you understand that these folks can prosecute you for  
16 that offense?

17 A. Yes.

18 Q. Do you understand that?

19 A. Yes.

20 Q. And when you were being prepared for your testimony for  
21 this case, did you have any discussions about your failure to  
22 file your income taxes with any member of the federal government?

23 A. No.

24 Q. Did anybody ask you--did Mr. Raffety or Mr. Godwin or  
25 anybody else from the federal government ask you whether or not

1 you filed your income tax returns for 1995?

2 A. I don't recall being asked. I was encouraged to do so if I  
3 had not.

4 Q. But you did not. You chose, again, not to; correct?

5 A. I didn't know how to go about claiming money that I  
6 received in 1996. I didn't know what to do.

7 Q. How about 1995, sir? We are talking about 1995. You have  
8 a consulting job with Northwestern College?

9 A. Right.

10 Q. And you also then went to work at the University of West  
11 Virginia with the consulting job?

12 A. That is correct.

13 Q. In addition, sir, you were paid a substantial sum of money  
14 by the federal government for this case, were you not?

15 A. Not in 1995.

16 Q. You weren't in 1995? You started getting paid, in June of  
17 1995, 2,000 bucks month.

18 A. I wouldn't say it was a substantial amount of money.

19 Q. When you are making five bucks an hour and are getting  
20 2,000 bucks a month from the government, wouldn't you consider  
21 that substantial?

22 A. Mr. Zimmerman, you are confused. I wasn't working for five  
23 bucks an hour at the time I started working for the government.  
24 I was earning \$1,000 a week.

25 Q. You were working for 1,000 bucks a week which, if you



1 worked every week of the year, that would be \$50,000, correct?

2 A. Yes.

3 Q. And you did not file an income tax return or pay any income  
4 taxes on one cent of that money, did you?

5 A. I didn't file--in 1995, which means I didn't file my 1994  
6 taxes.

7 Q. I am talking about pure 1995 money, sir.

8 A. Which means I would have filed that in 1996.

9 Q. That is right.

10 A. And I did not file it.

11 Q. It was due April 15, 1996.

12 A. And I did not file because I did not know how to report  
13 money I received from the FBI. What am I supposed to do? Tell  
14 an IRS agent I am working for the FBI?

15 Q. Why don't you ask your control agent, "What am I supposed  
16 to do?" Don't you think he would be able to tell you?

17 A. In retrospect, it would have been a good idea for me to do  
18 that.

19 Q. In fact, it was just an excuse that you made up right now,  
20 that you didn't file that return--that you didn't know what to  
21 do, isn't it?

22 A. I take offense to that. No, sir. That is not correct.

23 Q. Well, you know we are obliged to pay our income tax on  
24 time? You know that?

25 A. Yes.

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1 Q. We are obliged to file our returns. We are obliged to pay  
2 our taxes no matter where the money comes from. They get money  
3 from the government every month, they pay their taxes. You knew  
4 that, did you not?

5 A. Yes, sir.

6 Q. And you chose--you chose, you made a conscious decision to  
7 break the law at that time by not filing that return.

8 A. I made--

9 Q. Correct?

10 A. I made the assumption that when the case was over with,  
11 that I would be able to correct that with an IRS agent. And I  
12 have contacted the IRS and am in the process of getting these  
13 things taken care of.

14 Q. They said, "Oh, we are going to forgive you, Marshall  
15 Richards, for breaking the law"?

16 A. No, sir. They haven't said anything to--anything of the  
17 sort. As a matter of fact, I was told that if there were  
18 penalties and stuff, that that is the way it was going to be.

19 Q. You would have to pay money, but do you think they are  
20 going to take you off to the jailhouse?

21 A. Mr. Zimmerman, that is up to them.

22 Q. You don't think that is going to happen, do you? You don't  
23 think they are going to take you off to the jailhouse for that,  
24 do you?

25 A. I have no idea, Mr. Zimmerman.

1 Q. Have you ever talked to anybody about that? Has that  
2 worried you? Have you said, "J.C. Raffety, am I going to go to  
3 jail because I didn't file my taxes?" Did you ask him that  
4 question?

5 A. I told Mr. Raffety--

6 Q. Excuse me. Excuse me, sir. I asked you the question: Did  
7 you ask him whether or not you are going to go to jail for not  
8 filing a return?

9 A. No.

10 Q. Did you ask Agent Leslie Hoppey that?

11 A. No.

12 Q. Did you ask David Godwin that?

13 A. No.

14 Q. Did you hire a lawyer of your own to try to resolve that  
15 problem?

16 A. No, sir.

17 Q. Did you hire an accountant to try to resolve that problem?

18 A. Not yet, no, sir.

19 Q. You are, in fact, talking to an IRS agent?

20 A. Yes.

21 Q. What is that IRS agent's name, sir?

22 A. I don't recall the name.

23 Q. You don't recall who you are talking to from the IRS after  
24 you have committed this crime and are trying to resolve it?

25 MR. GODWIN: I object to the argumentative nature.

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1 MR. ZIMMERMAN: I will change my tone of voice.

2 THE COURT: Objection overruled.

3 Q. What is the name of the IRS agent that you have been  
4 talking to to get--

5 A. I don't know the man's name.

6 Q. When is the last time you talked to this person?

7 A. Last week.

8 Q. Was that the first time you spoke to him?

9 A. No, sir.

10 Q. When is the first time you spoke to this person?

11 A. Two or three weeks ago.

12 Q. Okay. And this two or three weeks ago is still in July,  
13 1997; correct?

14 A. Yes, sir.

15 Q. Did anybody tell you to talk to someone from the IRS?

16 A. No, sir.

17 Q. Did you just call up?

18 A. I asked.

19 Q. You asked who?

20 A. I asked Mr. Raffety, and I asked Mr. Godwin.

21 Q. And did they--and did they say to you, "Why do you want to  
22 know?"

23 A. No. They made a suggestion.

24 Q. They made a suggestion that you do that after--after they  
25 found out that you didn't pay your taxes; right?

1 A. I told them that I had some problems I needed to get  
2 resolved.

3 Q. Did you tell them what they were?

4 A. They knew--I told them it was tax-related.

5 Q. Did you tell them you didn't file a return for the money  
6 they had paid you for this case?

7 A. I don't recall.

8 Q. That was only a couple of weeks ago.

9 A. Yes, sir. Two to three weeks ago.

10 Q. That is important to you that you resolve this so you don't  
11 go to jail, isn't it?

12 A. No. I just want to get it resolved because I know it has  
13 to be.

14 Q. You are not worried about going to jail?

15 A. Am I--Mr. Zimmerman, I don't know if I should be worried  
16 about that or not. I have no idea how anybody--you know, how  
17 the IRS is going to respond to that or anything else.

18 Q. Well, do you think that you will be a special case and be  
19 given some dispensation because you are testifying for the  
20 government--and you have committed a crime, sir. You have  
21 failed to file your taxes. Do you think they are going to  
22 forgive that because you are on the witness stand here?

23 A. I don't think so, no.

24 Q. So it is a concern of yours. You could go to jail, you  
25 understand that. They could send you to jail for a year for

1 that, do you know that?

2 A. If that is the truth, yes, sir, that would be of a concern  
3 to me.

4 Q. So you don't even remember the name of the person from the  
5 IRS that you talked to, to see where you are?

6 A. No, sir. I don't recall the name.

7 Q. And you tell us you have had no assurances from the folks  
8 at the table that you are going to be okay?

9 A. No, sir. There is no assurances from anybody at the table  
10 that I am going to to be all right.

11 Q. Did you ask them when you were talking to them about this?  
12 I don't want to beat a dead horse.

13 A. I think you are beating them pretty good.

14 THE COURT: Mr. Richards, just answer the question to  
15 the best of your ability. Please don't argue.

16 THE WITNESS: Sorry, your Honor.

17 Q. Did you mention it to them? Did you ask them, "Am I in  
18 trouble?"

19 A. No.

20 Q. Did they tell you you were in trouble?

21 A. No, because it wasn't--it really wasn't discussed. I said  
22 that I had some tax problems that I needed to get solved. They  
23 made a recommendation of an individual that I could talk to.

24 Q. Now, last week or a couple weeks ago you were asked these  
25 same questions by a lawyer, Bill Cipriani, do you remember that,

1 about filing your taxes?

2 A. Yes.

3 Q. And now since that time--you were under oath then, the same  
4 way, the same people in the room. Since that period of time,  
5 sir, have you done--have you had any further discussions with  
6 Mr. Raffety, Ms. Hoppey, Mr. Godwin or anyone else concerning  
7 your tax situation?

8 A. I don't believe I have.

9 Q. And the IRS agent that we spoke of, your unknown IRS agent,  
10 have you had any discussions with him?

11 A. Yes.

12 Q. What did he tell you to do, sir?

13 A. He wanted me to get my records together and to make  
14 arrangements to sit down with him and to, you know, to go over  
15 those records.

16 Q. And you told him you didn't file; is that correct?

17 A. Yes.

18 Q. And did he advise you of your Fifth and Sixth Amendment  
19 rights, that you didn't have to speak to him and that you should  
20 have counsel with you and all that?

21 A. No, sir.

22 Q. Was this an in-person discussion or a telephonic  
23 discussion?

24 A. In person.

25 Q. In this building?

1 A. No, sir.

2 Q. In Clarksburg?

3 A. No, sir.

4 Q. In Wheeling?

5 A. Yes.

6 Q. In the IRS building over where the federal government has  
7 their offices?

8 A. It was at the U.S. Attorney's Office.

9 Q. At the U.S. Attorney's Office?

10 A. Yes, sir.

11 Q. How did that come about? How did the IRS guy get down to  
12 the U.S. Attorney's Office to talk to you?

13 A. There is an individual there that--I don't know, is a  
14 visiting attorney or an agent or whatever that is at that office.

15 Q. Oh, there is an IRS agent at the U.S. Attorney's Office  
16 that gave you advice?

17 A. There is an individual there that I spoke to.

18 Q. Was there an arrangement made for him to come and see you?

19 A. No.

20 Q. Was this a casual meeting between you and an IRS agent?

21 A. I don't know what you mean by "casual."

22 Q. Were you just sitting in the U.S. Attorney's Office and all  
23 of a sudden the IRS agent walks past and says, "Hey, I want to  
24 talk to you about a tax problem"?

25 A. No.

1 Q. You made an arrangement through somebody else to talk to  
2 this agent, didn't you?

3 A. I said it was suggested to me.

4 Q. By whom?

5 A. I believe it was Mr. Raffety and Mr. Godwin.

6 Q. Thank you. Speaking of that, sir, do you know how much  
7 money in 1995 you were actually paid by the federal government?

8 A. No, sir, I don't.

9 Q. Did you get--I mean, you did sign an agreement with them  
10 for this case that you would be paid a certain amount of money  
11 and your expenses; correct?

12 A. Eventually we signed an agreement.

13 Q. Right. But you signed an agreement in 1995; correct?

14 A. I don't recall if it was 1995 or if we signed that  
15 agreement in 1996.

16 Q. Did you get--receive money from the federal government in  
17 1995 for your work on this case?

18 A. Yes, sir.

19 Q. Did you receive it--did you get a pay voucher? Did they  
20 give you a pay voucher that said, "Okey Marshall Richards,  
21 Social Security Number such and such, here is your monthly  
22 pay"? Did they do that?

23 A. I signed a paper--

24 Q. And they gave you cash; right?

25 A. Yes, sir.



1 Q. So every month you signed a paper, they gave you at least  
2 2,000 bucks in cash, because that didn't include your expenses--

3 A. That's correct.

4 Q. --and then on top of that, you had your expenses paid.

5 A. Yes, sir.

6 Q. Is that right?

7 A. Yes, sir.

8 Q. And when did you start getting the 2,000 bucks a month?

9 A. I think it was June or July of '95.

10 Q. Were you still working at either Northwestern University at  
11 that time--

12 A. I was at West Virginia University.

13 Q. Okay. How much did West Virginia University pay you, sir?

14 A. I think it was 1,000 a week.

15 Q. 1,000 a week. Is that another one of these consulting  
16 contracts of getting 1,000 a week?

17 A. Yes, sir.

18 Q. How long did that contract last?

19 A. Up until the end of September of 1996.

20 Q. Okay. So during the month of June, you began to get paid  
21 \$2,000 a month by the government; is that correct?

22 A. Right.

23 Q. And you were making \$4,000 a month from West Virginia  
24 University?

25 A. Yes.

1 Q. And you were getting your expenses paid on top of that?

2 A. Yes.

3 Q. Is that right? And so that would be--that is almost--so in  
4 1995 you made almost 80,000 bucks, if my math is right.

5 A. I don't think that is right. Maybe.

6 Q. Maybe less than that. Let's say 60,000. Something like  
7 that?

8 A. I don't know what it was, Mr. Zimmerman.

9 Q. And during 1995, how much money did you pay to your  
10 children to catch up with all of the years you failed to pay  
11 support?

12 A. I paid the amount I was required by the courts.

13 Q. How much was that?

14 A. \$100.54 a month.

15 Q. \$100.54 a month. You are making six G's a month, you  
16 hadn't paid your children's support for years, and you are  
17 sending them \$154 (sic) bucks a month? Is that an accurate  
18 statement?

19 A. Yes, sir.

20 Q. Now, sir, when was it that you first met J.C. Raffety?

21 A. The first--you mean--

22 Q. The very first time you ever spoke a word to him, when was  
23 it?

24 A. I don't really recall the year. I think it was back in the  
25 early to mid '80's, like '83 or '84.

1 Q. And just when you--let's put this back in some perspective,  
2 when you first met him, were you employed by anyone?

3 A. I don't recall if I was or wasn't at the time.

4 Q. Who were you married to when you first met him?

5 A. I was married to Renee.

6 Q. Married to Renee. And you were living in Clarksburg?

7 A. Yes.

8 Q. Is that correct?

9 A. Yes.

10 Q. And it is my understanding from your direct testimony that  
11 you made known to him some witnesses in a homicide case that was  
12 going on somewhere; is that correct?

13 A. Uh, that came later. That was in--that was in 1984, I  
14 believe.

15 Q. Okay. In 1984. So you met him before then.

16 A. Right.

17 Q. And did you meet him for a business reason before that?

18 A. Uh--

19 Q. You can answer that "yes" or "no." Was it a business  
20 reason or a social reason?

21 A. It wasn't--it wasn't--business in what regard?

22 Q. Well, his business, the law enforcement.

23 A. Yes.

24 Q. Okay. You met him as a result of law enforcement in 1983;  
25 is that correct?

1 A. Yes. Somewhere back in there.

2 Q. Okay. And did you participate in an investigation with him  
3 during that time?

4 A. No. Not that I recall.

5 Q. Okay. When you gave him information in 1984 about these  
6 witnesses in a homicide case--

7 A. Right.

8 Q. Right?

9 A. Yes.

10 Q. Was that the first time you worked with him or--excuse me  
11 for using that word--the first time that you had ever given him  
12 any information?

13 A. I don't recall if that was the first time or not. I may  
14 have--there may have been some other intelligence involvement.  
15 I don't recall.

16 Q. Did you at that time tell him that you were a former Navy  
17 SEAL?

18 A. Yes.

19 Q. And that you were working with--and that you were in  
20 Vietnam?

21 A. I may have said that.

22 Q. So when you first went to see him, you presented yourself  
23 as that persona you had created to make yourself look better in  
24 other people's eyes?

25 A. Yes.

1 Q. None of which is true?

2 A. We have already determined that.

3 Q. When you went to see him the first time to give him  
4 information, you actually lied to him about who you were in your  
5 cooperation with him.

6 A. Yes.

7 Q. Okay. And so after that particular incident was concluded,  
8 when was the next time that you had anything to do with Mr.  
9 Raffety at all, either socially or in any capacity?

10 A. You mean after I supplied intelligence on the murder case?

11 Q. After you gave him the names of these witnesses in this  
12 homicide case, when was the next time that you and Mr. J.C.  
13 Raffety got up with each other? You understand what that means,  
14 got together with each other?

15 A. I think it might have been 1987 or so.

16 Q. Okay. So in between '84 and '87, you had no further  
17 contact with J.C. Raffety; is that correct?

18 A. I don't recall any.

19 Q. Okay. And that--did you have any other contact with any  
20 other agents--agency of the government, law enforcement agency?

21 A. I don't believe so.

22 Q. Intelligence Agency, CIA, anything like that?

23 A. No.

24 Q. Have you been--strike that.

25 In 1987 you saw him again; is that correct?

1 A. I believe that is about the time I saw him, yes.

2 Q. Did you create--I'm sorry--correct the erroneous  
3 information you gave him about who you were?

4 A. I don't--I don't recall. I don't think it came up. I  
5 supplied intelligence information on illegal gambling or an  
6 individual that actually supplied the necessary information.

7 Q. So you--you arranged again for someone else to be a witness  
8 for them?

9 A. Yes.

10 Q. You, yourself, weren't involved in illegal gambling?

11 A. I arranged to meet with an individual that had knowledge or  
12 claimed to have knowledge about illegal gambling. What took  
13 place with that, I have no idea.

14 Q. So you, again, introduced him to someone who would have  
15 been a witness or was involved in one way or another?

16 A. Yes.

17 Q. You, yourself, weren't involved in any kind of gambling  
18 operation or anything, were you?

19 A. No. No.

20 Q. And you weren't--you weren't working for anyone to try to  
21 infiltrate any gambling group or anything?

22 A. No.

23 Q. And so that after that, when was the next time that you  
24 actually had any discussions with Mr. Raffety?

25 A. I don't recall.

1 Q. Well, was it in February of 1995 when you called him  
2 concerning the militia?

3 A. Well, it definitely was in early 1995, but what I was  
4 trying to say was I didn't recall if there had been any  
5 discussions prior to that, between 1987 and 1995.

6 Q. Well, is he the only FBI agent you have ever--up until this  
7 time that you had ever met?

8 A. No.

9 Q. Who else did you know from the FBI?

10 A. I had met another agent at one point.

11 Q. What was the agent's name, sir?

12 A. I don't recall his name.

13 Q. Did you give the agent any information?

14 A. I gave--yes, I did.

15 Q. What information did you give him?

16 A. I believe it was in--I believe it was in relation to  
17 narcotics or something like that.

18 Q. But you don't know that agent's name? You are telling us  
19 you don't remember his name?

20 A. I don't remember.

21 Q. Clarksburg office?

22 A. I believe it was, yes.

23 Q. Did you get paid for that information?

24 A. No.

25 Q. Did you talk to, other than supplying--how did that come

1 about? Did you pick up the telephone and call up and say, "I  
2 want to speak to an FBI agent"?

3 A. I think I had--I think I contacted Mr. Raffety and he  
4 referred me to an individual, but I don't remember.

5 Q. So you helped Mr. Looker move to New York because he was  
6 busted up. You went up to visit him a few times. This is back  
7 in 1990. And now it is 1994, I guess. Somewhere around there.  
8 Is that when Mr. Looker moved back to the area?

9 A. It was probably in the spring or so.

10 Q. The spring of '94, before he moved back here. It is my  
11 understanding that you actually helped him get back here?

12 A. Yes.

13 Q. You and some other people helped him move back here. You  
14 got--found some old house for him to live in and fix up and  
15 somebody bought him an old car; right?

16 A. Mr. Looker called me on the phone. He said--

17 Q. Excuse me, sir. Did Mr.--did you help Mr. Looker move back  
18 here? Yes or no?

19 A. Yes.

20 Q. Did you and your friends help Mr. Looker fix up an old  
21 house that you found for him?

22 A. We--we didn't help--we fixed up a house for him, yes.

23 Q. Right. You fixed up a house, a place for him to live.

24 A. Yes.

25 Q. And did somebody else buy an old car for him?



1 A. The president of Automotive Research bought him a car, a  
2 used car.

3 Q. You didn't do that for him?

4 A. No.

5 Q. And that is when you were only making five bucks an hour;  
6 right?

7 A. Right.

8 Q. So Mr. Looker is back. Where was that house, sir?

9 A. Uh, I don't recall the street that it was on, but it was  
10 about three blocks or so from where I lived.

11 Q. So you actually moved him in, then, in your neighborhood.  
12 It was your neighborhood; is that correct?

13 A. If you consider three blocks away to be a neighborhood.

14 Q. He was your friend?

15 A. Yes.

16 Q. And you had--did you visit with him after he came back at  
17 his home?

18 A. A few times.

19 Q. Yes. And you were married at that time, then, weren't you?

20 A. Uh, not in 19--well, we got married in June.

21 Q. Where did you get married, sir?

22 A. What?

23 Q. Where did you get married?

24 A. In Winchester, Virginia.

25 Q. What was the date of that?

1 A. It was in June of 1994.

2 Q. June of 1994?

3 A. Yes.

4 Q. Winchester, Virginia.

5 A. Yes, sir.

6 Q. Now, Mr.--now, when you--when Mr. Looker was back, did you  
7 start to spend any time with him at all?

8 A. Not a lot of time, no.

9 Q. Right. Well, did you see him maybe once a week? Did you  
10 check on him to see how he was doing?

11 A. Well, yes. I am sure I did.

12 Q. Because he was your friend; right?

13 A. I was concerned about him.

14 Q. Right. And he was your friend. You helped him move back  
15 here. You knew he had no job; right?

16 A. That's correct.

17 Q. He had no money?

18 A. Right.

19 Q. Right? And you had stopped by from time to time to check  
20 on him?

21 A. Yes. Introduced him to some people.

22 Q. Okay. And at that particular time, sir, did you--were you  
23 aware that he was in the process of attempting to form a militia  
24 group?

25 A. Well, it depends on when in 1994 you are referring to.

1 Q. Well, at any time in 1994.

2 A. I believe it was in the fall of 1994, around--I think it  
3 might have been November or something like that, that it seems  
4 to me that there may have been a newspaper article or something  
5 like that, that was written about Mr. Looker.

6 Q. And there was--there were advertisements, were there not,  
7 to come to these meetings at hotels and places, recruitment  
8 meetings? Did you know about that?

9 A. I don't know if there were advertisements or not. If I  
10 remember correctly, I think the president of Automotive Research  
11 showed me the newspaper article, and I glanced at it in passing  
12 and that was really the extent of it.

13 Q. Well, were you seeing Mr. Looker at that time? Did you  
14 stop by and say, "Gee, Ray, what is up? What are you doing?"

15 A. No, I wasn't.

16 Q. And was that intentionally or was it just because you were  
17 too busy?

18 A. I was extremely busy, and I felt that I had done as much as  
19 I could to help Mr. Looker, and I was--I remember being  
20 surprised about his activity. And he had called my home a few  
21 times wanting to talk to me, but I was really very busy doing  
22 the renovations on the building for Automotive Research up in  
23 Morgantown and I just really didn't have the time to fool with  
24 that type of stuff.

25 Q. Well, you mean--fool with that stuff, that type of stuff,

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1 you mean to find out what was happening with Mr. Looker?

2 A. I didn't have any time for really anything.

3 Q. Okay. So, then there came a time, as I understand, that  
4 you found out that Looker, in fact, had formed a militia group--

5 A. Yes.

6 Q. --and that he had on a couple of occasions asked you to  
7 join?

8 A. Yes.

9 Q. In other words, he called you up and said, "Look, Marshall,  
10 I have started this. Would you join this and participate with  
11 me?"

12 A. He called my home while I was at, for example, Northwestern  
13 College in December of 1994. There were several times that I  
14 didn't return the phone calls, but eventually, you are right, I  
15 did return the phone calls. He did mention to me what he was  
16 involved in and I declined to get involved, told him that I was  
17 working out-of-state and I really didn't have time to be  
18 involved in, something like that, nor did I, you know, really  
19 agree with it.

20 Q. Well, he was telling--you still heard this rhetoric from  
21 him about the New World Order and all that, did you not?

22 A. I knew where he stood on that, yes.

23 Q. Well, did he tell you that during those conversations?

24 A. It may have come up. I don't recall if we discussed that  
25 on the phone or not.

1 Q. Well, did he tell you when he asked you to join the militia  
2 what the goals were, what they were doing?

3 A. Not when we were talking on the telephone.

4 Q. Well, did he tell you--well, okay. And so shortly after  
5 that, I understand, you called up Agent Raffety to ask him if  
6 they had any interest in the militia?

7 A. I was concerned about it. I was concerned about any and  
8 all types of militia activity.

9 Q. You had no idea at that time, did you, what Mr. Looker was  
10 doing, what he was organizing, who was in his group or what the  
11 goals were, did you?

12 A. I didn't know who was in his group. I had limited  
13 knowledge as to what he was--you know, what he was involved  
14 with.

15 Q. So you had limited knowledge about his involvement and even  
16 with this limited knowledge, you called up the FBI and said, you  
17 know, "Are you interested in this group?"

18 A. I knew what Mr. Looker's feelings were about the New World  
19 Order and members of the Council of Foreign Relations prior to  
20 this. I had had contact with him. We determined in my  
21 testimony that I had been up to his home or his apartment in New  
22 York. We had talked a few times and we had had discussions  
23 about politics and philosophy and religion, and I knew where he  
24 stood on these issues.

25 Q. Why did you think that the FBI would be interested in Mr.

1 Looker's politics, philosophy, and religion, when you didn't  
2 know exactly what he was doing in his group that he had formed?

3 A. We had discussed about the idea of militia-type stuff in  
4 the past.

5 Q. Well, so that you--

6 A. And when he told me on the phone that he had started a  
7 militia, I remember we had discussed some--you know, some things  
8 about it. It had a ranking system that was set up like the  
9 military. I knew that they were, you know, doing training. I  
10 knew what he advocated about it.

11 Q. And you didn't dispel him at that particular time  
12 that--concerning his thoughts about you and your background and  
13 your military experience and your intelligence experience, you  
14 didn't say, "Gee, Ray, I can't join your club. I don't know  
15 anything about this stuff. I just made it up"? You didn't tell  
16 him that, did you?

17 A. I told him I was busy; I was working out-of-state.

18 Q. I understand. But you did not tell him that you were a  
19 valuable asset was untrue because you made it up?

20 A. Oh, I did not correct that, no.

21 Q. As a matter of fact, you, starting from that point on, sort  
22 of played on that with him; that you, in fact, did know what you  
23 were talking about as far as intelligence was concerned?

24 A. Not at that time, no.

25 Q. Well, after you find out that Ray wants you to join, you

1 don't know what he is doing, who he is going to do it with, you  
2 know his politics and philosophies are different, you called up  
3 the FBI and wanted to know if they were interested, and they  
4 rightfully told you, "No. We are not interested in these  
5 people. It is no crime."

6 A. I don't know when I called, but I know Ray and I got  
7 together physically and we talked. Ray had mentioned to me then  
8 some of the activities that they were supposedly doing.

9 Q. And do you know when that was, sir?

10 A. I don't recall exactly when it was. It would have been  
11 during this time, somewhere in this time of December, January,  
12 February, you know, of late '94, '95, somewhere in there,  
13 where--I just don't remember when it was he and I had gotten  
14 together, but I did know that--he wanted--you know, we discussed  
15 what he wanted me to do with the organization, if I did join.  
16 And he wanted to know if I could provide some training, training  
17 in weaponry, training in explosives, manufacturing and  
18 placement, that type of thing.

19 Q. But you didn't tell him--Agent Raffety that, did you?

20 A. Eventually I did, but I just don't recall when this was.

21 Q. You call Raffety and say, "Ray Looker, I know Ray Looker."  
22 That is call one. Did you tell him you met with him and he  
23 asked you to do some training and so on and forth?

24 A. I am sure I did at some time.

25 Q. Excuse me, sir. Call one, when you called him up the first



1 time, did you tell Mr. Raffety that Ray Looker had enlisted you  
2 to do training and they were doing training out in the woods and  
3 all that?

4 A. He had not enlisted me at that time. I called Mr. Raffety  
5 and asked him if the FBI was concerned about militia activity in  
6 America.

7 Q. In America, not about--

8 A. In West Virginia.

9 Q. In West Virginia. Did you mention Ray Looker; that you  
10 knew Ray Looker?

11 A. Yes.

12 Q. Did you tell him that?

13 A. Yes, I believe so.

14 Q. And when you asked them if they were interested, if he  
15 would have said, "Yes," what would your next response have been,  
16 sir?

17 A. If I could be of any service.

18 Q. And what service did you think that Mr. Raffety would be  
19 able to enlist from you?

20 A. I don't know.

21 Q. Well, he--he was led to believe, however, by you that you  
22 were a Navy SEAL, a Vietnam veteran, an intelligence operative.  
23 You had deceived him about that. Were you trying to see if he  
24 could get you to be involved in some kind of an undercover  
25 operation? Was that your purpose?



1 A. No, not really.

2 Q. Was your purpose to be paid for that?

3 A. No.

4 Q. Just out of your concern for your fellow man, you called up  
5 the FBI and wanted to know if they were interested in the  
6 militia, with the offer of your assistance?

7 A. Yes, sir.

8 Q. Did it ever occur to you that you might actually apply for  
9 a job if you wanted to do that with the FBI or someone else?

10 Did that ever occur to you, sir?

11 A. I don't think so.

12 Q. Well, you--you made yourself out to be whatever you made  
13 yourself out to be. Did it ever occur to you to actually try to  
14 get a job doing what you said you were, and being what you said  
15 you were? It never occurred to you, did it?

16 A. I'm not going to say that. I mean, anybody, I think, in  
17 their right mind would--I think there is a lot of people who  
18 would cherish the idea of being able to be an FBI agent, but I  
19 knew that that was an impossibility.

20 Q. Why was that an impossibility, sir? Because you  
21 were--because of your military problems, because of all of the--

22 A. I think it is very evident based on the testimony I have  
23 given today as to why I wouldn't be a candidate for the Bureau,  
24 not to mention the fact that I have got a sight problem and that  
25 type of thing.

1 Q. Oh, because you have a sight problem, you have decided,  
2 then, you were going to make yourself out to be a secret agent  
3 rather than trying to actually do the job that you told  
4 everybody else that you did?

5 A. No, sir. I don't agree with that.

6 Q. Well, you told everybody that would listen to you, did you  
7 not, that you were, in fact, involved in all these covert  
8 activities? You told Mr. Looker that. You told Mr. Raffety  
9 that. You told Mr. Rogers that; Mr. Shaffer. You told as many  
10 people as would listen to you. Gary Keith. You told all those  
11 people that you worked with, the president of Northwestern  
12 College, the person that you worked with at West Virginia  
13 University, everybody else you got in touch with, you told them  
14 that is what you were. Did it ever occur to you once to  
15 actually try to be what you wanted to be rather than just to  
16 fantasize about it?

17 A. Not in that context.

18 Q. Because if you would have gone to apply to the FBI or made  
19 some application where you actually had to tell the truth,  
20 everyone would have found out that you just made up this portion  
21 of this life that you told everyone that you lived?

22 A. I think Mr. Raffety knew.

23 Q. He didn't know that at the time, did he?

24 A. I don't know when he knew.

25 Q. Well, he didn't even--he didn't know that until well into

1 this investigation that that was all a lie, did he?

2 A. I don't know.

3 Q. Well, do you remember the first time you said, "Gee, Agent  
4 Raffety, I lied to you about being in Vietnam"? Do you remember  
5 when that was?

6 A. I think that may--I think he asked me that in--it was  
7 sometime in '95.

8 Q. Well, I mean, that is a long time. Was it in December of  
9 '95?

10 A. No, it wasn't. No. It was probably somewhere between May  
11 and July or August of '95, somewhere in there.

12 Q. And do you know where that conversation took place?

13 A. No, sir, I don't.

14 Q. Did you tell him why you made all that story up about  
15 yourself?

16 A. I don't think we discussed it.

17 Q. Was it in conjunction with an interview in this case, this  
18 overall investigation of the militia?

19 A. I don't understand what you mean, "Was it in conjunction."

20 Q. Was it part of the conversation where you and Agent Raffety  
21 were talking about some phase or some part of the overall  
22 investigation of the militia and Floyd Raymond Looker?

23 A. I guess, yes.

24 Q. And do you know whether or not there was ever a report made  
25 of that?

1 A. I have no idea.

2 Q. Have you ever seen one?

3 A. Seen one what?

4 Q. A report where it says that, "Marshall Richards told me  
5 that he lied about his background"?

6 A. No, sir, I haven't. I don't recall seeing a report to that  
7 effect.

8 Q. You know, sir--I mean, you have reviewed a lot of FBI  
9 reports in this case, haven't you?

10 A. No, sir.

11 Q. Have you reviewed any FBI reports in this case?

12 A. No.

13 Q. You have never read one 302 prepared by Mr. Raffety or  
14 anyone else?

15 A. I took a peek at one 302. I know what a 302 looks like,  
16 but I didn't sit down and go through the 302's on the case, if  
17 that is what you mean.

18 Q. We will have an idea--just to move off of this. You don't  
19 have any idea, actually, when you actually confessed to him?

20 A. Sir?

21 Q. You say you confessed to him, meaning Agent Raffety, that  
22 you made up this fantasy past, and I am asking you if you have  
23 any idea when that was?

24 A. I thought we just discussed that.

25 Q. I am asking you again, sir, and it would be a lot easier if

1 you would just answer the question.

2 A. I'm sorry, Mr. Zimmerman. I think it was about somewhere  
3 in the neighborhood of--I said it was in 1995. May to August or  
4 May to July of '95, somewhere in there. It might have been  
5 earlier than that.

6 Q. In the FBI office? In your car? On the telephone? Do you  
7 recall how that was?

8 A. I don't recall.

9 Q. Did you volunteer or did he kind of interrogate you about  
10 it?

11 A. It wasn't an interrogation. I think he just asked me about  
12 it.

13 Q. So the first time you called about the militia, J.C.  
14 Raffety told you, "We are not interested in these folks. They  
15 are allowed to do what they want to do. It is the First  
16 Amendment and you can get together with anyone and talk about  
17 anything no matter how foolish or stupid it may sound;" is that  
18 right?

19 A. Yes, sir.

20 Q. So as a result of that, I take it, you did nothing?

21 A. That is right.

22 Q. And Mr. Looker called you back at a later time?

23 A. I don't recall how many more phone calls there were, but  
24 what happened--

25 Q. Well, the question is: Did Mr. Looker call you back

1 concerning the militia before you spoke to Mr. Raffety again?

2 A. I believe so, yes.

3 Q. Now, when was it that you got together with Mr. Looker  
4 concerning training and what he wanted to do for you in  
5 conjunction to your first telephone call with Mr. Raffety,  
6 before or after?

7 A. Before or after what?

8 Q. The first call to Raffety.

9 A. It would be after that.

10 Q. And was it before or after the second call to Mr. Raffety?

11 A. I believe the second call to Mr. Raffety was in--was it  
12 late April of '95? I believe I had contact with Mr. Looker once  
13 or twice and I think I had contact with Ray in March or--March  
14 of '95, April. It was before the Oklahoma City bombing.

15 Q. Did you join the militia before that?

16 A. No, sir.

17 Q. Did you have personal contact with Ray before that?

18 A. I just said that I thought I had contact by phone or  
19 something maybe once or twice.

20 Q. And did he at that time enlist you to join the militia?

21 A. He asked me about it. He knew I was involved working  
22 out-of-state and wanted to know when my contract would be up and  
23 if it was going to be renewed and what I intended to do.

24 Q. And did you--and you, obviously, told him--I mean, you are  
25 talking to a friend?

1 A. I said I didn't know what was going to happen. I had a  
2 contract until--until June and that it was--that it was  
3 renewable for another six months should I and Northwestern  
4 College decide to go on.

5 Q. Did you tell Ray that you called up Mr. Raffety about it?

6 A. No, sir.

7 Q. Well, you knew he wasn't doing anything wrong. I mean, Mr.  
8 Raffety told you he wasn't interested, so did you have the  
9 courtesy to tell your friend, "Well, the FBI is not interested  
10 in you"?

11 A. No, sir.

12 Q. You were still laying back to see what was going to happen,  
13 right, with Mr. Looker and the FBI?

14 A. I don't understand what you are getting at.

15 Q. Well, you didn't tell Looker that it was okay to do what he  
16 was going to do. You didn't tell him that you called Mr.  
17 Raffety; right? Mr. Looker wanted you to join his group, and  
18 you told him you couldn't because you were busy.

19 A. Right.

20 Q. And then there came a point that you called Mr. Raffety  
21 back and asked him again--

22 A. That's right.

23 Q. --"Do you have any interest in the West Virginia militia,  
24 specifically;" right?

25 A. After the Oklahoma City bombing?



1 Q. Right.

2 A. Is when I contacted Mr. Raffety and I said--and I asked if  
3 they were concerned about militia activity at that time.

4 Q. And at that time you had no knowledge that Mr. Looker was  
5 involved in any criminal activity; is that right?

6 A. Right.

7 Q. Okay. And so you talked to Mr. Raffety again, and he told  
8 you exactly the same thing, "We are not interested in these  
9 people. These people are allowed to--they are allowed to think  
10 that there are four men up on the moon controlling the world if  
11 they want to, and so we are not interested in them;" right? And  
12 that is in essence what he told you, no interest from the FBI;  
13 is that correct?

14 A. Yes.

15 Q. And at that particular time did you tell them you were  
16 going to join?

17 A. In late April?

18 Q. Yes.

19 A. Uh, it might have been that time that I said that I was  
20 thinking about joining.

21 Q. And when you told him you were thinking about joining--wait  
22 a minute. Let me get this straight.

23 You told us that you didn't agree with the philosophy of  
24 the militia. You didn't believe in the New World Order. You  
25 don't believe in the black helicopters. You don't believe that



1 FEMA is a bad thing; right? You don't believe the smart cards  
2 are bad or anything. You don't believe in any of this stuff;  
3 right?

4 A. I don't believe it is bad, no.

5 Q. Right. You don't believe in any of the things that we have  
6 just mentioned. You don't think that they are bad.

7 A. I didn't see any evidence of it.

8 Q. Right. And so why was it, then, that you joined the  
9 militia?

10 A. Why did I join?

11 Q. Why? If you didn't believe in anything that they believed  
12 in, why did you join them?

13 A. I remember talking to my wife about it. It was about 2:00  
14 o'clock in the morning. I am going to give you your answer, but  
15 if you would just--

16 Q. I prefer the answer rather than the story, sir. Just tell  
17 me why you joined rather than--rather than the story about  
18 talking to your wife at 2:00 o'clock in the morning. Why did  
19 you join the group if you didn't believe in what they stood for?

20 A. Because I was concerned about the safety--I was concerned  
21 about the safety of Americans. When I saw a fireman walk out  
22 with the baby dangling in his arms after Oklahoma City, I  
23 decided I was going to join the militia and find out what it was  
24 about.

25 Q. Okay. But at that particular time, you didn't have any

1 idea, no evidence, nor was there any--nor is there any, that  
2 Raymond Looker and the West Virginia militia was involved in  
3 anything, especially anything that happened in Oklahoma City;  
4 correct?

5 A. Yes.

6 Q. In fact, Mr. Raffety had already told you even after that  
7 happened--even after that tragedy happened out there, he told  
8 you that they weren't interested in the militia; right?

9 A. Yes.

10 Q. But you decided to start an investigation of your own--

11 A. No.

12 Q. --is that right?

13 A. I decided as an American that I was going to join the  
14 militia and I was going to take a look. I had been asked and so  
15 I did.

16 Q. You wanted to take a look at what, sir?

17 A. I wanted to see for myself if they were as dangerous as I  
18 thought they might be. I had evidence at that point. It was  
19 all over TV.

20 Q. You started your own investigation, then, of Raymond Looker  
21 and the West Virginia--called the militia--listen to my question  
22 before you do that, please.

23 You started your own investigation of your friend, Raymond  
24 Looker, and the Mountaineer Militia in West Virginia even though  
25 you had been told by the FBI that they were doing nothing wrong

1 and they were allowed to be together; is that right? That is  
2 "yes" or "no."

3 A. I don't agree with the term "investigation." I joined the  
4 militia on my own volition, out of my own curiosity.

5 Q. To take a peek?

6 A. My own curiosity and my own concern.

7 Q. Why did you tell the FBI that you were doing that, then?  
8 You told J.C. Raffety--he told us that you told him in that  
9 conversation, you were going to join the militia to take a peek,  
10 the words that you used; right?

11 A. I wanted to find out what it was about.

12 Q. So you were telling him that you were joining to take a  
13 peek, synonym to "an investigation," and he said, "Get back if  
14 you see anything;" correct?

15 A. He said--he made it very clear to me that--that the FBI,  
16 that their stance or their position on militias is as long as  
17 these individuals were operating within their constitutional  
18 rights, that they had no interest in the militias, and I  
19 understood that.

20 Q. So that even with that, with that information, you then  
21 went out and said to your friend, Ray Looker, someone who you  
22 had--considered to be your friend, someone that you had helped,  
23 you went out and told him, "Look, I want to join your group, and  
24 I want to be the chief of intelligence because I am a former  
25 Navy SEAL; I have been in Vietnam; I am an intelligence

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1 operator. I know all about the militia and military, and I can  
2 help you out." That is what you went out and told him; right?

3 A. I told him I had reconsidered and I was willing to join.

4 Q. And that--

5 A. And that I was willing to join only under the--only if I  
6 had the position of intelligence officer.

7 Q. Right. And what did that mean to you? Intelligence  
8 officer, I mean.

9 A. I figured that that would give me a position that was privy  
10 to the most sensitive information. It would allow me to  
11 determine if there was anything to be concerned about or not.

12 Q. And you knew that being an intelligence officer and even  
13 used the word in your--in your report back to Mr. Raffety,  
14 "G-2;" right?

15 A. That was a position that Mr. Looker gave me.

16 Q. G-2, you requested it.

17 A. Yes, sir.

18 Q. Now, how in the world does a seaman who couldn't even  
19 finish his enlistment understand the functions of what G-2 in an  
20 intelligence--what G-2 means in military jargon?

21 A. You grab as many books as you can as quick as you can and  
22 you read them.

23 Q. Because when you were creating your fantasy life, you  
24 wanted to make sure you knew the right phrases to say, isn't  
25 that true, so when you would tell people you were an

1 intelligence operator, you would slip out on them "G-2," and  
2 that would impress them; right?

3 A. No. Mr. Looker is the one that told me about G-2.

4 Q. Well, you said--

5 A. I obtained materials to study. I obtained materials to  
6 study after I told him I had reconsidered.

7 Q. What did you have to do to join?

8 A. I don't understand.

9 Q. Well, I mean, did you have to pay any money? Did you have  
10 to pay your dues?

11 A. Yes. There was some money that you paid and it sort of--

12 Q. Like joining the Elks Club. You pay your dues and you get  
13 your card so you can go in and have dinner at the Elks or go to  
14 the meetings; right?

15 A. They had it set up to where you paid--you paid dues and you  
16 received a package of information and you received an arm patch  
17 for the West Virginia militia and you received a certificate of  
18 your enlistment, like, you know, if you were--

19 Q. Just like you did when you went in the Navy?

20 A. --an officer, uh-huh.

21 Q. Did you get a beret?

22 A. Yes.

23 Q. And you got some wings that showed you were a colonel, full  
24 bird colonel.

25 A. That's correct.

1 Q. And it was all public? It wasn't a secret ceremony like  
2 they do in the mafia where they burn the stuff in the cellar and  
3 burn the paper in your hand and everybody is secret? It was all  
4 aboveboard, all in public; correct?

5 A. I don't agree with that.

6 Q. What was secret about it? Public meeting? You got a  
7 packet of information that contained literature from a variety  
8 of sources, had you not?

9 A. Mr. Looker had had public meetings prior to that. He  
10 had--from what I understood, he was fairly successful in having  
11 public meetings at different places up until the Oklahoma City  
12 bombing. After that he told me he was having difficulties  
13 in--because the militias were being viewed as potential  
14 terrorist organizations, a lot of people didn't want to be  
15 publicly--they didn't want it public. They didn't want to  
16 appear in a public manner that they were members of the militia.

17 Q. There was no code of secrecy about the West Virginia  
18 militia. After all, Mr. Looker went on television, didn't he?

19 A. Yes, he did.

20 Q. Took a TV guy out to the farm called Turkey Trot to film  
21 the training?

22 A. Yes.

23 Q. You were out there. You were on the field, weren't you?  
24 Or was that one of the times you didn't allow them to photograph  
25 you?

1 A. I wasn't there for that.

2 Q. Did you tell Mr. Looker you weren't allowed to be  
3 photographed?

4 A. I told him I didn't want to be photographed.

5 Q. Did you ever tell him that you couldn't be photographed  
6 because of your--

7 A. I may have said that.

8 Q. --because of your intelligence work?

9 A. I may have said that, yes.

10 Q. Did you tell that to Mike Shaffer sitting back there, you  
11 were not allowed to be photographed?

12 A. I don't recall if I told him that or not, Mr. Zimmerman. I  
13 may have.

14 Q. Well, incidentally, after you received the packet--what was  
15 the literature you received after you became a colonel in the  
16 West Virginia militia?

17 A. There was literature that anybody received that decided to  
18 join the militia.

19 Q. What was that, sir?

20 A. There were some magazines in there of places that you could  
21 buy equipment. There was information about the militia, what it  
22 stood for. I think there might have been some organizational  
23 papers in there, that type of thing.

24 Q. There was information in there about the militia, about the  
25 philosophy, the New World Order and about the Tri-Lateral



1 Commission and there was that type of stuff in there, wasn't  
2 there?

3 A. I believe so.

4 Q. So it was documentation of the rhetoric, more or less, of  
5 the militia?

6 A. I guess, yes.

7 Q. Did you ever take it and say to Ray, "Ray, what is wrong  
8 with you, Ray? This stuff is all wrong." Did you ever do that?

9 A. No.

10 Q. You didn't believe any of it for a moment, did you?

11 A. Believe--

12 Q. That the United Nations has some secret plan to infiltrate  
13 the government and enslave us in concentration camps, did you?

14 A. I don't believe that, no.

15 Q. And when you got that information from Mr. Looker, you  
16 didn't believe it; right? That is essentially what that  
17 information was, if you boil it down into that sense?

18 A. There was a lot of information there. I don't recall right  
19 now what was there.

20 Q. There was a lot there. There was information about Ruby  
21 Ridge and Waco and all kinds of things about the ATF breaking  
22 down doors and taking guns, all types of stuff that came off the  
23 Internet--

24 A. I believe that is correct.

25 Q. --came off the Internet and all kinds of places, manuals



1 and pamphlet and so on and so forth, none of which you believed;  
2 correct?

3 A. Right.

4 Q. Did you ever say to Ray, "Ray, wait a minute. This stuff  
5 is garbage. This isn't--what are we doing here? What are we  
6 talking about? This isn't accurate." Did you say that to him  
7 ever?

8 A. I didn't say that at that time, no.

9 Q. All right. Even though you felt that way. Now, when was  
10 it that you told Mr. Raffety that you belonged to the militia?

11 A. I think it was in May.

12 Q. Could it have been on May the 5th?

13 A. It could have been.

14 Q. Could it have been during a telephone conversation on May  
15 the 5th that you told him you joined the militia?

16 A. Yes, sir.

17 Q. And what did he tell you after you told him you joined the  
18 militia? What did he say? What did he tell you to do?

19 A. When you say, "May 5th," do you have records there that say  
20 that May 5th, that there was a telephone--

21 Q. Excuse me, sir. Excuse me. I ask the questions, please.

22 A. I am not--I am questioning May the 5th.

23 Q. The question is, on May the 5th, did you tell Mr. Raffety  
24 that you belonged to the militia? If you don't know the answer,  
25 just say you don't know.

1 A. I am not going to agree to May the 5th.

2 Q. Did you tell Mr. Raffety that you joined the militia before  
3 you were going to, or after you joined?

4 A. I don't recall. I may have said that--I think I said I was  
5 going to and--

6 Q. After you joined, after--well, when you said you were going  
7 to, what did he tell you to do?

8 A. I already knew where the FBI stood on militia activity.

9 Q. What did you tell him you would do after you joined?

10 A. Oh, okay. I think I see what you are getting at.

11 Q. Well, listen, let's do it this way. It would be a lot  
12 easier if you don't try to fill in what I am getting at. The  
13 question is: Did you tell Mr. Raffety that you were going to  
14 join the militia before you did so?

15 A. I think I said I was--that I was thinking about it. I  
16 think I indicated that.

17 Q. Did you tell him why you were going to join the militia?

18 A. That I wanted--really to fulfill my own curiosity.

19 Q. You told him that?

20 A. I was going to take a look.

21 Q. You remember clearly telling him that, that you--you were  
22 curious and you were going to join the militia?

23 A. I am not speaking in specifics. I think that was the gist  
24 of the conversation.

25 Q. Did Mr. Raffety tell you anything after you said you were

1 going to?

2 A. He said that in the event that I did see criminal activity,  
3 to let him know.

4 Q. All right. But he didn't--did he ask you why? Did he say,  
5 "Why are you going to do this? Do you believe in this stuff?"  
6 Did you ask you that?

7 A. I don't recall.

8 Q. He merely--you are telling us he merely said, "Well, if you  
9 are going to join, keep your eyes and ears open. And if you see  
10 anything criminal, let us know"? Is that what you are telling  
11 us happened between you two?

12 A. I told him that I was going to join the militia, that I was  
13 going to take a look at it. I was doing it on my own volition,  
14 and I knew where the Bureau stood because he had explained that  
15 to me. And he indicated and I am sure that these--I am not  
16 quoting, but that if something did come to my attention, to let  
17 him know.

18 Q. Had Mr. Raffety told you when you joined that he had had a  
19 meeting with Mr. Looker about the militia?

20 A. I don't think he did, no.

21 Q. Do you know whether he had a meeting with him before you  
22 joined or after you joined?

23 A. I think I found out after I joined.

24 Q. Did you find out from Mr. Looker or Mr. Raffety?

25 A. I believe it was Mr. Looker.

1 Q. Mr. Looker told you, so you were a member then.

2 A. Yes.

3 Q. A member of the militia. He said, "Mr. Raffety came out  
4 and had a discussion with me"?

5 A. I think that is correct.

6 Q. "Opened up a dialogue with me about what was going on in  
7 the militia"?

8 A. Well, Mr. Looker didn't reveal that for a long time. I  
9 don't recall exactly when it was I--I became aware of that, but  
10 it seems to me that some time had gone by before I--before I  
11 became aware of that.

12 Q. Well, how much time, sir? Was it after the June 4th  
13 training meeting?

14 A. I don't know, Mr. Zimmerman. A month or two. It might  
15 have been longer.

16 Q. From the time you joined the militia until you went to your  
17 first training session up on the farm, Bob Woofter's farm, how  
18 much time expired?

19 A. The first training session I attended was the weekend of  
20 June the 4th.

21 Q. June the 4th, and you had been a member for some time  
22 before then. A couple weeks at least.

23 A. Well, yes.

24 Q. And the June 4th meeting--before you went up there, did you  
25 tell Mr. Raffety you were going up there?

1 A. I believe so, yes.

2 Q. So you reported to him that, "Geez, we are having a  
3 training session up there on June 4th and I will tell you what  
4 is happening when I am done"?

5 A. Well, there was some other activity that had taken place  
6 prior to that. Mr. Looker showed up at my house sometime in May  
7 with a counterfeit check.

8 Q. Excuse me. Excuse me. Listen to the question, sir. The  
9 question was: Did you tell Mr. Raffety that you were going to  
10 the June 4th meeting? That doesn't require an explanation of  
11 Mr. Looker coming to your house. It says, "Yes, I told him,"  
12 or, "I didn't tell him." I am going to ask you the question.

13 Let's have an understanding, Mr. Richards, between you and  
14 me because it will make it a lot easier for all of us. I am  
15 asking you some specific questions, and if you could please just  
16 listen to them closely and answer them, it would be a lot  
17 easier.

18 Now, the question is: Did you inform Mr. Raffety that you  
19 were going to the June 4th meeting before you went there?

20 A. I believe I did. I don't recall.

21 Q. Did he give you any instructions?

22 A. I don't recall.

23 Q. Sir, you had indicated in a prior interview with some other  
24 folks that you kept notes concerning your activities from the  
25 time you started becoming involved with the militia and the FBI.

1 Did you do that? Did you keep notes?

2 A. Not really what I would call "notes." I jotted some things  
3 down, and it was--

4 Q. Okay. So you wrote down, for the lack of a better word,  
5 notes to yourself so that you could tell Mr. Raffety at a later  
6 time; is that right?

7 A. Yes. Eventually.

8 Q. Did you make a note before the June 4th meeting about your  
9 discussion with Mr. Raffety?

10 A. I don't think so. I didn't keep notes about Mr. Raffety  
11 and myself, if that is what you--

12 Q. You kept a little log for yourself about what happened,  
13 what was going on along the way, did you not?

14 A. I testified to--I was asked by Mr. Cipriani--

15 Q. Well, wait. Excuse me. Did you keep notes for yourself  
16 along the way of this investigation so you would be able to  
17 report accurately to Mr. Raffety?

18 A. No.

19 Q. So you're telling us you did not make a note of the June  
20 4th arrangement for the meeting. Did you make notes after the  
21 meeting of what went on at the meeting?

22 A. I don't think I made notes, actual notes, written notes.

23 Q. So you went to the meeting. Raffety knows you have gone to  
24 the meeting, and I assume he tells you to just keep your eyes  
25 and ears open about what is going on out there; right?

1 A. I beg your pardon?

2 Q. I assume after you told the agent here you were going to  
3 the meeting, he told you to pay attention.

4 A. I don't recall any discussion like that.

5 Q. You just called him and advised him, said, "J.C., I am  
6 going to the meeting on the 4th;" right?

7 A. I don't recall if I told him that I was going to the  
8 meeting. I just don't remember.

9 Q. Well, after the meeting--you went to the meeting?

10 A. Yes, I did.

11 Q. Right. And there were a lot of people at the meeting?

12 A. Yes, there were.

13 Q. Thirty, 40 people? Something like that?

14 A. Yes.

15 Q. It was at a farm out in the country?

16 A. Yes.

17 Q. Correct? And it was set up as a training center and was  
18 set up by Ray Looker?

19 A. Yes.

20 Q. Is that right? And as I understand, there were people  
21 there who were teaching other people how to do things, such  
22 as--well, for an example, that is the meeting where you met my  
23 client, Mr. Rogers, is it not?

24 A. That is correct.

25 Q. Before that day, you had never even knew he had existed in



1 the universe; isn't that correct?

2 A. Right.

3 Q. And when you were out there, you were introduced to him  
4 by--were you introduced to him personally by Mr. Looker that  
5 said, "Rich Rogers, Marshall Richards"? One of those?

6 A. Yes.

7 Q. And did you tell Mr. Rogers at the time about your Navy  
8 SEAL training and your Vietnam experiences?

9 A. I believe Mr. Looker did that.

10 Q. Mr. Looker did that in your presence?

11 A. Yes.

12 Q. Right. And, as a matter of fact, he told everybody that  
13 was at that meeting that day, "This is our new chief of  
14 intelligence, Okey Richards, former SEAL. He served honorably  
15 in Vietnam. He went into Vietnam and took out POW's. He has  
16 worked in the past in the intelligence service. He is now one  
17 of us."

18 A. That is correct.

19 Q. And you did nothing whatsoever to tell anybody, "Not true,"  
20 did you?

21 A. No, sir.

22 Q. Now, Mr. Raffety didn't tell you to make up that story for  
23 these folks, did he?

24 A. No, sir.

25 Q. And it actually wasn't an old story. It was your story.



1 You had adopted that story for a long time.

2 A. Yes.

3 Q. And so at that training session, you got a chance to meet  
4 people, and one of the things you saw at that session was that  
5 Mr. Rogers was doing a demonstration for many of these people to  
6 show them how it was possible to store--to do dry storage of  
7 food, grains; is that correct?

8 A. To cache food, that is correct.

9 Q. He was showing them how to keep grains for a long period of  
10 time in the event there was some disaster of some sort so there  
11 would be something to eat; correct?

12 A. Yes.

13 Q. I mean, "cache" means "to hide." That is Webster's  
14 definition.

15 A. That's right. That is how I understood it to be, cache.  
16 That is how everybody else understood it to be, was cache.

17 Q. If you took this can full of wheat and dug a hole and stuck  
18 it in the ground, and five years later if something happened and  
19 you wanted to get it out, there wouldn't be anything in there,  
20 would there?

21 A. I beg your pardon?

22 Q. If you just filled this can up with grain, with wheat, put  
23 a little Saran Wrap on the top, dug a hole, stuck it in the  
24 ground, say I want to use this later on, when you went to get it  
25 sometime later, it would be all rotted; is that correct?

1 A. That is correct.

2 Q. What Mr. Rogers was doing was showing people how it was  
3 that you could preserve grains and foods in the event of some  
4 kind of a disaster, natural or otherwise, so there would be food  
5 for people to eat; correct?

6 A. Yes. Or a war.

7 Q. Or a war. Whatever. Or if someone--if there was a nuclear  
8 war, one of these new countries fired off a blast at us, there  
9 would be something to eat so if we weren't dead, we would at  
10 least not starve to death?

11 A. Or if you had a militia that was fighting its own  
12 government.

13 Q. Yes. But at that particular time there was no war going on  
14 that you know of. You went to this meeting and you saw  
15 training; right?

16 A. I don't agree with that.

17 Q. Well, you may not agree with me, sir, and you don't have  
18 to, but the point of the matter is when you went out there on  
19 the 4th of June, you saw Mr. Rogers showing people how to  
20 preserve food and that is all you saw him doing at the time;  
21 correct?

22 A. That is correct.

23 Q. Okay. And you also--there were also other people out there  
24 that were doing similar types of activities that had to do with  
25 survival; isn't that also correct?

1 A. Yes.

2 Q. And there were discussions out there, also, some organized  
3 and some in just little clusters and groups, where people were  
4 talking about the excesses of government and about their  
5 political philosophies and about the New World Order and about  
6 all kinds of things, about the--about taxes and about  
7 everything; isn't that accurate?

8 A. Yes.

9 Q. I mean, it was a meeting to--it was a meeting--it was a  
10 political meeting about the politics of the militia and the  
11 right wing.

12 A. No. I don't think it was a political meeting.

13 Q. Well--

14 A. Politics were one of the subjects that were discussed, but  
15 the training had a very specific purpose. They were training in  
16 a militaristic fashion for the purposes of fighting what they  
17 believed was a government that had already been overthrown.

18 Q. Did you as the G-2 officer, new colonel in the outfit, tell  
19 any of them that any of this philosophy they had was wrong?

20 A. No, sir.

21 Q. Did Mr. Raffety tell you to tell these guys they are  
22 wrong--

23 A. No.

24 Q. --to open up this dialogue and say, "You guys are wrong"?  
25 So you decided--he didn't tell you that; right?

1 A. No, sir.

2 Q. He didn't tell you--never told you that. So you  
3 decided--you decided, sir, that you didn't like their politics  
4 and there was something--something wrong with their training.  
5 It was military; is that correct?

6 A. It was terroristic.

7 Q. Storing food is terroristic in your mind?

8 A. When you start talking about fighting your own government,  
9 I think that is treason.

10 Q. How about when you talk about making this big story up that  
11 you have made up of yourself; isn't that called make-believe  
12 secret agent? And it is, it is not? And so what is the  
13 difference, sir?

14 A. No, sir. I don't agree with that.

15 Q. You may not have to agree with me at all about anything  
16 because I don't agree with you. The fact of the matter is,  
17 sir--

18 THE COURT: Mr. Zimmerman, let's ask straight  
19 cross-examination questions.

20 MR. ZIMMERMAN: I'm sorry, your Honor. Sometimes my  
21 age gets in my way.

22 Q. So while you were out there, sir, you took the names of  
23 every person that was out there.

24 A. I don't think I did that.

25 Q. You listed down the names of all these county commanders

1 out there.

2 A. But you said I took the names of these people.

3 Q. You got names of the people that were out there, didn't you?

4 A. What is that?

5 Q. You got the names of the people at the meeting?

6 A. I remembered some of the names of the people that were  
7 there. I had been introduced to them by Mr. Looker. He told me  
8 that they were county commanders or assistant county commanders,  
9 and in some cases they were just members of the particular  
10 county representing their county.

11 Q. And you took that information and went back to Mr. Raffety  
12 with it.

13 A. I reported to Mr. Raffety because of something else.

14 Q. Well, but you--let's talk about that. Did you tell Mr.  
15 Raffety who--who it was that was at that meeting?

16 A. I don't remember if I gave him specific names of the people  
17 that were there or not.

18 Q. Did there ever come a time, sir, when you got the list of  
19 every member in West Virginia--every member or anyone who ever  
20 joined or was on the mailing list of the Mountaineer Militia in  
21 West Virginia and gave it to Mr. Raffety?

22 A. Yes.

23 Q. Did he ask you to do that?

24 A. I don't recall if he specifically gave me that order or not.

25 MR. ZIMMERMAN: May I approach, your Honor?

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1 THE COURT: Yes, sir.

2 (Defendant's Exhibit Number 14 was marked)

3 Q. I am going to show you what has been marked for  
4 identification purposes as Defendant's Exhibit Number 14.

5 A. Yes, sir.

6 Q. I ask you if you have actually ever seen that particular  
7 report before.

8 A. Well, this appears to be--

9 Q. No. The question is: Did you ever see this report before?

10 A. I don't know that I saw this one.

11 Q. Do you recall--excuse me. You must listen to my questions,  
12 please.

13 Do you recall making up a list for Mr. Raffety that  
14 contains that information?

15 A. I remember turning in--turning over a list as part of my  
16 intelligence gathering, a list of the members of the West  
17 Virginia militia.

18 Q. Broken down by counties?

19 A. Yes, sir.

20 Q. As this is--list is--

21 A. Yes.

22 Q. --Telephone numbers, addresses--

23 A. Yes.

24 Q. --and enlistment dates?

25 A. It should be on there, yes. Yes.

1 Q. Now, you turned in to the FBI all of these people, many of  
2 whom you had never met; is that correct?

3 A. That's correct.

4 Q. You knew nothing about?

5 A. I don't know how many I never met, but there are  
6 people--there were people that I did not meet.

7 Q. Well, there is maybe 100 names here. There are many people  
8 on here you never met and you knew nothing about; isn't that  
9 true?

10 A. Correct.

11 Q. You didn't know what they did, or if their name was  
12 legitimately on this list or not; is that correct?

13 A. Right.

14 Q. But, nevertheless, you concluded in your investigation that  
15 the FBI should know about these people because they belonged to  
16 the militia; correct?

17 A. It wasn't my investigation, Mr. Zimmerman. I turned  
18 information over to Mr. Raffety and I just assumed that he would  
19 know what to do with it.

20 Q. Because they were members of the militia; correct?

21 A. Yes.

22 Q. And you didn't agree with the militia; correct?

23 A. No, sir, I don't.

24 MR. ZIMMERMAN: Your Honor, would you let me take a  
25 break now. I wouldn't mind, to tell you the truth.

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1 THE COURT: All right. It is a little early, but that  
2 is fine. I think it is a good idea.

3 Let's go ahead, members of the jury, and take the  
4 midafternoon break. Leave your note pads on your chairs and  
5 please don't discuss the case while you are on your break.

6 Mr. Richards, you may step down, also.

7 (Recess at 3:04 p.m. until 3:25 p.m., defendant present,  
8 jury not present)

9 THE COURT: All right. Bring the jury down, please.

10 (Jury present)

11 THE COURT: Mr. Zimmerman.

12 MR. ZIMMERMAN: Thank you, your Honor.

13 Your Honor, if I may have a moment. If you recall the  
14 other day when Mr. Raffety was looking for two memos, if I-I  
15 just got it this moment and if I could have one minute to finish  
16 reading it.

17 THE COURT: Sure.

18 (Pause)

19 MR. ZIMMERMAN: Thank you, your Honor.

20 Q. Mr. Richards, if we could digress a little bit back to your  
21 relationship with Mr. Looker, back in 1990, you tell us that  
22 there came a time when after you met Mr. Looker, that because of  
23 his financial situation, he--you helped him--aided him moving  
24 back to New York.

25 A. Yes, sir.



1 Q. Is that right?

2 A. Yes.

3 Q. And you did that for a business reason, didn't you,  
4 business reason of your own?

5 A. No, sir.

6 Q. Well, have you forgotten, sir, about the Sino-American  
7 Development Company?

8 A. That was something Mr. Looker started after he got to New  
9 York, if I remember correctly.

10 Q. With your help; is that right?

11 A. Well, I don't recall ever doing anything.

12 Q. Did you locate a building for him?

13 A. I don't know what building that would be.

14 Q. Well, did you and he together try to put this Sino-American  
15 Corporation together?

16 A. He asked me to come up to New York to take a look at  
17 something that he was doing. I went up there and there was a  
18 building that he was interested in.

19 Q. He asked you to give him some advice about his business,  
20 did he not?

21 A. Yes.

22 Q. Because he thought you were pretty--he wanted you to help  
23 him start this business; is that right?

24 A. He wanted some advice.

25 Q. Right. And the company that he wanted to start had to do

1 with language, education for language, the Chinese language;  
2 right?

3 A. He wanted to try to do--promote business between American  
4 companies and the Chinese government.

5 Q. And you went up there to help him, to give him advice, to  
6 help him find a building to help do that; is that right?

7 A. I went up to take a look at what he had done.

8 Q. Right. And you did that?

9 A. I beg your pardon?

10 Q. You went up and did take a look, did you not?

11 A. I went up and did take a look.

12 Q. And did you give him any advice?

13 A. Yes, I did.

14 Q. Did you tell Agent Raffety that part of this was your and  
15 Looker's intention to staff the foundation with China experts  
16 and offer training to U.S. and Chinese, business, education  
17 and/or government executives which would pay for those services?

18 A. I may have. I don't recall.

19 Q. So if you told--if you told this agent that, you, in fact,  
20 were involved in a business with Mr. Looker up in New York, were  
21 you not?

22 A. No. I don't consider myself being involved in a business  
23 in New York. Mr. Looker had made a contact with an individual  
24 that--a Chinese national or something. I don't really know what  
25 his status was. He was--I believe he had citizenship in both

1 the United States and in France. This individual was attempting  
2 to do some work in the Niagara Falls area. I met that  
3 individual. Ray and I went and took a look at a building that  
4 Ray knew was sitting vacant, which I think was a place called  
5 Devoe College or something of that nature, but I just didn't see  
6 how it was feasible to really get, you know--to really make  
7 anything happen.

8 Q. Well, didn't you try--didn't you and Mr. Looker try to do  
9 this together and it failed because of Looker's abrasive  
10 behavior?

11 A. We met--I told you we met with the individual. I think his  
12 name was Dr. Fu.

13 Q. Dr. Fu.

14 A. And Ray had a problem in dealing with people, yes.

15 Q. So you and Looker met with Dr. Fu to try to get the money?

16 A. I was invited to meet with Dr. Fu, which I did, and had  
17 dinner with him.

18 Q. So when you helped him get to New York, it was more than  
19 just a friendly gesture. You were still involved with him  
20 closely, giving him business advice, helping him with his life;  
21 is that correct? He trusted you?

22 A. When--when I moved him to New York?

23 Q. You said earlier that you helped him move to New York.

24 A. Right.

25 Q. Right.

1 A. But that was the only thing I did at that time, was help  
2 him move to New York. I had no idea what he was going to do  
3 after he got there.

4 Q. Yes. But after he got there, he confided to you, he  
5 brought you in on the Sino-American situation. You helped him.  
6 You advised him. He trusted you, did he not?

7 A. Yes.

8 Q. And he was able to do this because his wife was born in  
9 Taiwan, correct?

10 A. I think--I think that helped.

11 Q. And then when that failed, that is when you helped him move  
12 back here.

13 A. I don't think that is correct. But he was also  
14 involved--he had a regular job. He was working at a real estate  
15 company up there. And he had had other jobs, as well, while he  
16 was there.

17 Q. But there came a point when he had to move back to West  
18 Virginia and you and your friend, the guy who was running--you  
19 were helping run this Automated Technologies Company with,  
20 brought him back, fixed up a house for him to stay at, your  
21 friend bought him a car; correct?

22 A. Me and several friends did that.

23 Q. Right. Right.

24 A. Because--

25 Q. And so your relationship with him was--was not sketchy, but

1 it was ongoing from the time he went to New York; isn't that  
2 correct?

3 A. I testified earlier I visited him a few times while he was  
4 up in New York, and I was concerned about he and his wife. And  
5 there came a point where he called me and said he was in  
6 desperate need of help, that the job that he had at the real  
7 estate company wasn't working out. He and his wife were going  
8 to be evicted from their apartment, and he had no place to go.  
9 And quite frankly, I didn't know what to do for the guy.

10 Q. Nevertheless, you--he trusted you enough to have you come  
11 to New York to try to help him with his business.

12 A. Yes.

13 Q. And then it comes down to June the 4th of 1995. You had  
14 begun to work on an investigation of him for the FBI.

15 A. What date did you say?

16 Q. June the 4th, 1995.

17 A. It--if you--I don't know when the investigation actually  
18 started.

19 Q. You were investigating the Mountaineer Militia on your own,  
20 taking a peek and--according to Mr. Raffety when the meeting  
21 took place on June the 4th, 1995; is that not correct? Yes or  
22 no?

23 A. Yes.

24 Q. So the focal point of the Mountaineer Militia was your  
25 friend, Raymond Looker; correct? He was the general; correct?

1 A. Yes.

2 Q. He was the self---he made himself in charge. He is the  
3 organizer. He was the militia by and large; correct?

4 A. He was the organizer of the militia.

5 Q. Right. He is the guy who decided when the training plans  
6 were going to be, when they were going to be held, who was going  
7 to be there, what they were going to do; isn't that correct?

8 A. He gave the orders, yes.

9 Q. Well, I mean, it was his decision. He would say, "Well, we  
10 are going to have a training session next week," and that is  
11 what would happen; right?

12 A. He made the decisions. People didn't argue with him. They  
13 went along with that. They followed him.

14 Q. And people either showed up at the training sessions or  
15 they didn't; is that right?

16 A. Correct.

17 Q. And there came a point, however, in your relationship that  
18 you were helping him plan these meetings about who should do  
19 what and what kinds of--what kinds of training there should be.

20 A. I wouldn't go that far. He would ask me for my advice as  
21 to--actually it wasn't even that. He would tell me what he  
22 wanted to do and asked me if I thought that it was, you know, a  
23 good idea.

24 Q. Did you ever tell him "no"?

25 A. No, sir.

1 Q. Did it ever occur to you if you were so concerned about  
2 what was going on in this country, that you would say, "I don't  
3 think you should do that"?

4 A. I'm sorry? I didn't hear.

5 Q. If you were so concerned about our country that you decided  
6 to join the militia on your own because you didn't agree with  
7 them, why was it that you would do everything that he suggested  
8 without telling him it was foolish and that he shouldn't do it?

9 A. I didn't do that--I just didn't do that.

10 Q. Did Mr. Raffety ever tell you to do that?

11 A. To do what?

12 Q. What I just said, to tell Ray not to do this stuff?

13 A. No, sir.

14 Q. Let's talk about this FBI Center for a moment. You tell us  
15 or you told the agent that during that June 4th meeting, there  
16 was some discussion about the FBI Center. You did tell him  
17 that; correct?

18 A. Yes.

19 Q. Now, you do know from your reading the literature and  
20 talking to Mr. Looker, that the philosophy of some of the  
21 militia groups, and particularly of Mr. Looker, is that somehow  
22 or other the United Nations is infiltrating--is going to disrupt  
23 the function of our government so that they declare martial law.

24 A. That is what militia groups believe, yes.

25 Q. So the phrase that is used throughout this case, "When the



1 shit hits the fan," it means when martial law happens?

2 A. Supposedly.

3 Q. Right. And so that these men were preparing to protect  
4 themselves from whatever when there was martial law declared and  
5 there was no more Constitution, as we know it today; is that  
6 right?

7 A. Hopefully.

8 Q. They were hopefully going to be able to defend themselves;  
9 isn't that correct? That is the militia's fear. There will be  
10 no Constitution and there will be a dictatorship?

11 A. That is one of the fears.

12 Q. And part of that is they think there are certain segments  
13 of our government that have already been corrupted by this  
14 philosophy and are acting in ways that are detrimental to the  
15 American people?

16 A. Yes, sir.

17 Q. When I say "detrimental" and "acting in ways," they are  
18 preparing for the eventual day when somebody from somewhere  
19 says, "All right, we are pulling the plug. We are going to take  
20 over and somebody is going to suspend the Constitution." That is  
21 the day that the militia is preparing to fight against in most  
22 of the literature; is that correct?

23 A. In much of the literature, yes, but sometimes there is  
24 literature from various sources that would disagree with that.

25 Q. Correct. Mr. Looker, when you first started--started to



1 talk to him about the militia and when you got your membership  
2 package, that is what he was worried about. When the government  
3 no longer functions, he wanted his men to be prepared to protect  
4 what he considered to be his area, i.e., West Virginia; isn't  
5 that correct?

6 A. Yes.

7 Q. And that is what was happening at this training facility,  
8 people were training so they would, in fact, have food and they  
9 may have weapons someplace or other things so that they could,  
10 in fact, protect themselves; so that they weren't enslaved, so  
11 that they could help the rest of the population not live under  
12 some diabolical group of dictators?

13 A. They also learn how to kill.

14 Q. Yes. Like the French Resistance in the Second World War,  
15 they were--they learned how to kill.

16 A. And they discussed assassinations.

17 Q. The point that we are at, Mr. Richards, is that there was a  
18 flash point in this militia philosophy about taking action when  
19 this June 4th meeting took place, was there not, and that flash  
20 point was something that we don't know, but whenever "it hit the  
21 fan;" right?

22 A. There was a supposed flash point.

23 Q. A supposed flash point. And it was stated that there was a  
24 flash point. There had to be some provocation to do something.  
25 That is--was the militia philosophy as you understood it at that

1 point.

2 A. I guess, yes.

3 Q. Okay. And so at the--as part of this general, overall fear  
4 that the militia had, they had decided that there were certain  
5 places and groups and, for example, the FBI facility, that may  
6 be used at the time when martial law was declared, and so they  
7 said that they were, in fact, targeted because of that; isn't  
8 that correct?

9 A. They believed that those facilities were already--that  
10 those facilities were already in--that they were already doing  
11 that type of activity.

12 Q. Correct. But they--they thought, did they not--and we have  
13 heard lots of discussions that you were a part of in front of  
14 this jury, about things that were going to happen in the future,  
15 and that they were preparing for this?

16 A. But they also believed they were already at war, Mr.  
17 Zimmerman.

18 Q. Well, Ray Looker may have believed that, that they were  
19 already at war. But you never in any of the conversations that  
20 we saw or any of the other 400 conversations that you were  
21 recording with Mr. Looker, at one time said, "Ray, you're  
22 wrong," did you?

23 A. No, sir, I did not.

24 Q. And did you do that because Mr. Raffety told you that you  
25 shouldn't do that? Did he instruct you not to do that?

1 A. No, sir. I don't recall anything like that.

2 Q. When this FBI Center came up and there was some discussions  
3 that my client might be able to have access to the blueprints,  
4 you know--that came up and we have heard many conversations  
5 about that. We even saw--heard the conversation where he gave  
6 you these photographs. At any time, any time in the beginning  
7 of this when we are talking about this facility--I assume you  
8 told all of this to Mr. Raffety. Every time this came up, the  
9 FBI facility, you told him right away?

10 A. I told him everything.

11 Q. Right. But you specifically told him that; right?

12 A. That was part of everything, yes.

13 Q. Yes. Right. Did Mr. Raffety ever say to you, you know,  
14 "Mr. Richards, why don't you have a little discussion with Mr.  
15 Looker, maybe Mr. Rogers; tell them that, you know, there is  
16 nothing going on out there, that these fears that they have are  
17 wrong." Did he ever tell you that?

18 A. I don't recall anything like that being said, no.

19 Q. Well, did he ever tell you that, "Boy, we should arrange a  
20 meeting. Could you arrange a meeting for me with Mr. Looker so  
21 I can explain to him that this is off base? There is nothing  
22 happening out there. There is nothing secret going on out  
23 there." Did he ever tell you that?

24 A. No, sir.

25 Q. Did he ever tell you that if these guys wanted to look at

1 these plans, they ought to go down to the city engineer's office  
2 or water department and could look at the whole--the whole  
3 blueprints without having to have some kind of secret code words  
4 and everything, and they could really see that there was nothing  
5 down there?

6 A. No, sir.

7 Q. Never told you that?

8 A. I don't recall that.

9 Q. Did you ever tell--did you ever tell Mr. Looker that?

10 A. No, sir. I don't believe I did.

11 Q. Did you ever tell Mr. Rogers--

12 A. No.

13 Q. --"You don't need to do that. We don't need these  
14 things." As a matter of fact, sir, to the contrary, you  
15 had--you have made many statements along the lines that there,  
16 in fact, was something going on out in that facility that was in  
17 tune with the militia philosophy, did you not?

18 A. Yes. I played a part while I was there.

19 Q. You egged on the fears of Mr. Looker and Mr. Rogers, did  
20 you not?

21 A. No. I don't agree with that. I did not egg--

22 Q. Did you discuss the building with any other member of the  
23 militia? Well, I mean did you discuss--

24 A. The facility was mentioned, you know, many times.

25 Q. Mr. Pysell?

1 A. Mr. Pysell?

2 Q. Yes.

3 A. Yes. I know the Pysell brothers.

4 Q. The Pysell brothers. Did you try to enlist one of them to  
5 have their wife, who works in that facility, to find out whether  
6 or not you could get an ID card from her?

7 A. Well, Mr. Looker wanted to do that. He wanted access to  
8 the facility. He wanted to gather intelligence on the facility.

9 Q. You suggested--

10 A. The Pysell brothers were members of the West Virginia  
11 militia through the Taylor County division.

12 Q. That is right. And you suggested talking to her, get her  
13 ID card. "Do you think she would give it to us?"

14 A. I know we discussed that.

15 Q. Sure. You also discussed military training out there, out  
16 at the facility.

17 A. Sure. That was on tape.

18 Q. You didn't tell him, "Come on. There is nothing going on  
19 out there." You didn't say that, did you?

20 A. No, sir.

21 Q. You question and you build right into the discussions the  
22 suspicions that there was something under the parking lot and  
23 there was something happening out at that facility?

24 A. Mr. Zimmerman, I didn't have to build suspicions with these  
25 individuals. These individuals did what they did on their own

1 volition. They knew how they felt. They knew what they wanted  
2 to do. It was not something that was my idea. I didn't put  
3 words in their mouths. And I think it is very evident with the  
4 evidence that we have seen so far that, you know, it is not like  
5 I was telling these people what to say and they are saying it.

6 Q. Well, Mr. Richards, there were--there was a press, was  
7 there not, on Mr. Rogers, to get these blueprints?

8 A. I beg your pardon?

9 Q. A press. Do you know what a press is?

10 A. A press? You mean did we push him?

11 Q. Yes.

12 A. No. I don't really agree with that. Mr. Looker wanted  
13 those blueprints. Mr. Rogers had indicated to him that he had  
14 access to them. And Mr. Looker was frustrated because he did  
15 not have those blueprints in his possession, and I was of the  
16 understanding that this was something that he and Mr. Rogers had  
17 talked about before I ever came on the scene.

18 Q. That is an assumption you were making because you weren't a  
19 party to those conversations, were you? You are just assuming  
20 that?

21 A. I am only relaying what Mr. Looker told me, you know, what  
22 he informed me.

23 Q. Well, we have heard a lot from Mr.--between you and Mr.  
24 Looker, Mr. Richards. These recorded conversations, did you  
25 believe everything that Looker told you?

1 A. Yes.

2 Q. Well, then, why don't you believe that there is a New World  
3 Order if you believe what Looker tells you? Why don't you  
4 believe there are black helicopters? You don't believe  
5 everything he tells you, do you?

6 A. No. I don't believe everything that he tells me.

7 Q. Right. You were involved in this case to do an  
8 investigation and you were--you were finally what you always  
9 wanted to be. You were an intelligence operator, something that  
10 you had fantasized about for 20 years. You were finally doing  
11 what you always wanted to do, and so when you had the  
12 opportunity to push Mr. Rogers about getting these plans, you  
13 pushed him even though he was reluctant; isn't that correct?

14 A. No.

15 Q. Well, you--you, sir, on a variety of occasions called him  
16 and asked him how he was doing on his project and what was  
17 happening and when you--excuse me.

18 Let's do it this way: Whenever you would make a contact  
19 with either Mr. Looker or Mr. Rogers concerning the FBI  
20 facility, would you keep notes on that? Would you make  
21 handwritten notes for yourself, sir?

22 A. No. I would clear up--I would like to talk about the notes  
23 aspects.

24 Q. I would like to ask you to answer my questions, Mr.  
25 Richards. Let's do this again so we will make sure we are clear



1 what the question is.

2 Whenever you had a contact with either Mr. Looker or Mr.  
3 Rogers that concerned the FBI Center, did you make written notes  
4 of that contact?

5 A. Not every time, no.

6 Q. Okay. You did make written notes of some of them, did you  
7 not?

8 A. Only to clear up--yes.

9 Q. Right. And what did you do with those notes?

10 A. I turned the tapes and notes and anything I had over to Mr.  
11 Raffety on a regular basis.

12 Q. And after you turned them over, did you have an opportunity  
13 to review those notes to refresh your recollection before this  
14 trial?

15 A. No, sir.

16 Q. Why not?

17 A. You will have to ask--

18 Q. Because they are destroyed, are they not?

19 A. You will have to ask Mr. Raffety.

20 Q. Were you told by Mr. Raffety if they were destroyed?

21 A. I don't recall if he used that term.

22 Q. You asked to see them, did you not?

23 A. Yes. I was told they were put into the form of a 302.

24 Q. And they are no longer in existence for you to see; is that  
25 right?



1 A. I have not seen them.

2 Q. Now, sir, let's talk about this tape recorder that you  
3 had. Do you know when it was that you tape recorded your first  
4 telephone conversation?

5 A. With anybody?

6 Q. With anyone, sir.

7 A. No, sir. I don't recall the date.

8 Q. Do you recall when it was that you recorded your first  
9 telephone call with James Rogers?

10 A. I believe it was in the fall of 1995.

11 Q. November the 29th, 1995? Do you recall that conversation,  
12 sir, the very first one that we played for this jury?

13 A. Yes, sir.

14 Q. Now, this first conversation has to do with a policeman,  
15 doesn't it? Do you recall this first conversation about this  
16 dynamic entry?

17 A. Yes.

18 Q. And that policeman is Paul Hickman.

19 A. Yes.

20 Q. Is that correct? And Paul Hickman was going to do a  
21 demonstration about how to do a dynamic entry and how to protect  
22 against one, and that is a forced entry into a building, in lay  
23 terms; right?

24 A. Right.

25 Q. And you were talking to Mr. Rogers about that to see if he

1 was going to come to that training.

2 A. Yes.

3 Q. Right? And he wasn't able to because he had to work; is  
4 that right?

5 A. Right.

6 Q. How many times did you ever see Mr. Rogers out at that  
7 training site?

8 A. I know that one time was the June 4th weekend of 1995.

9 Q. Right.

10 A. I don't recall if Mr. Rogers was at another training  
11 session after that.

12 Q. So that after you met him the first time at the training  
13 session, the only other time that you ever had anything to do  
14 with him was either the two of you together or you together with  
15 Mr. Looker; correct?

16 A. I believe that is right, yes.

17 Q. And there were a lot of other training sessions that you  
18 attended, however; isn't that correct?

19 A. There were several more, yes.

20 Q. Yes. And he just didn't appear at them, didn't show up?

21 A. Correct.

22 Q. Right? Now, as I understand that, starting in November of  
23 1995, he had indicated to you that he had access to the  
24 blueprints of the FBI Center at the fire hall.

25 A. I'm sorry. What was that again, please?

1 Q. Did he indicate to you in November of '95 that he had  
2 access to the blueprints in the fire hall?

3 A. That had already been established prior to that time.

4 Q. That is when you started to have these conversations with  
5 him about whether or not he could get them for you and Mr.  
6 Looker; isn't that correct?

7 A. No.

8 Q. Well, you started to record the conversations, then, that  
9 had to do with him obtaining the plans to transfer them to you  
10 and Looker; is that correct?

11 A. I recorded that conversation.

12 Q. Right.

13 A. I didn't have authorization to do it, if I remember  
14 correctly. I was unable to get ahold of Mr. Raffety.

15 Q. So by November of 1995, you have the tape recorder on your  
16 own; is that correct?

17 A. Yes.

18 Q. Now, when it started out, you didn't have the tape recorder  
19 on your own, did you?

20 A. No.

21 Q. It started out having you call up and say, "Geez, I am  
22 going to talk to Looker," and talk to whoever else it was, J.J.  
23 Moore, whoever the other guy was, and he would say, "Okay,"  
24 bring you over, fix you up with a recorder or do whatever they  
25 had to do, you would make the recording and you would take the

1 tape back to Agent Raffety; correct?

2 A. Yes, sir.

3 Q. And are you aware that he was doing that because there was  
4 a policy of the FBI to monitor people like you?

5 A. No, sir. I don't know what their policies are.

6 Q. Okay. And so he monitored--when was it that he just turned  
7 you loose on your own with this tape recorder?

8 A. I was never turned loose on my own, Mr. Zimmerman.

9 Q. When was it that you had the tape recorder in your  
10 possession at all times?

11 A. I don't recall exactly when that occurred.

12 Q. Do you recall? When did you meet Agent Hoppey?

13 A. I don't know what the specific date was. It seems to me it  
14 might have been the--I don't recall if it was the fall or winter  
15 of '95, or if it was in the spring of '96, but somewhere, I met  
16 Agent Hoppey.

17 Q. Did you already have the tape recorder on your own by that  
18 time?

19 A. I don't know.

20 Q. So you tell us that the first time you recorded this  
21 conversation with Mr. Rogers, you did it on your own?

22 A. I believe, if I remember correctly, that I attempted to get  
23 ahold of Special Agent Raffety. I was unable to do so; and I  
24 just don't recall all of the details, but I made the recording.  
25 I believe I was the one that made the decision to do that.

1 Q. Now, it took a long time from the time that you were trying  
2 to get these blueprints from Mr. Rogers until you actually got  
3 the photographs, did it not?

4 A. There were several months that went by, yes.

5 Q. And during those several months, you had discussions with  
6 Ray about getting these--getting Rogers to move on them.

7 A. General Looker had several discussions with me about his  
8 frustrations in wanting the photographs. It was very clear to  
9 him that Mr. Rogers had offered the blueprints and Mr. Looker,  
10 you know, wanted access.

11 Q. Why didn't Ray Looker just call up Rich Rogers and say,  
12 "Rich, when am I going to get these blueprints"?

13 A. I believe Mr. Looker did that.

14 Q. But he also had you do that, too, didn't he?

15 A. Yes, sir.

16 Q. And you did that on a variety of occasions to find out what  
17 was going on?

18 A. Yes.

19 Q. And you also made some suggestions to Mr. Looker, did you  
20 not, about how you might be able to get him to move on them a  
21 little more quickly. For example, you suggested, sir, to Mr.  
22 Looker on January the 28th, that maybe you should appoint Rogers  
23 to the intelligence division, right, and that might impress  
24 him; and Looker should come over and do it himself, that might  
25 get him moving on this stuff? Do you remember doing that?

1 A. When was that?

2 Q. January the 28th, sir.

3 A. Of '96?

4 Q. Yes, sir.

5 A. I believe that was on one of the tapes, yes.

6 Q. And that was your suggestion of how to get Rogers to get  
7 these blueprints to you and Looker.

8 A. I made that comment.

9 Q. Right. Because there was some discussion about whether or  
10 not he was actually capable of doing that, whether he really  
11 knew what he was doing or whether he could do it or whether he  
12 was just sort of making that up; isn't that right? Looker was  
13 concerned about that.

14 A. We didn't have them in our possession, so that was a  
15 question in Mr. Looker's mind, yes.

16 Q. So you made the suggestion, "Then, gee, why don't--I have  
17 been talking to Rogers. Why don't we offer him a position in  
18 intelligence and maybe that will excite him enough to do what we  
19 asked him to do." That was the purpose of this conversation,  
20 wasn't it?

21 A. Well, there was another reason, too. I wanted Mr. Rogers  
22 in intelligence so I could keep a better eye on him.

23 Q. So that you could keep a better eye on him; right?

24 A. Well, as a part of the investigation.

25 Q. Did he tell you that? Did he tell you to say that?

1 A. I don't recall if he did or not.

2 Q. You just made that up, didn't you?

3 A. No, sir.

4 Q. You made this up to Mr. Looker so you could impress to Mr.  
5 Rogers to get moving on his project, didn't you, sir?

6 A. We have already established that.

7 Q. Now, Mr. Looker originally wanted these plans so that he  
8 could make a contingency to participate in protecting West  
9 Virginia in the event that the New World Order got to the flash  
10 point and the shit hit the fan? Isn't that an accurate  
11 statement?

12 A. You mean for a contingency for a attack?

13 Q. In the beginning, yes.

14 A. A contingency to attack the facility.

15 Q. He wanted to be able to have the plans for use by the  
16 militia to neutralize the facility, if possible, after the flash  
17 point; isn't that accurate?

18 A. I don't know if I can agree with "after the flash point,"  
19 but maybe. He wanted the plans to form a contingency plan of  
20 attack on the facility.

21 Q. To be used when the flash point happened?

22 A. You will need to ask Mr. Looker.

23 Q. Well, what did he tell you?

24 So that is what you were doing. In the beginning, you were  
25 getting the plans to make a contingency plan; is that correct?

1 A. Yes.

2 Q. Did you sit down with Mr. Looker and draw up a plan about  
3 how many men were going to have to go and on to what road and  
4 what you were going to do? You didn't have any plan like that.  
5 You didn't have any specific plan, did you?

6 A. No. That did not develop.

7 Q. That never developed from the time you joined the militia  
8 until today, did it?

9 A. No. He never determined how many men it would take.

10 Q. And he never--he was incapable of determining anything on  
11 his own, was he not?

12 A. I beg your pardon?

13 Q. Mr. Looker was incapable of determining anything?

14 A. I won't say he was incapable of--

15 Q. Well, sir, the reason that this facility was of interest to  
16 the militia was because it was supposed to be an operation  
17 center for the New World Order, for the UN troops; isn't that  
18 right?

19 A. That is one of the things they believed.

20 Q. Right. There was a lot of rumors going around during that  
21 period of time about the militia, were there not, such as that  
22 there was a contingency of agents in a motel over in Ohio  
23 waiting for an executive order to arrest all militia men? Do  
24 you remember that?

25 A. I remember something to the effect that they were concerned



1 about an executive order that would be issued by the President  
2 of the United States that would authorize the military or  
3 somebody to arrest militia leaders across the nation.

4 Q. Militia leaders or all militia members?

5 A. Well, some people believed it was all militia members.

6 Q. That was a great fear in the militia, wasn't it, that they  
7 were going to get arrested just for belonging there?

8 A. There were a lot of fears in the militia.

9 Q. But that was one of them, wasn't it?

10 A. Yes.

11 Q. They thought that there was something going on that they  
12 were going to be arrested just for belonging to the group. I  
13 mean, you are aware of that.

14 A. Yes.

15 Q. And that was discussed as if it was a fact without question?

16 A. Yes.

17 Q. Right? That came from literature, from the Internet over  
18 the short-wave radio, over newsletters from militia groups from  
19 around the country. You saw those kinds of things, did you not?

20 A. That is correct.

21 Q. That was some of the kind of information that Mr. Rogers  
22 was actually providing to you and Looker--were copies of these  
23 bills introduced into the house and Congress and things from the  
24 Internet because you guys didn't have the Internet. He was  
25 giving you all kinds of information that you were then talking

1 about.

2 A. He was supplying a lot of intelligence information and some  
3 of that included bills on anti-terrorism.

4 Q. Right. And he was--he was supplying a lot of unintelligent  
5 intelligence information, correct, that he got from The  
6 Spotlight and he got from a variety of other places; isn't that  
7 accurate?

8 A. He was supplying intelligence information, what he thought  
9 was bona fide intelligence, what these individuals willingly  
10 accept as being truth to the West Virginia militia.

11 Q. You told Mr. Raffety that the militia had a fear, this was  
12 sometime in the spring or the summer of 1995, that the FBI was  
13 going to come out and arrest everybody, didn't you? You told  
14 him that is what part of this was?

15 A. I don't recall if that was in the spring of '95.

16 Q. Well, there came a time when you told Mr. Raffety that,  
17 that these people were worried that "you guys are going to go  
18 out and arrest them all"?

19 A. Mr. Raffety and I had many discussions about militia  
20 philosophy, militia--the belief that the militia had about their  
21 politics, that type of thing.

22 Q. Did you tell Mr. Raffety that one of the fears of the  
23 militia men, Mr. Rogers, Mr. Looker, and many others, was that  
24 the FBI was going to go out and arrest everyone merely for being  
25 a member of the militia?

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1 A. I don't know if I said it that way or discussed something  
2 like that or not, Mr. Zimmerman.

3 Q. Could we agree that in one way or another you conveyed that  
4 fear of the militia to Mr. Raffety?

5 A. I am sure that I--

6 Q. It was part of your job; right?

7 A. Excuse me. I am sure that there were several occasions or  
8 there was an occasion when I revealed to Mr. Raffety the fears  
9 of the militias, yes.

10 Q. Including the fact that the FBI was going to arrest them?

11 A. Well, that somebody would--whoever.

12 Q. The FBI, you know, ATF, or some other group was going to  
13 come out and arrest them?

14 A. Any federal agency sanctioned by the President of the  
15 United States.

16 Q. Any federal agency; right.

17 A. Whoever that would be.

18 Q. It is clear he knew that. Did he tell you, "Tell them that  
19 is not true. They don't have to worry about that. It is not  
20 true."

21 A. No, sir. I don't believe--I don't recall that.

22 Q. Did you ever tell Mr. Rogers--well, first of all, did you  
23 know that was not true? I mean, you knew that there wasn't some  
24 order floating around that they were going to arrest every  
25 militia man in the United States for just belonging. You knew

1 that wasn't going to happen, didn't you?

2 A. No, sir. I have no idea what the President would--might  
3 sign or what executive order he might issue.

4 Q. Well, sir, for one moment do you think that everybody that  
5 belongs to the militia is going to be rounded up and taken to  
6 some camp someplace?

7 A. No, sir. I don't believe that.

8 Q. Did you ever--well, when you were undercover, did you  
9 believe that?

10 A. That they would be rounded up?

11 Q. Yes.

12 A. I didn't have any idea. Again, I don't know what the  
13 President would sign.

14 Q. Did you tell Mr. Looker or Mr. Rogers or anyone else that  
15 you didn't believe that, that that wasn't going to happen?

16 A. I don't think I did.

17 Q. Did you tell them that they should maybe check that out a  
18 little further and possibly even talk to someone in authority to  
19 find out if that was true or not? Did you make that suggestion?

20 A. There were occasions when I disagreed with the  
21 intelligence that was floating around by different militias. I  
22 remember--I remember expressing--

23 Q. Excuse me, sir. We are on one subject and one subject  
24 only, and that is the militia being rounded up, the militia men  
25 being rounded up.

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1 Now, the question is: Did you tell either Mr. Rogers, Mr.  
2 Looker, or anybody else, that that was not so?

3 A. No, sir. I don't believe I did say anything to that  
4 effect.

5 Q. Did Mr. Raffety--excuse me. Did Mr. Raffety ever tell you  
6 that he wanted to start a dialogue with Mr. Looker to kind of  
7 allay these fears of the militia?

8 A. No, sir.

9 Q. Did you consider your job with the militia as being someone  
10 who was reporting everything that you heard to Mr. Raffety?

11 A. That's--that's what I did.

12 Q. And you were--and you were directed by him to do certain  
13 acts or not to do certain acts.

14 A. I took orders from Mr. Raffety, yes.

15 Q. Have you ever seen this FBI facility, sir?

16 A. I beg your pardon?

17 Q. Have you ever seen this FBI facility?

18 A. You mean, have I been out to it?

19 Q. Yes.

20 A. I haven't been inside the facility, no.

21 MR. ZIMMERMAN: May I approach, your Honor?

22 THE COURT: Yes, sir.

23 Q. I would like to show you what has been marked as  
24 Defendant's Exhibit Number 2, sir.

25 A. Uh-huh.

1 Q. Did you ever see what is in that picture? Do you know what  
2 it is? Do you know what that picture is?

3 A. I believe that is the FBI facility out there.

4 Q. Okay. I would like you to look at--I'm sorry, that is not  
5 2. That is 7. Sorry about that. That was Exhibit 7.

6 (Defendant's Exhibit Number 7 was marked)

7 I would like to show you now what has been marked as  
8 Government's Exhibit Number 2 and ask you what that photograph  
9 depicts.

10 A. That looks like the facility again.

11 Q. An aerial view of the FBI facility; correct?

12 A. Yes.

13 Q. I will show you what has been marked as Defendant's 4 and  
14 ask you if you can tell us what that depicts.

15 A. The same thing from a different angle.

16 Q. All right. The FBI facility.

17 (Defendant's Exhibit Numbers 3 and 4 were marked)

18 I would like you to look at Defendant's 3 and tell me what  
19 that depicts.

20 A. I believe it is the same thing.

21 Q. It is the FBI facility that is in question in this case.

22 And how about Number 14, sir?

23 Do you know what that is a photograph of?

24 A. No, sir, I don't.

25 Q. All right. How about--would you look at 6, 5 and 6 and

1 tell us what that--do you know what that is?

2 (Defendant's Exhibit Numbers 5 and 6 were marked)

3 A. Aerial photographs.

4 Q. Of?

5 A. I think it might be the FBI facility.

6 Q. All right. Defendant's Exhibit 8, can you tell us what is  
7 in that photograph?

8 (Defendant's Exhibit 8 was marked)

9 A. It is an aerial photograph of an interstate and showing  
10 entrance and exit ramps.

11 Q. All right. You don't know where it is to, though?

12 A. No, sir. I can't tell from that photograph where it is to.

13 Q. You helped Mr. Looker put together that package of stuff  
14 for Agent Francke, did you not?

15 A. Yes.

16 MR. GODWIN: Are those being admitted?

17 MR. ZIMMERMAN: I would move, then, for the  
18 introduction, your Honor, of 7, 2, 4, 3, 5, and 6 of the  
19 Defendant's Exhibits.

20 MR. GODWIN: Are those all of the ones he recognized?

21 MR. ZIMMERMAN: Yes. These are the only ones he  
22 recognized.

23 THE COURT: He identified--are you introducing 8?

24 MR. ZIMMERMAN: I don't know that he identified that  
25 one, your Honor.



1 THE COURT: I thought he did.

2 That may be my mistake.

3 MR. ZIMMERMAN: Eight was the interstate, but he  
4 didn't know where it was.

5 THE COURT: Any objection?

6 MR. GODWIN: No.

7 THE COURT: What are the numbers again?

8 MR. ZIMMERMAN: Six, 5, 3, 4, 2, and 7.

9 THE COURT: All right.

10 (Defendant's Exhibits 2, 3, 4, 5, 6, and 7 were received,  
11 and Defendant's Exhibit 15 was marked and replaced the previous  
12 Defendant's Exhibit 14 just mentioned)

13 THE COURT: All right. Admitted without objection.

14 Q. Now, sir, you tell us that on the 28th of January, 1996,  
15 you got a call from Mr. Rogers saying that he wanted to talk to  
16 you. Do you remember this discussion about the army  
17 intelligence from Virginia?

18 A. I don't recall the date right now.

19 Q. Okay. But you do know there was a time when he called up,  
20 "Gee, I really want to talk to you. I have some information"?

21 A. He had intelligence information.

22 Q. Right. And he--you met with him somewhere. Do you have  
23 any idea where that was?

24 A. I believe that was over at--in back of the fire station.

25 Q. In back of the fire station. So you went up to his place



1 of work and went to the back of the fire station and you guys  
2 had a discussion.

3 A. Yes.

4 Q. And during that discussion, he opens up the discussion by  
5 saying, "Did you hear" or "I heard from some friends of mine  
6 that there was army intelligence up here talking about the  
7 guard." Do you remember that theme of his?

8 A. I believe so.

9 Q. Right. And that is the first time he ever mentioned that  
10 to you, is it not?

11 A. I think that is correct.

12 Q. And that--and that fact spurred a great debate about why in  
13 the world military intelligence would be up in Clarksburg  
14 worried about the militia. Do you recall that? That was a fear?

15 A. Why do you say, "a debate"?

16 Q. That was a debate between Looker and you and Rogers about  
17 "What were they doing there? Why were they there?"

18 A. It was a discussion.

19 Q. There was a big discussion about what they were doing there  
20 and why. You didn't know whether that was true or not; is that  
21 right?

22 A. What is that?

23 Q. Whether there, in fact, was army intelligence up here at  
24 Clarksburg talking about the militia.

25 A. That was--Mr. Rogers informed me about military

1 intelligence out at the guard.

2 Q. But you didn't know whether that was true or not.

3 A. I assumed it was, you know, from Mr. Rogers.

4 Q. Did you--did you tell--well, did you believe everything he  
5 told you? Did you believe everything he had to say?

6 A. Not--no.

7 Q. Obviously, you don't. You didn't believe everything he had  
8 to say.

9 A. No.

10 Q. How about the smart cards. You didn't think what he had to  
11 say about the smart cards was accurate, did you?

12 A. I questioned what anybody said. I mean, there had  
13 been--there had been discussions about smart cards and military  
14 intelligence from other--you know, from other places for a long  
15 time. You heard all kinds of stuff.

16 Q. Where would you hear that kind of stuff? You had only been  
17 in the militia now for a couple months. Where did you hear all  
18 that stuff about smart cards and all that?

19 A. I am confused. Are we talking about January of '96?

20 Q. Yes. I am talking about in January of '96.

21 A. Okay. So I had been in the militia then for about eight  
22 months.

23 Q. About eight months. You were a colonel in the militia for  
24 about eight months; is that correct?

25 A. Yes. I had been--like May of '95.

1 Q. So you were Looker's right-hand man, for the lack of a  
2 better word. You consulted him--he consulted you in a variety  
3 of things?

4 A. I followed orders as a colonel in the militia.

5 Q. And if he had ordered you--had he ordered you to jump off  
6 the boat at Niagara Falls, would you have done it? The answer  
7 to that is obviously "no;" right?

8 A. That's correct.

9 Q. Okay. And had he ordered you to kill someone, you wouldn't  
10 have done that, or would you have?

11 A. No, I wouldn't have.

12 Q. Okay. And had he ordered you to drive your automobile into  
13 the side of, say, another militia member's automobile that  
14 was--that he didn't like, would you have done that?

15 A. No, sir, I would not.

16 Q. And if he told you to burn a building down, you wouldn't  
17 have done that?

18 A. No, sir.

19 Q. In other words, you only did and followed the orders that  
20 you wanted to follow?

21 A. No.

22 Q. Isn't that accurate?

23 A. No, sir. I reported everything to Mr. Raffety, and I  
24 followed the orders that I was allowed to follow by Mr.  
25 Raffety's direction.

1 Q. Well, so you are telling us that you then were functioning  
2 for that period of time without any independent thought. That  
3 you would decide--you would tell Raffety what was going on and  
4 he would tell you what to do and you would either follow  
5 Looker's orders or you would follow Raffety's orders?

6 A. I tried to the best of my ability to do that.

7 Q. You never did anything on your own? You never thought  
8 anything up on your own? You never said anything on your own?  
9 It was none of your own thoughts?

10 A. Well, I can't say that. You know, I was playing a part. I  
11 was--I had to appear to be a willing militia member, and I tried  
12 to do that. So for me to sit here and say, "I didn't have any  
13 thoughts of my own" would be ridiculous because it wasn't as if  
14 I could, you know, consult Mr. Raffety at every moment.

15 Q. So Mr. Looker wants to have the plans for the FBI Center  
16 to make a contingency plan to attack the place in the event that  
17 there is the flash point or the big event occurs. You knew that  
18 and so you were helping him get the plans to do that?

19 A. Yes.

20 Q. All right. And you were helping them to get plans to do  
21 that because Mr. Raffety told you that that is what you should  
22 do; isn't that correct?

23 A. I am trying to give an answer.

24 Q. Just bear with me here a second.

25 A. Could you repeat the question?

1 MR. ZIMMERMAN: Would you read the question back,  
2 please?

3 (The question was read by the court reporter)

4 THE WITNESS: Mr. Raffety told me to go along with Mr.  
5 Looker's desires and Mr. Rogers--Mr. Rogers is the one that  
6 offered the plans to Mr. Looker. Mr. Looker is the one who  
7 decided he wanted them. Mr. Looker is the one who decided what  
8 he wanted to use them for.

9 Q. Before you even started to talk about--to talk with Mr.  
10 Raffety, where you assumed your role as this undercover agent,  
11 Mr. Looker was interested in that facility, was he not? The  
12 very first meeting, June the 4th, there was talk about that  
13 facility; isn't that correct?

14 A. Yes.

15 Q. And that facility was, in Looker's mind at least, important  
16 because he thought that was going to be an operations center to  
17 the detriment to the people of the United States?

18 A. I believe.

19 Q. That was Looker's thought; correct?

20 A. I believe that, yes.

21 Q. So he is then attempting to get these plans from Mr.  
22 Rogers, and you are helping him do that; isn't that correct?

23 A. I was there to follow through with what he wanted.

24 Q. Did you help him get the plans from Mr. Rogers or not?

25 A. I guess I did, yes.

1 Q. Okay. Now, did you think for one moment--you had been to  
2 those training meetings with this rag-tag group of old men. You  
3 saw the kinds of equipment that they had. Did you ever see a  
4 meeting, a regular meeting of the militia where a plan was  
5 developed about--that had anything to do with this building,  
6 this FBI facility?

7 A. No, sir.

8 Q. There was--as a matter of fact, even when you and Mr.  
9 Looker were together alone, you never made an actual plan of  
10 attacking this building or what to do about this building.

11 A. We never made a plan of attack.

12 Q. No. You never made a plan of attack, a specific plan.

13 A. Specific plan of--

14 Q. Of attack on this building.

15 A. I just said we never made a plan of attack on this  
16 building.

17 Q. Every discussion was general. There was talk about maybe  
18 it would take a nuclear device to damage the building in some of  
19 those you had with Mr. Rogers, and Mr. Rogers when he told you,  
20 as you heard here this morning on this tape, that there was--it  
21 would take an enormous force to damage that building, you agreed  
22 with him; right?

23 A. Yes.

24 Q. And that is true. That is true, is it not?

25 A. It depends on how much damage you wanted to inflict on the

1 facility.

2 Q. If you wanted to break down the fence, you can drive your  
3 pickup into that. Looker was talking about neutralizing a  
4 military operation out of that building.

5 A. I beg your pardon?

6 Q. Wasn't Looker talking about neutralizing a military  
7 operation out of that building after the shit hit the fan?

8 A. He was talking about neutralizing the facility.

9 Q. Right. After it came about that the flash point happened.

10 A. Well, whenever that flash point was determined.

11 Q. Whenever that flash point was determined?

12 A. Who was going to determine the flash point, I have no idea.

13 Q. Right.

14 A. Maybe Mr. Looker would wake up one morning and determine  
15 that the flash point had already occurred.

16 Q. And what, pray tell, was Mr. Looker, who can't even hear,  
17 going to do to that facility even with the plans that you  
18 eventually helped him sell to--back to the FBI? Go out with his  
19 squirrel gun and shoot out some windows?

20 A. Well, first of all, Mr. Looker does have a hearing problem,  
21 but he can hear.

22 Q. Well, the point is, sir, that Mr. Looker does not have the  
23 major force to go out and damage that building, other than  
24 breaking some windows; isn't that true? He said it himself, "We  
25 are not capable of damaging that building." You heard that.



1 A. He made that comment, but I don't agree with it.

2 Q. You don't agree. Could you damage the building?

3 A. There was only two people involved with the Oklahoma City  
4 bombing.

5 Q. Could you damage that building? Let's not revert back to  
6 some sides about Oklahoma City, which you like to do. All  
7 right. Please answer my questions. Could you damage the  
8 building yourself with your extensive military training?

9 A. I think an individual--do I think many individuals could?

10 Q. Do you think you, yourself, could use the plans for any  
11 reason to do something to that building? Do you think you could  
12 do that?

13 A. Yes.

14 Q. How would you go about doing it?

15 A. I have no idea, Mr. Zimmerman.

16 Q. Well, we would like to know, Mr. Richards. I would like  
17 you to tell us. How would you go about doing that?

18 A. Mr. Zimmerman, I have never thought of it in that regard.  
19 I have never sat down and thought about how I, as an individual,  
20 would go out there and cause damage to that facility.

21 Q. You just said you could do it, and I want to know how.

22 A. I believe that with proper planning, I think that I could.  
23 I think anybody could.

24 Q. What would you do? What would you do? What is your plan?  
25 What would your plan be? Just tell us in a general way what



1 your plan would be.

2 A. I have no plan at this time.

3 Q. And Mr. Looker had no plan, either, did he, at any time?  
4 Just like you have no plan right now, Mr. Looker had no plan;  
5 isn't that correct?

6 A. I don't know.

7 Q. And Mr. Rogers--there was no plan for Mr. Rogers. As a  
8 matter of fact, every time you asked him about even what the  
9 provocation would be, he would say, "I don't know." He never  
10 thought about that. Do you recall that?

11 A. I also recall him saying where he drew the line. I  
12 remember him saying, "Well, that is where I draw the line, if  
13 they come out with the smart card."

14 Q. And that was a conversation that you lured him into well  
15 after those photographs were gone, and that was a conversation  
16 that had nothing to do about that building, if you recall. That  
17 conversation was a general conversation, as they all were. We  
18 heard this today about the smart card and drawing the line. Do  
19 you remember that?

20 A. I didn't lure Mr. Rogers.

21 Q. Was there any discussion in that conversation about this  
22 FBI facility, sir? Did you ask him, "Would you do anything to  
23 this building if they brought the smart card out"?

24 A. He--he said what he would--he said that if they came out  
25 with the smart card, what he would do. That is where he would

1 draw the line.

2 Q. Yes. But he didn't say anything about this building, did  
3 he, sir? As a matter of fact, in the tape recorded--in that  
4 video that we saw, he actually said that if there was martial  
5 law declared, because you were probing him--I mean, let's  
6 remember that conversation. You asked him this very question:  
7 "Well, what--you know, what provocation--well, Rich, what  
8 provocation would there be to make you do something?"

9 And he said, "I don't know. I never thought about that."  
10 And so--just a minute. You remember him saying that?

11 A. I don't recall the conversation. If we want to play it  
12 again, we could. It will help me to remember.

13 Q. Just think about this for a minute. Do you remember the  
14 videotape? Did you watch the videotape with the rest of us  
15 today?

16 A. Yes, sir.

17 Q. And you actually were the person who was--because Mr.  
18 Godwin asked you way in the beginning of it--there are two hours  
19 of this tape. The first one is when you are fixing up the  
20 photograph. The second one is when you were trying to get them  
21 to talk about what is going on. That really was the plan of the  
22 two hours; correct?

23 A. I don't--I don't recall being told that I was trying to get  
24 these people to do anything.

25 Q. Well, did I not answer in front of this jury just

1 yesterday--I guess the last time we were here, or I guess it was  
2 when you started your testimony about the videotape, that there  
3 were two segments of the tape. The first, however, was going to  
4 be when they were telling you what the photographs were. And  
5 the second hour was going to be some discussion about other  
6 matters. Remember that?

7 A. Are you referring to the videotape that took place at my  
8 office?

9 Q. The videotape at your office, sir.

10 A. Okay.

11 Q. Where you tried to get Mr. Rogers to tell you what it would  
12 take--"what provocation would cause you to move on the  
13 building," were your exact words. And do you recall him  
14 responding to you, "I have no idea."

15 A. If that is on the tape, then, obviously, that is what he  
16 said.

17 Q. And then later on in that very tape, sir, you weren't  
18 satisfied with that so you continued to talk to him and you got  
19 back around to asking that question, kind of hypothetical, "When  
20 do you think--what is going to cause the shit to hit the fan?"  
21 All right? And then there is a whole litany of things, if you  
22 recall, him saying; that they would have to declare martial law  
23 by creating some catastrophe like the Ebola virus or the nuclear  
24 attack someplace so the Congress would suspend the Constitution  
25 or that is what he is telling you what he thought would be the

1 things that would cause the shit to hit the fan. Do you  
2 remember that?

3 A. There were several things that he mentioned, yes. But it  
4 had nothing to do with my satisfaction or dissatisfaction. You  
5 said I wasn't satisfied. You are putting words into my mouth  
6 and it has nothing to do with whether or not I was satisfied or  
7 not satisfied. That is what was said on the videotape that--and  
8 Mr. Rogers pointed out, you know, a few items that were of  
9 particular interest to him.

10 Q. Before you went to that meeting, did you and Mr. Raffety  
11 have a little meeting about what you should or should not do?

12 A. Yes.

13 Q. And did he tell you that you should try to get these men to  
14 talk about what they wanted the plans for and what they were  
15 going to do?

16 A. Uh, what I remember is he said, you know, to let Mr. Rogers  
17 and Mr. Looker do the talking.

18 Q. Well, you just didn't sit there and let them do the  
19 talking. You were the guy who was asking the questions.

20 A. I would participate in the discussions.

21 Q. What--you asked, "What would the provocation be to move on  
22 that building, Rich?"

23 He said, "I have no idea." Was there any reason that you  
24 just didn't let it go at that, that you kept on moving forward?

25 A. Other than to know what his motivation was.

1 Q. But he told you he had no idea. Why didn't you just stop,  
2 or did you want to try to give him your ideas so he would say  
3 them?

4 A. No. I don't agree with that, Mr. Zimmerman.

5 Q. Now, eventually, as we have all seen and all know now,  
6 Raymond Looker decided that he wanted to sell the--this  
7 intelligence information back to Steve, who he thought was some  
8 kind of a broker.

9 A. Yes, sir.

10 Q. Is that correct?

11 A. Yes.

12 Q. And you were very instrumental in Mr. Looker doing that. I  
13 mean, you introduced him to Steve. You started out and you were  
14 talking, remember, "Oh, my God. It is gold. It is worth  
15 millions. These people have oil." You participated in all  
16 those conversations with Looker.

17 A. Yes, sir. I introduced him to Steve as a result of other  
18 illegal activity he was involved with.

19 Q. Sure. He did all kinds of stuff. He bought and sold  
20 guns. He did all kinds of criminal things. And you were  
21 involved in all of those in your capacity as undercover agent.

22 A. I don't recall him buying and selling guns. He did buy  
23 explosives.

24 Q. And Mr. Rogers knew absolutely nothing about all of those  
25 other activities, isn't that accurate?

1 A. I think that is correct. I don't recall Mr. Rogers being  
2 told about explosives--

3 Q. About anything.

4 A. --that Mr. Looker was buying.

5 Q. As a matter of fact, there was a concentrated effort to not  
6 include anyone else in any of this activity with Steve that Mr.  
7 Looker was doing because Mr. Looker didn't want anybody to know.

8 A. No. That is not true.

9 Q. Well--

10 A. There were at least two other individuals that were--there  
11 was at least three, four--there were several other individuals  
12 that knew or had become privy to information about Mr. Looker  
13 purchasing or having access to explosives.

14 Q. And selling them.

15 A. Yes.

16 Q. Okay. And so there were separate criminal acts by Mr.  
17 Looker, none of which had anything to do with Mr. Rogers. Mr.  
18 Rogers had no participation in those acts at all. That is an  
19 accurate statement, isn't it?

20 A. You mean with explosives?

21 Q. With anything except these plans.

22 A. I don't recall any--I don't recall if Mr. Rogers came into  
23 contact with any information about explosives.

24 Q. Well, to your knowledge, he didn't. You have listened to  
25 all these tapes, gone over all this stuff.

1 A. He may have known about the training that took place down  
2 at Turkey Trot when they received explosives training down there  
3 by another militia member.

4 Q. But he wasn't--you know he wasn't present there?

5 A. I don't believe he was.

6 Q. Well, you know that as a fact he wasn't present at that  
7 time, do you not?

8 A. I just said I don't think he was.

9 Q. All right. So there was--when you were packaging up all of  
10 these photographs that you got from Mr. Rogers, and you were  
11 deciding that you were going to sell them, there was--it is  
12 clear, is it not, that it was kept from Mr. Rogers what was  
13 happening to these plans. I mean, he didn't know they were  
14 going to Steve.

15 A. Correct.

16 Q. He didn't know they were going to anyone; isn't that  
17 correct?

18 A. Mr. Looker didn't want him to know that--what was going to  
19 happen with them, that is true.

20 Q. Did you promise him that you would put them in a PVC pipe  
21 and put them in the ground?

22 A. Promise who?

23 Q. Mr. Rogers.

24 A. You mean that I would cache the plan?

25 Q. That you would make sure--



1 A. Everybody thought I had cached the plans.

2 Q. Did you tell him when he gave you those photographs that  
3 you would not let them get away from you and you would keep them  
4 and keep them safe? And if you can't remember that--just a  
5 minute, sir.

6 A. Yes. I told him that I would--that I would maintain proper  
7 security on them.

8 Q. Well, you told him that you put them in the ground?

9 A. I told him I had cached.

10 Q. And you mentioned PVC pipes and putting them in the ground,  
11 did you not?

12 A. That is typical of a cache, yes.

13 Q. And he said to be careful of those, you know, don't let  
14 them get away from you.

15 A. Yes.

16 Q. And you promised him that you would not; is that right?

17 A. Yes, I believe so.

18 Q. And you also reaffirmed that in that conversation  
19 afterwards where you made him--where you talked to him about  
20 being a member of the intelligence group wherein you were  
21 worried about Looker. Do you remember that conversation? Do  
22 you remember talking to him, sir, that he has to be careful of  
23 Looker in case he decided to do something wild and--

24 A. Yes.

25 Q. --and that, you know, he agrees with you and, you know, you



1 said, "Yeah, I promised you would keep these plans safe and I  
2 have." Do you remember that?

3 A. Yes.

4 Q. And you assumed he believed you, did you not?

5 A. Yes.

6 Q. It appeared to you from the conversation that he believed  
7 what you told him; is that correct?

8 A. Yes.

9 Q. Wasn't he impressed with you?

10 A. I don't know, Mr. Zimmerman.

11 Q. Well, I mean you went about to make him a member of  
12 intelligence. And you had told him, a person who has never been  
13 in the military, that you were this special forces type of guy  
14 and you knew what was going on and, I mean, you impressed him,  
15 did you not?

16 A. Possibly.

17 Q. In so doing, sir, you did a variety of things. You got him  
18 to do what you gave him the opportunity to do without any  
19 problems; isn't that accurate?

20 A. No. He did what he had offered to do all along.

21 Q. And he was led to believe, was he not, by both you and Mr.  
22 Looker, that the only use of those plans that could ever be made  
23 would be in the event that there was the flash point, as I am  
24 terming it, rather than using the militia phrase, and that there  
25 would be martial law or something of that nature declared.

1 A. I don't really agree with that, no, sir. Because I think  
2 it is evident on the tape that, you know--I think it becomes  
3 evident in what we have seen and heard, that it didn't  
4 necessarily--it was inferred that those plans might be used  
5 other than when, you know, the shit hit the fan.

6 Q. Just as you told Looker--you inferred he might want money  
7 because he was taking so long to get them. Do you remember that  
8 conversation?

9 A. Yes.

10 Q. Right?

11 A. Yes.

12 Q. Now, did you actually think that?

13 A. Did I actually think what?

14 Q. Did you actually think it was taking long because Rogers  
15 wanted money from you?

16 A. It was a possibility.

17 Q. Do you think everyone in the world is only worried about  
18 money like you are? I mean, there was never discussions about  
19 money with you and Rogers, was there? Never. I mean, you know  
20 that. There weren't any money discussions between you and Mr.  
21 Rogers, were there?

22 A. No.

23 Q. And as a matter of fact, sir--well, after the videotape and  
24 when you got these last few tapes that we heard at the end of  
25 the tapes when you were--when you and he were engaged in these

1 long discussions about FEMA and all these other things, you  
2 were--you were talking to him to try to get more information  
3 from him, were you not?

4 A. Yes, sir. I was following orders from Mr. Looker.

5 Q. From Mr. Looker, and from Mr. Raffety because he wanted you  
6 to get more information from him, too, didn't he?

7 A. If there were other photographs available, yes, we wanted  
8 those photographs.

9 Q. For example, there were always more than one agenda going  
10 on in everything you were involved in in this case, were there  
11 not? An example is the videotape meeting. The agenda for you  
12 was to help Mr. Raffety get evidence. The agenda for you and  
13 Looker was to get as much information from Mr. Rogers as  
14 possible so that--so that Looker would be able to put the  
15 package together, and ultimately for Looker it was to get the  
16 information from Rogers to get the package together to sell it  
17 to Francke. So that at that meeting there were--everybody had  
18 different reasons for participating in that meeting.

19 A. I was there to collect evidence as it presented itself, not  
20 to create evidence, not to--not to lure people into creating  
21 evidence or supplying evidence or something like that that could  
22 be used against them, but to be there to collect evidence if it  
23 should arise.

24 Q. Well, Mr. Rogers was there to advise you as the colonel and  
25 Looker, as the general, what the photographs meant because

1 according to the information you gave him, you couldn't figure  
2 them out; isn't that right?

3 A. Mr. Rogers had explained what those photographs were at the  
4 time that he turned them over to me at the Rosebud--at Rosebud  
5 Plaza shopping center. I could not remember, based on that one  
6 meeting, exactly what those photographs were, and Mr. Looker  
7 couldn't determine exactly what they were, either. So the  
8 meeting was there so that Mr. Rogers could explain in detail  
9 what those photographs meant. And I think it is very obvious  
10 that he did that and he knew the photographs very well.

11 Q. Because you guys were too dumb to figure them out? You and  
12 Looker were too stupid to figure them out?

13 MR. GODWIN: Your Honor.

14 A. That is not--

15 Q. I apologize. You could not figure those photographs out  
16 without having another explanation of what they were; isn't that  
17 true? I mean that was the purpose of the meeting, at least that  
18 is what you told Mr. Rogers.

19 A. That was the purpose of the meeting, to get Mr. Rogers to  
20 explain the photographs.

21 Q. But it wasn't just so that you could understand them. It  
22 was so you could try to get evidence against him for a crime and  
23 it was for you and Mr. Looker together to put--to suck out  
24 information from him to put the package together so Looker could  
25 sell them to Francke?

1 A. I am not going to agree with that. You used terms like  
2 "suck out information from him, put information together against  
3 him." No, sir, I am not going to agree with that.

4 Q. Well, you do--you do know that the reason that Mr. Rogers  
5 arrived was to explain what the photographs were. You do know  
6 that because as you say, it was obvious.

7 A. He was following orders from General Looker, as well. He  
8 knew Mr. Looker wanted a meeting with him, and he came willingly  
9 and gave information about the photographs that he may have had.

10 Q. That is when you guys made him an intelligence officer on  
11 that tape, sort of promoted him, gave him another part? Do you  
12 recall that?

13 A. We had discussed about intelligence, yes.

14 Q. And then in some of these later conversations that you  
15 engaged in with Mr. Rogers and Mr. Looker, particularly with Mr.  
16 Rogers, you were--you were sort of trying to find out from him  
17 and talking about FEMA. Do you remember that?

18 A. Mr. Rogers--

19 Q. Do you remember--

20 A. Mr. Rogers had offered information about FEMA; is that  
21 correct.

22 Q. Now, FEMA is a Federal Emergency Management Association  
23 (sic) or something like that. It helps people in disasters;  
24 right?

25 A. Federal Emergency Management Administration, yes.

1 Q. It helps in disasters. Like the hurricane in Homestead,  
2 Florida, FEMA went in and put them in shelter and fed them and  
3 all that?

4 A. Yes.

5 Q. And that is the purpose of them?

6 A. Yes.

7 Q. And you know that?

8 A. Yes.

9 Q. Did you talk to Mr. Raffety about that?

10 A. About what?

11 Q. Did you and Mr. Raffety ever have any discussions about  
12 FEMA, what FEMA was and what they did?

13 A. Well, there were--anything that occurred, I discussed with  
14 Mr. Raffety.

15 Q. Okay. So the answer to the question is "Yes."

16 Now, did you--why didn't you tell Rich Rogers that FEMA is  
17 a good thing? There is nothing wrong with FEMA. That is what  
18 you really think, don't you?

19 A. Yes. I think so, yes.

20 Q. Why didn't you tell Rich, "Why are you going?" Why didn't  
21 you tell him that? You didn't tell him that because it wouldn't  
22 fit in with your investigation; isn't that right?

23 A. No. Because Mr. Rogers had already had a typical militia  
24 view of what--of what FEMA supposedly really is and FEMA--he  
25 already had an opinion of what FEMA was.

1 Q. You were the colonel. You were his superior officer. He  
2 looked up to you. He did things that you asked him to do. You  
3 asked him to get certain things, he got them for you. You  
4 talked to him. Did he ask you--

5 A. I never told him to get information on FEMA until he  
6 brought it up.

7 Q. Why didn't you tell him, "Don't waste your time. This is  
8 foolish"? Why didn't you tell him that?

9 A. Because I was playing the part of the militia man.

10 Q. Because it wouldn't have--

11 A. Because I shared the same philosophy as they had about FEMA  
12 and other organizations.

13 Q. Well, sir, did Mr. Raffety tell you it is a crime to be  
14 suspicious of FEMA?

15 A. I didn't hear.

16 MR. ZIMMERMAN: Would you read my question?

17 (The question was read)

18 A. No. I don't recall anything like that being said.

19 Q. So you could have easily told Mr. Rogers to not bother  
20 trying to get any information on FEMA because it was a  
21 legitimate endeavor? You could have easily done that, could you  
22 not?

23 A. I guess I could have said something to that effect, but he  
24 was already obtaining information about FEMA in Harrison County  
25 on his own volition.



1 Q. Right. And so what? And so if I go out and obtain  
2 information about FEMA, about who runs it, who does this, where  
3 their communications are, what is the matter with that?

4 A. There isn't any until you start to figure out a way to try  
5 down the communication towers or to blow--set a charge that will  
6 blow in the wall where the communication--the communication  
7 office is located, killing people.

8 Q. Exactly. And that had absolutely nothing whatsoever to do  
9 with the FBI Center out there, did it? Not one solitary thing.  
10 Does this FBI--is not involved with FEMA or any of the things  
11 that you had these last four or five conversations with Mr.  
12 Rogers?

13 A. I don't agree with that because militia people think that  
14 FEMA as a federal agency of the government that was a part of  
15 the--they believe it is to be part of the New World Order's  
16 strong-arm unit, so to speak. So it all kind of ties together  
17 in their minds. They don't like FEMA as they don't like the FBI  
18 or the Secret Service or any other agency of the federal  
19 government.

20 Q. That has nothing to do with these conversations you heard  
21 this afternoon. That still has nothing to do with these plans?

22 A. Sure it does.

23 Q. Nothing tied in. Oh, it does?

24 A. Because Mr. Looker decided he was going to make that  
25 information part of the plans to sell.



1 Q. Well, was there a tape? Am I missing something here, Mr.  
2 Richards? Did you see a tape or a conversation where Mr. Looker  
3 said he wanted to get this FEMA information to sell it to Steve?

4 A. I think that is inferred in the tapes.

5 Q. It is inferred? Is that what you think it is?

6 A. I think it is there. How it is there, I don't recall.

7 Q. Did you tell Mr. Rogers that the information about FEMA had  
8 anything to do with the FBI Center? Forget about Looker and the  
9 plan to get rich, the get-rich-quick scheme. Forget about  
10 that. Did you tell Mr. Rogers that these plans about FEMA had  
11 anything to do with the FBI Center?

12 A. I don't recall right now if I said that or not.

13 Q. As a matter of fact, there was no discussion about the FEMA  
14 and the FBI Center together at all, was there?

15 A. I don't recall, Mr. Zimmerman. There were discussions of  
16 that nature between myself and Mr. Looker, I believe.

17 Q. Yes. Yes. And Mr. Looker is not here. I am talking about  
18 Mr. Rogers. There was no question on the table. The question  
19 was: Did you tell Mr. Rogers that the FEMA information had  
20 anything to do with the FBI Center? You answered that "No;" is  
21 that right?

22 A. That's correct.

23 Q. Okay.

24 A. Mr. Looker is not here because he already pleaded guilty.

25 Q. There is no--

1 MR. ZIMMERMAN: Your Honor, may we approach?

2 THE COURT: You may.

3 (At bench conference)

4 MR. ZIMMERMAN: Your Honor, I would ask you to  
5 instruct the witness to stop interjecting other matters into his  
6 answers in front of the jury. It is inappropriate. They are  
7 not responsive and I think that we are going to need a curative  
8 instruction concerning that.

9 I probably should move for a mistrial, but I won't because  
10 I really don't want one, and I am afraid that you might give me  
11 one. So I won't, but I wish you would just--I am just asking  
12 for an instruction so that we don't do this.

13 I have probably another half an hour or so with him. Maybe  
14 we ought to do it in the morning.

15 THE COURT: I am going to stop now anyway. If you  
16 want to--I can take a--try drafting a curative instruction, if  
17 you have one.

18 MR. ZIMMERMAN: Your Honor, I don't think we have to  
19 get too fancy. I think if you tell the jury that the response  
20 by the witness was unresponsive to the question and has nothing  
21 to do with this trial--Mr. Looker's disposition of anything has  
22 nothing to do with the trial of Mr. Rogers. They should  
23 disregard it. I mean, that would satisfy me.

24 THE COURT: All right. Is Mr. Looker going to  
25 testify?

1 MR. WILMOTH: We haven't decided yet. He is on the  
2 list.

3 MR. ZIMMERMAN: I hope so.

4 THE COURT: I mean, it will come up then.

5 MR. WILMOTH: In fairness, the question that Mr.  
6 Zimmerman asked right before that response that he now objects  
7 to--Mr. Looker is not here. It seems to me that that almost  
8 begs for that response.

9 MR. GODWIN: Particularly when it is in the  
10 argumentative style that the whole cross-examination has gone on  
11 in the last two hours.

12 THE COURT: I stopped Mr. Zimmerman when I thought  
13 that he was arguing, and I won't hesitate to stop him again  
14 tomorrow or as many days as he is visiting with us.

15 MR. ZIMMERMAN: I understand, your Honor. I am like  
16 everyone else; sometimes I step off.

17 THE COURT: Well, maybe it would be a good idea to  
18 admonish the jury now while the thought is fresh. I will tell  
19 them that the last comment by Mr. Richards was unresponsive to  
20 the question in my opinion, and that they should disregard the  
21 answer. And then if there is a continuing--this continues in  
22 the morning, then I can make another comment. If you want  
23 something further, you can draft something.

24 (In open court)

25 Members of the jury, the last comment by Mr. Richards in my

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1 opinion was unresponsive to the last question and was in any  
2 event inappropriate, and you will disregard the answer and will  
3 not refer to it again.

4 And having said that, it is now 5:00, and a good time to  
5 call it a day. Thank you very much for all your attention.  
6 Please leave your notebooks by your chairs and as you have heard  
7 me say, and I say it again, please don't discuss the case among  
8 yourselves. Please have no contact with anybody about this  
9 case. Do not permit anybody to discuss the case with you and  
10 remember not to have any contact with any newspaper articles or  
11 radio or television presentations. Thank you very much. We  
12 will start tomorrow morning at 8:30. Have a nice evening.

13 (Court was adjourned at 5:04 p.m., 8-19-97)


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CERTIFICATE

I, Jennifer Vail-Kirkbride, Registered Professional Reporter and Official Reporter of the United States District Court for the Northern District of West Virginia, do hereby certify that the foregoing is a true and correct transcript of the proceedings had in the above-styled action on August 19, 1997, as reported by me in stenotypy.

I certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

Given under my hand this 19th day of August, 1997.

  
\_\_\_\_\_  
Official Reporter, United States  
District Court for the Northern  
District of West Virginia

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