

1 to keep my passport and was allowed to keep my
2 passport under the conditions that I not leave
3 the United States unless I give 48 hours notice
4 and I gave the exact itinerary of where I was
5 to travel internationally. Other than that, I
6 was to call in to Pretrial Release Services, I
7 believe it was Jeb and--

8 Q. Jed?

9 A. Jed Blankenship or the other man and tell them
10 weekly. And eventually they said, "You've
11 called so much, forget it. We know where you
12 are. We know you're going to show up, you're
13 all right, do whatever you need to do."

14 Q. Do you recall at the end of the hearing that
15 you were given a piece of paper before the
16 judge that you appeared at. And on that piece
17 of paper you signed it as conditions of release
18 and you looked at the-- the judge asked you
19 clearly to look at this and read it and sign it
20 so you understood it. Do you recall that?

21 A. I recall that.

22 Q. Let me show you a copy--

23 THE COURT: Mr. Rork, when you're
24 finished with this, let's-- let's break for
25 lunch.

1 MR. RORK: I'm sorry Judge, I didn't
2 see the time.

3 THE COURT: That's all right.

4 Q. (BY MR. RORK) Let me show you a copy of the
5 first and second page of a thing called Order
6 Setting Conditions of Release in your case
7 filed April 25, 2000.

8 MR. RORK: And, Judge, with that I
9 would recess and he can look at it over the
10 noon hour, if he would like.

11 THE COURT: That's all right. Ladies
12 and gentlemen, let's recess until 1:30, and
13 we'll come back at that time. Mr. Bailiff.

14 (THEREUPON, a luncheon recess was had).

15 Q. (BY MR. RORK) Mr. Skinner, did you have a
16 chance over the noon hour to look at that
17 document that I referred to you as your order
18 setting conditions of release signed by Judge
19 O'Hara on April 25, 2000-- 2000.

20 A. Yes.

21 Q. And it was an order that when you were in his
22 courtroom he asked you to read through and then
23 at the very end where it says acknowledgement
24 of Defendant, you signed it?

25 A. Yes.

1 Q. And does the copy of the order you have in
2 front of you not state as a condition of
3 release, "Itinerary to be provided to Pretrial
4 Services for all travel outside of Wamego,
5 Kansas, at least 48 hours before departure"?

6 A. Yes.

7 Q. And up above that check is the letter N,
8 "Refrain from possessing a firearm, destructive
9 device or other dangerous weapon, including
10 black powder gun"?

11 A. Yes.

12 Q. Another special condition that you looked at
13 and signed was to vacate, quote, missile base
14 in Wamego, Kansas, and not return without order
15 of the Court.

16 A. Yes.

17 Q. Does it also not indicate on that document
18 that-- on the front page, Paragraph 1, "The
19 Defendant should not commit any offense in
20 violation of federal, state or local law while
21 on release in this case"?

22 A. Yes.

23 MR. HOUGH: Judge, we would ask that
24 the document Mr. Rork has been reading from be
25 marked and offered as an exhibit here for the

1 record.

2 MR. RORK: Judge, I'm looking for my
3 exhibit numbers, that's what I was doing so
4 that I could. And so that I understand the
5 Government has no objection, I will offer what
6 will be marked as P-22, I believe.

7 MS. HILL: No, P-23.

8 MR. RORK: P-23.

9 MR. HOUGH: Here's a clean copy, if
10 you would like.

11 MR. RORK: His was clean, but that's
12 all right, I will take yours.

13 THE COURT: Well, if you're offering
14 that, that will be admitted into evidence.

15 Q. (BY MR. RORK) You've indicated that from 1989
16 to 1991 that you had been working for the DEA
17 in Miami. Was there a time period after 1991
18 to 2000 that you also worked as an informant?

19 A. What-- give me-- okay, start with the first--
20 because you've changed around. It was '92
21 before and now it's '91. '89 to '92 or '89 to
22 '91.

23 Q. If it was '89 to '92 was your testimony with
24 the DEA in Miami, I will stick with that?

25 A. Yeah.

1 Q. So after '92 to 2000, was there anytime you
2 were an informant in that period?

3 A. Not that I can remember.

4 Q. Within a few days of you appearing April 25,
5 2000 and being released under what's been
6 marked as P-23, you've indicated previously
7 that there was a motion filed to allow you to
8 modify conditions of release; is that correct?

9 A. I don't know if a motion was-- I mean, I assume
10 a motion was, yes. I don't know if it wasn't
11 even done that day, so I'm not for sure. No
12 formal motion was implemented by myself, but as
13 soon as I had retained a lawyer-- (pause).

14 Q. Do you recall a motion to modify these
15 conditions of release was filed by your
16 attorney and then it was opposed by Mr. Hough
17 and then Judge O'Hara issued a ruling?

18 A. I don't-- I don't-- I don't recall that. I
19 mean, I'm sure that it happened, it's just that
20 I don't recall the specifics.

21 Q. And at least from April 25, 2000 until whatever
22 day it was that this person from Fort Riley met
23 you at the base, nobody from Pretrial Services
24 or this marshal's office had visited this
25 location?

1 A. No.

2 Q. Was there anything over the noon hour that
3 would help you recollect about when that person
4 from Fort Riley was there to look at this
5 location?

6 A. No, I was mainly eating, I wasn't trying to
7 look for--

8 Q. Do you recall whether or not the person that
9 looked at the base from Fort Riley, whether
10 that occurred after the Chicago events where
11 Gardner Springs had the meeting or before?

12 A. I think it was after.

13 Q. Were you present when Mr. Peden went through
14 the missile base to look for the black powder
15 gun or any firearms at which time he then made
16 an affidavit none had been found?

17 A. No.

18 Q. Were you present at the location when Mr.
19 Guinan made the search that he put in an
20 affidavit none could be found?

21 A. I was not present from the day the Court
22 ordered me not to return to the missile base
23 until the Court allowed me to, not one second.

24 Q. Do you know who then removed the firearms that
25 you had advised the judge were there?

1 A. Only-- only by hearsay.

2 Q. And that would be?

3 A. Mr. Peden, maybe Gunnar Guinan, and Graham
4 Kendall.

5 Q. Now, at this particular time, Mr. Kendall,
6 Graham Kendall was the one residing there on a
7 permanent basis, was he not?

8 A. Correct.

9 Q. And Mr. Guinan, was he--

10 A. Guinan.

11 Q. Guinan, was he staying there on a temporary
12 basis?

13 A. He had-- he stayed there most of the time, but
14 he had another address.

15 Q. And that was at 915 Ash in Wamego?

16 A. That's correct.

17 Q. And that 915 Ash location in Wamego, who owned
18 that location?

19 A. I have no idea.

20 Q. Was it rented by Mr. Guinan?

21 A. Yes.

22 Q. And was his rent paid for as a part of his
23 employment for you or Gardner Springs?

24 A. I don't know, I don't think so. I don't know.

25 I don't know what the arrangement was.

1 Q. And so at this point in time you next enter
2 into court on this case and signed a plea
3 agreement and entered a petition and a plea
4 before this judge on June 16, 2000; is that
5 correct?

6 A. I mean, I would have to look at the paperwork,
7 I'm assuming you're telling me the truth.

8 Q. If the docket reflects that, you wouldn't
9 disagree?

10 A. No, I wouldn't disagree at all.

11 Q. Now, was this trip to Chicago that you've
12 described and that we're going to go into in
13 more detail, was that before June 16th or after
14 June 16th?

15 A. Before June 16th.

16 Q. And it was at least after the April 25th time
17 you fired appeared here in court. Correct?

18 A. That's correct.

19 Q. And wasn't that, in fact, an opportunity-- at
20 that time you indicated several people were
21 there on behalf of Gardner Springs. And who
22 would those have been?

23 A. Peggy, Krystal Cole, Bill Wynn, myself, and
24 then people that were there just watching would
25 have been William Leonard Pickard, Natasha and

1 Roxanna Barbat.

2 Q. And wasn't that a meeting where the-- what
3 company were you meeting with, officials of?

4 A. Master Car.

5 Q. And Master Car was a purchaser of products from
6 Gardner Springs, was it not?

7 A. Correct.

8 Q. And wasn't the purpose of this meeting to
9 satisfy the Master Car representatives that
10 Gardner Springs could come through with orders
11 they had indicated would be fulfilled?

12 A. Yes. There were many processing problems that
13 occurred with computer errors that were
14 generated from a computer conversion. And I
15 was there trying to handle that.

16 Q. And at that time did you not produce
17 documentation on behalf of Mr. Pickard that he
18 was a representative of Gardner Springs so he
19 could enter into these discussions?

20 A. No. I presented information that said he was a
21 representative of Skinner Industries, Inc.

22 Q. And what was the purpose that was purported to
23 these people to be of Skinner's Limited, Inc.?

24 A. Skinner's Industries, Inc., was the old holding
25 company of Gardner Industries, Inc., which was

1 the holding company of Gardner Spring, which
2 Master Car was familiar with, but it was a--
3 had been spun off and was no longer part of the
4 Gardner complex that my mother owned. I had to
5 have some reason for people to be present.

6 Q. And did Mr. Pickard actively engage in
7 discussions with these customers of Gardner
8 Springs?

9 A. He made comments and listened and he did talk
10 to the people.

11 Q. With your approval and permission?

12 A. Right.

13 Q. And at that particular time, how did Peggy,
14 Krystal Cole, Bill Wynn, William Leonard
15 Pickard, Rob Bennett-- or excuse me, Roxanne
16 Barbat, Natasha and yourself arrive there, by
17 plane?

18 A. I believe all of us arrived by plane at
19 different times.

20 Q. And--

21 A. I mean some of us arrived in groups, but we all
22 got there by planes.

23 Q. And did you not purchase all those plane
24 tickets for all the individuals?

25 A. Gardner or myself purchased them all.

1 Q. And wasn't this also the period of time that
2 you also purchased some tickets for Mr.
3 Shulgin, known as Sasha, and his wife Anne?

4 A. Sasha, yes.

5 Q. And--

6 A. Actually-- yes, I believe I-- I did purchase
7 those directly. Sometimes Leonard would go
8 purchase them and sometimes I would. They
9 would be done through my accounts, yes.

10 Q. And at this particular time, whether you
11 purchased them or Leonard purchased them, they
12 were through your accounts. Correct?

13 A. That's correct.

14 Q. And the event that you paid for for Sasha and
15 his wife to attend was something totally
16 unrelated to this Gardner Springs meeting?

17 A. It had something to do with Roanoke, Virginia,
18 or something like that, a talk he was giving.

19 Q. And where was it that you stayed at, this hotel
20 you stayed at?

21 A. The Ritz Carlton, I believe it's called the
22 Watertower.

23 Q. And did you also at that point in time, for
24 whatever length the stay was, you or your
25 company paid for the rooms of all of these

1 individuals?

2 A. Correct.

3 Q. And is this also not the location and date and
4 time where Mr. Peden arrived in Chicago, having
5 driven from Kansas?

6 A. Mr. Peden, yes.

7 Q. And this is a period of time that you've
8 described to the jurors on direct examination
9 previously that you believed-- I think you
10 testified that Mr. Pickard called somebody and
11 wanted them to come up here and pick up some
12 ET. Do you recall that?

13 A. Sorry, this isn't the time.

14 Q. This isn't the time?

15 A. No.

16 Q. What time is this in Chicago, then, that here
17 now we're talking about?

18 A. We're approximately talking between May the
19 5th, 6th, 7th, 8th, somewhere like that. It
20 was-- you know, those were the approximate
21 dates of the year 2000.

22 Q. For Gardner Springs?

23 A. For Gardner Springs.

24 Q. What is the time period for the dates in May of
25 2000 for the ET incident you've described?

1 A. Which ET incident that I described?

2 Q. The ET incident you described that Mr. Pickard
3 called somebody to-- called you and had a
4 discussion and asked you to send somebody to
5 pick up some ET.

6 A. This was much later.

7 Q. In May?

8 A. No. Could have been June, July.

9 Q. Of 2000?

10 A. Correct.

11 Q. And that would have been while you were in
12 Chicago or Mr. Pickard was in Chicago?

13 A. Mr. Pickard was in Chicago. I assume I got a
14 call on my 800 number while I was in Tulsa,
15 Oklahoma.

16 Q. So then going back to this May 5, 6, 7 and 8,
17 was this not the period of time that Peden
18 arrived at your direction--

19 A. Peden.

20 Q. -- with some firearms that were then sold by
21 you?

22 A. No, I did not sell them, but he did arrive with
23 firearms.

24 Q. And then who sold them?

25 A. They were never sold.

1 Q. Is that just another event that you made up for
2 some purpose or--

3 A. I don't think I make up events, Mr. Rork.

4 Q. Well, do you recall testifying to this jury
5 before on direct examination that there was
6 this check for \$190 you just made up to put
7 Leonard back for a \$1.90?

8 A. I don't ever remember saying \$1.90. Again,
9 your recollection is poor over this. So I
10 think you need to think about what you're
11 making up.

12 Q. I think I will. But the question for you was,
13 what was it that you said that you made up to
14 purport to be something that it wasn't
15 regarding the check?

16 A. Are we talking about the checks or the firearms
17 right now? Get specific.

18 Q. Earlier you indicated you never made anything
19 up I believe was your response.

20 A. No, I didn't say that. I said I haven't made
21 up anything involving this situation. You're
22 the one that said I'm making up stuff. Ask a
23 question I can answer.

24 Q. Again, with respect to-- in response to your
25 question you never made anything up, the

1 question I asked was; what was it you made up
2 with respect to a check that was presented to
3 Leonard for whatever reason and in what amount?

4 A. Okay. I was supposed to give him \$190,000
5 check for Trais Kliphuis that came from
6 \$225,000 worth of Wall Street value of thousand
7 Guilder notes. And instead of giving him an--
8 and I was laundering them the traditional way
9 through the casinos. Instead of giving him
10 that, I created a counterfeit check. The
11 counterfeit check went into Mr. Pickard's room
12 in the Doubletree at 61st and Yale.

13 Q. What town?

14 A. Tulsa, Oklahoma. Then I had a \$190 check that
15 I had used as a master to create this from out
16 of Las Vegas. And all that happened was, is
17 that I went into his room because I was the one
18 paying the bill, took the 190,000 counterfeit
19 fake check back and he had no check. He was
20 very upset. And then just to kind of further
21 antagonize him, when he demanded I send 190-- I
22 think he said \$190-- send 190, I sent him an
23 \$190 original check to him in Santa Fe. So
24 that's specific. Not a \$1.90, not all of this
25 running around fictitious stuff you want to

1 talk about. Let's be specific.

2 Q. Let's go to these firearms that Mr. Peden
3 brought to Chicago at this time period we're
4 talking about. They were put in your room,
5 were they not?

6 A. The firearms were only in my room for a very
7 short time and actually ended up in Leonard's
8 room because I didn't want them around me
9 because I had this sort of an agreement, and I
10 didn't want the chance of a problem occurring
11 with these two firearms.

12 Q. And what kind of firearms were they, the value?

13 A. The value is complicated, I'm going to try and
14 do my best. One of them is easy, one of them
15 was an HK-91, which is an unusual--

16 Q. That's fine. What was the value?

17 A. I can't tell you. The value was anywhere from
18 3 to \$8,000.

19 Q. What was the other one?

20 A. It's a very unusual one, I would have to-- it's
21 standard Israeli military issue and it's like
22 Gaelic or something like that is the name.
23 It's so rare that I can't remember the name of
24 it. And that was the other one, never been
25 fired.

1 Q. What happened to these other firearms you had
2 indicated that were from childhood days or--
3 and a shotgun?

4 A. Oh, to this day, I have not been able to find
5 some of them, and the other ones I have given
6 to my son.

7 Q. And had you not any time prior to this bought
8 several firearms from Kerry Dick, the Wamego
9 Police Department officer?

10 A. No. This is a matter of-- he has a sworn
11 statement that says I did. And actually, it
12 was Graham Kendall that bought them. And the
13 problem with his statement was, was that it was
14 his police gun. And he couldn't have delivered
15 it to me when he said he did because I wasn't
16 around and he had to wait for a replacement.
17 And that's why his sworn affidavit went down
18 the tubes.

19 Q. And would these-- this sworn affidavit and
20 those firearms he discussed in there as sold to
21 you, those would be different from--

22 A. That would be one gun we're talking about, a
23 police gun.

24 Q. That's what you're saying, I understand, but--

25 A. I was going only by what I was told by the

1 federal marshals, so it's hearsay from the
2 federal marshals. Go on.

3 Q. I'm going on what's contained in your file of
4 the Secret Service case. And do you recall
5 that these were firearms that you just
6 described or firearm, as you say, were
7 different from the several firearms when Kerry
8 Dick accompanied you and Mr. Kendall and Guinan
9 down to a Tulsa, Oklahoma, gun show and
10 purchased six or seven firearms?

11 A. They were different types.

12 Q. Yeah. They were SKSs and AR-15s; is that
13 correct?

14 A. Yeah, there was some SKSs and I believe there
15 were some AR-15-- one AR-15.

16 Q. A lot of ammunition?

17 A. Yes.

18 Q. And would these be the firearms and ammunition
19 that you had offered to Metcalf, the individual
20 that recognized you at the missile base where
21 you've drawn the map to, on that evening of
22 April 24th or 25-- no, this would have been
23 January, 2000, that you had offered him to use
24 those for-- earlier in the year for the 2000 YK
25 problem?

1 A. I don't know what you're talking about, so--

2 Q. Back--

3 A. To the best of my knowledge, I have not spoke
4 in my life to Sheriff Metcalf directly, so--
5 our ex-Sheriff Metcalf. If I have, I didn't
6 know it was him.

7 Q. Was there another sheriff's officer that you
8 spoke to that night you don't recall the name
9 of?

10 A. No, no.

11 Q. The one that recognized you and said, "Leave
12 him alone."

13 A. That was Bill Gronner, he was just-- this-- it
14 was a cold, windy night, it was in January.

15 Q. At that time when it was a cold, windy night
16 and you were transported to Wamego Police
17 Department to use the bathroom unescorted--

18 A. What do you mean unescorted?

19 Q. Well, you said that they recognized you and
20 said to let you go by yourself.

21 A. Once I was in the police station, I was allowed
22 to go to the restroom unescorted.

23 Q. Was there a point in time after then or during
24 the search of your motor vehicle that they
25 found a brown vial containing LSD?

1 A. How much fiction do you want to say? No is the
2 answer to that one.

3 Q. Do you recall identifying previously some
4 Government photograph that was-- you've
5 described as represented brown vials similar to
6 those you believed that Leonard had used in
7 this operation. Do you recall that?

8 A. Right.

9 Q. And do you recall whether or not any of those
10 same brown vials were seized from your person
11 or your motor vehicle the night you've drawn
12 this map to where law enforcement seized you
13 and your car?

14 A. I have no knowledge of what you're talking
15 about. No 100 percent in all forms to your
16 question.

17 Q. When you entered into this plea agreement with
18 the Government and signed it and it was
19 accepted by the Court, at that time you were
20 advised that the penalties that you were
21 looking at would be no more than a certain
22 amount of time and a fine of no more than a
23 certain amount of time, did you not?

24 A. I have no idea what you're talking about. You
25 need to define what agreement, which agreement,

1 what thing you're talking about.

2 Q. I'm talking about the agreement that you signed
3 and attached to your petition to enter a plea
4 on June 16, 2000.

5 A. Why don't you show it to me instead of asking
6 me.

7 Q. First I'm asking if you recall signing such an
8 agreement.

9 A. I signed something, but I need to have-- see it
10 to be able to remember it. You have the
11 advantage of you have documents that you're
12 reading from, I don't have that advantage.

13 Q. I wasn't reading from a particular time (sic),
14 I was first asking you to establish a
15 foundation, if you recall signing such an
16 agreement and having it attached to a petition.

17 A. I generally recall it.

18 Q. And do you recall whether or not you reviewed
19 and read that before signing it, similar to
20 reading and reviewing what's been marked as
21 P-23?

22 A. Yes. I mean--

23 Q. And at this point in time on June 16th, 2000,
24 had you or through your attorney made an offer
25 to Mr. Hough reference this LSD operation that

1 you've been talking about?

2 A. Give this date again. What are you saying?

3 Q. June 16th, 2000.

4 A. No. I was rapidly trying to get this thing put
5 away with Mr. Hough.

6 Q. And I will hand you a copy without writing on
7 it of a petition to enter a plea and attached
8 to it is a plea agreement. You can review that
9 to refresh your recollection, if you need it.

10 A. You certainly give special definition to, "If
11 you can barely hear the truth you've spoken
12 twisted to set a trap for-- my knaves to set a
13 trap for fools," you certainly define that one.
14 What are you wanting me to read?

15 Q. I believe you earlier indicated that you wanted
16 to read some document that I had the advantage
17 of looking at, which I wasn't reading, that you
18 wanted to refresh your recollection with.

19 A. Go ahead, tell me what you want me to read on
20 this.

21 Q. Well, attached to that is a petition you've
22 indicated that you read, a plea agreement that
23 you read and then signed at the end; is that
24 correct?

25 A. You know, basically my lawyer basically read it

1 and said, "It's good, sign it."

2 Q. And what you're looking at, that plea agreement
3 does indicate--

4 MR. HOUGH: Judge, we're going to
5 object. It's cumulative, it's irrelevant.
6 There's no dispute he entered a guilty plea.
7 This extrinsic evidence of the plea is
8 inadmissible.

9 MR. RORK: Judge, number one, it goes
10 with respect to the conditions of release and
11 conditions that he talks about. It also-- I
12 would offer it at this time and ask that it be
13 marked P-24.

14 MR. BENNETT: Judge, I would also
15 offer for the Court's consideration that it's
16 relevant in that it represents a-- a compromise
17 plea and indicates that a felony was dismissed
18 in return for a-- his cooperation and plea to a
19 misdemeanor. And I think that's relevant.

20 THE COURT: For what? Would the
21 attorneys please approach the bench.

22 (THEREUPON, the following
23 proceedings were held at the bench and
24 outside of the hearing of the jury).

25 THE COURT: We're dealing with a

1 misdemeanor here, this was my case. I-- we had
2 a misdemeanor here and I took the plea. Now,
3 what is it you're-- what is it you're trying to
4 do? He's admitted he has done everything.
5 What-- what else do you want to do with this
6 thing?

7 MR. RORK: What I want to do with it
8 is to show that he was supposed to be truthful,
9 cooperate and provide information. And this is
10 dated June 16, 2000. He came back August 25,
11 2000 and was sentenced. And then I'm just
12 going to relate it to his testimony on direct
13 examination to all of the events and things he
14 says he was engaged in regarding money
15 laundering, moving of the laboratory, moving of
16 equipment. And again, in support of the
17 document that he has that the Government had no
18 objection to from the time of his release.

19 THE COURT: This is-- this is
20 repetitious and extreme. Now, I'm not going to
21 let you two fellows stand here and just go over
22 this and over this and over this and over this.
23 I want you to move to something that has
24 something to do with this. And I'm-- I'm
25 disappointed, very, very disappointed.

1 MR. BENNETT: Judge, it's been
2 represented by the Government, in an attempt to
3 play down what was involved, that this man pled
4 to a misdemeanor, which is true. But-- but I--
5 it's my position that the fact that he was
6 charged with a felony, which makes the events
7 more serious, and then allowed to plead to the
8 misdemeanor, I think that's relevant to the
9 issues.

10 THE COURT: That's-- that's a novel
11 thing. I don't think I've ever heard anything
12 like that.

13 MR. HOUGH: Judge--

14 MR. RORK: Judge, my position is--
15 excuse me. My position is, Judge, again, I'm
16 only going to get in and then establish what
17 the Government went in on direct. I don't
18 intend to pull out every exhibit-- (reporter
19 interruption). I don't intend to pull out
20 every exhibit, pull out every picture and to go
21 over every testimony, but in a summary fashion.
22 All the-- I've got April 25 to June 16th, he's
23 still on pretrial release. That's still into
24 evidence.

25 Now he's signed a plea agreement and the

1 plea agreement tells him not to break the law.
2 And I want to show him two of the reasons for
3 not breaking the law and just relate it to the
4 time period of June 16th to when he came to the
5 Government in October, because he wasn't--
6 didn't know what to do about this case. And I
7 think the jury is entitled to see that he's in
8 federal court and he's still out in California,
9 he's moving labs, he's out laundering money,
10 he's out doing all of these things, and he's
11 been in court before you, doing these things.
12 And I think it's relevant for the cross
13 examination.

14 MR. HOUGH: Judge, it's repetitive,
15 it's redundant, it's cumulative. And he's
16 offering the document in an attempt to prove
17 extrinsic evidence of a matter that is not
18 disputed, his guilty plea to a misdemeanor. So
19 that is inappropriate.

20 Additionally, the fact of a criminal
21 charge, not a conviction, is inadmissible under
22 609. This Court has ruled that the
23 misdemeanor, the conviction, is what is
24 admissible because it dealt with correct
25 exceptions. In fact, a felony criminal charge

1 would not be admissible, the fact of the
2 misdemeanor conviction is. So what this is is
3 just around and around and around the bush
4 trying to prove the extrinsic evidence. The
5 matter is cumulative and redundant.

6 And the other thing about this is this is
7 not a cooperation agreement. He didn't agree
8 to cooperate at all. His agreement was that he
9 pay a \$10,000 fine and off he goes. He did not
10 cooperate with the Government.

11 MR. RORK: Judge--

12 MR. HOUGH: There was no 5K
13 provision.

14 MR. RORK: I believe it indicates in
15 the plea that they would bring no further
16 charges against him, acceptance of
17 responsibility, to give his full involvement
18 into the case, and talks about the appropriate
19 penalties, recommend a lower sentencing
20 guideline. If he denies involvement or extorts
21 justice, these conflicting statements would be
22 brought back up. He acknowledges that the--

23 MR. HOUGH: It's a standard plea
24 agreement. It's a noncooperation agreement.

25 THE COURT: Yes.

1 MR. RORK: And, Judge, before that,
2 the one-- P-23 that they've let in was just
3 conditions of release that the Government moved
4 to admit into evidence, which I was only going
5 to question him about it. And this plea
6 agreement is, again, after he has appeared in
7 court. I think it's relevant under Rule 106,
8 it supplements and explains the pretrial
9 release.

10 MR. HOUGH: Judge, that is so far
11 removed from what Rule 106 says, it's
12 ridiculous. This is an attempt to prove with
13 extrinsic evidence, which is a collateral
14 matter that is not in dispute here.

15 THE COURT: I'm going to sustain your
16 objection. And let's--

17 MR. RORK: Judge, just for the
18 record, can I just have the plea agreement
19 marked-- or the petition, just have the plea
20 agreement entered into-- I want you to know,
21 Judge, that his comments on this plea agreement
22 and the reason for offering it is after he
23 self-propels, and he's listening to us now, all
24 of this thing about a knave and weave and the
25 future like we're talking about something

1 fictitious and then you can't judge
2 credibility-- (reporter interruption). You
3 can't judge the credibility if there is no plea
4 agreement. And now the jury thinks, well, when
5 he's talking about me weaving a web and knaving
6 and nying (sic) and like this is a figment of
7 my imagination, that's why I then brought it to
8 give it to him, because he had just asked to
9 see it.

10 MR. HOUGH: It was represented as a
11 cooperative plea agreement, which is fiction.

12 THE COURT: I'm going to-- I'm going
13 to sustain your objection.

14 MR. HOUGH: Thank you.

15 MR. RORK: Can I just mark it for the
16 record? What number do you want me to mark it
17 to have it in the record for future purposes so
18 it can be-- so it's excluded for not-- for the
19 jury. Put P-23A?

20 MR. HALEY: P-24.

21 MR. RORK: P-24, okay, just to keep
22 it a nonjury issue.

23 (THEREUPON, the bench conference
24 was concluded and the following
25 proceedings were held within the

1 hearing of the jury).

2 Q. (BY MR. RORK) Let me again hand you what's
3 been marked as P-22, which you previously
4 identified and which it says is not to scale,
5 but a rough diagram of a schematic of what
6 appears to be the inside of the missile silo;
7 is that correct?

8 A. Yes.

9 Q. And you've seen that and seen the Page 2 on
10 there with the description by the officer
11 whose--

12 A. I've not read Page 2.

13 Q. Would you like to take the time to do so?

14 A. Yes, sir. I have now read it.

15 Q. And does the physical description attached to
16 it more or less indicate the designation of
17 that individual as to what the rooms are that
18 he's numbered 1 through 13?

19 A. I mean, it's approximately correct. He's got a
20 lot of mismeasurements and stuff, but it's
21 approximately correct.

22 Q. Sure.

23 A. Some of these things are off by a matter of 50
24 percent, but let's-- let's stipulate that it's
25 generally there.

1 Q. Thank you.

2 MR. RORK: Judge, I would at this
3 time move for admission of P-22, the diagram of
4 the inside, so I can explain it easier.

5 MR. HOUGH: Well, Judge, without a--
6 a foundation establishing some relevance, we
7 would object.

8 MR. RORK: Judge, he's indicated and
9 stipulated that it does, to some degree of
10 being off, purport to be the inside. And the
11 relevance is it's a more accurate depiction of
12 the underground than just circles on this
13 screen that we've been making, and that's the
14 purpose that it's offered, whatever weight the
15 jury may have. And I'll show it to you.

16 THE COURT: Did you identify this
17 as--

18 THE WITNESS: Yes, it's-- it's-- sir,
19 we have such much better blueprints. I have no
20 idea why this is the one he's pulling out.
21 This is done from a weak memory of an employee
22 that went through there and it is so far off.
23 As I said, it's as much as 50 percent off and
24 even the layout of the schematic underneath the
25 ground is off. But, I mean, if they want to

1 have that elusive evidence entered, so be it.

2 MR. RORK: And, Judge, that person we
3 expect to call him as a witness to testify
4 later on in the proceedings, also.

5 THE COURT: Well, I'm going to admit
6 this. I don't see that it does any harm, any
7 problem there, so I-- this is P-22?

8 MR. RORK: I believe so, Your Honor.

9 THE COURT: All right. We'll admit
10 that.

11 MR. HOUGH: Judge, we would ask that
12 the second page, which is a third party's
13 description, be redacted from there. Certainly
14 if all he wants is some type of a drawing,
15 other than the witness stepping to the white
16 board and actually giving an accurate drawing,
17 Page 2--

18 MR. RORK: Well, Judge--

19 MR. HOUGH: -- a third party's
20 indication would be certainly not relevant to
21 that item for the purpose it's offered.

22 MR. RORK: Well, Judge, and he's
23 identified it and looked at those.

24 THE COURT: Well, you do not know
25 who-- who did this, do you know, or--

1 THE WITNESS: It's some sort of
2 employee that worked there, I don't know who it
3 was, but the descriptions are terribly off.
4 The second page is worse than the first page.
5 And we have such beautiful blueprints that were
6 collected that I do not know why this is the
7 blueprints that are being offered.

8 THE COURT: All right. I will-- I
9 will admit the-- the first page and we will
10 redact, take off that other matter.

11 MR. RORK: Well, Judge, I'd ask that
12 the second page just be withdrawn. That
13 witness we expect to testify about those
14 readings and why they're on there, the second
15 page.

16 THE COURT: Well, he can testify
17 when-- when he comes here.

18 MR. RORK: I just wanted the record
19 to reflect that Mr. Skinner had reviewed the
20 second page.

21 Q. (BY MR. RORK) And why don't you use the board,
22 when I put this up on here, to describe, if you
23 can, with respect to what's been marked up
24 there and admitted No. 1 with A and B is--
25 purports to be what the living area is. Do you

1 agree or disagree with that depiction?

2 A. I disagree with that.

3 Q. By measurements or just the design or--

4 A. Let's make sure that this is 1, correct? Well,
5 this thing is really messed up. Okay. You're
6 calling that 1?

7 Q. No, that's 1, and those have been marked as A
8 and B.

9 A. Okay. This whole box that you've done as green
10 1?

11 Q. Yes.

12 A. No, 1 is not the living quarters.

13 Q. Which number on this box would you have to be
14 the living quarters, then, if you were to
15 assign one?

16 A. This area here (indicating). And then there
17 was a small area back here that's-- I got-- my
18 pen is not working right. It's approximately
19 right in here that there was just one little
20 room, but it was built far after the date on
21 this thing.

22 Q. And then there is a-- No. 2 is marked along
23 here, it purports to be a tunnel. Is there a
24 tunnel that leads from the living area to
25 another location?

1 A. You're referring to this tunnel here?

2 Q. Yes.

3 A. Boy, this is really off today, something is
4 wrong. Yes, there is a tunnel there.

5 Q. And number--

6 A. He says it's 150 feet and it's actually 110
7 feet.

8 Q. He's got down on No. 2 the tunnel was about
9 eight feet in diameter and about 100 feet long.
10 So you say it's about 110 feet?

11 A. Yes.

12 Q. And then there's something defined as 3, which
13 is a tunnel about eight feet in diameter.

14 A. Right. And 3 is here, is that what we're
15 talking about?

16 Q. I believe so, yes. That--

17 A. Yeah, that right there, that's 3. Yes, I will
18 agree with that.

19 Q. And then 4 is one of the locations into the
20 missile base?

21 A. This is a door. It's about a 2,000-pound door.

22 Q. And that's the one you've described as the
23 blast door?

24 A. No.

25 Q. Okay. That's fine. And then No. 5 is a ramp

1 that leads to-- 150 long ramp leading to two
2 entrances?

3 A. Yes. It's-- this is an asphalt and cement road
4 that goes up that semi trucks can go drive down
5 underneath. We've seen it and this is a--
6 allows for large vehicles and forklifts to come
7 in and out of the underground facility.

8 Q. And would that have been part of the area that
9 you were walking in during some of the recorded
10 conversations that was played?

11 A. Yes. It's those areas that you hear my pants
12 ruffling. It makes it sound like I'm walking
13 on tissue paper or something.

14 Q. And 6 is described as a large open room. And
15 that's where the springs were located?

16 A. Yeah, this is a significantly off scale 6.

17 Q. What's-- the 6 says-- it just says large open
18 room. What would you describe the diameters of
19 the 6?

20 A. Well, first of all, 6 would go-- interesting.
21 You have to draw way above this. It would be
22 about that big (indicating). This whole thing
23 is set back, to here would be where it would be
24 at. And this room was actually the largest
25 square foot and volume room in the whole

1 building. And it was totally free, this--
2 whatever-- this thing here didn't exist. This
3 was-- there was a cubbyhole back here, but
4 basically everything was open through here and
5 along this row here, along this row set a
6 series of robotics equipment that made springs.

7 And in this room here and this room here,
8 sat wire that dealt with being fed into the
9 spring equipment to manufacture springs. And
10 in this area here was a very expensive
11 high-quality controlled tests that were-- set
12 the standards for the world for-- it was a
13 standard which all other companies measured the
14 DEN standards against.

15 Q. And--

16 A. Had to be calibrated continually, and we had to
17 be audited continually because of it.

18 Q. Then there's a room he-- the person who drew
19 this designated as 7. Where would you put the
20 room designated as 7 on your map?

21 A. Well, I'm sorry, this is-- this is not working
22 the way it was just a few days ago. The room
23 would be back there.

24 Q. And would you agree that that room was always
25 locked and had a bar across the door?

1 A. No.

2 Q. You would disagree. Was there any period of
3 time that it was locked and had a bar across
4 the door?

5 A. Whenever Graham Kendall left the facility, it
6 would be locked and have a bar across the door.

7 Q. And what was kept in there?

8 A. Right here--

9 Q. In-- in 7.

10 A. Yeah, I know, I'm just going to have to try to
11 get this, because I'm having to hit-- I'm
12 hitting this thing right, it's just so far off.
13 In this area right here was a safe, which
14 there's photos of. The safe had valuables in
15 it. Back in this corner were documents that
16 had to do with the ownership of the base, it
17 had to do with such items like that. And this
18 was also the personal bedroom of Graham
19 Kendall. It had all of his personal items in
20 it, his stock certificates, his whole life
21 history was in there and such and such.

22 Q. There's a room that's been designated as 8,.
23 And it says there was a personal computer set
24 up in that area, do you--

25 A. This is not a room, this is an open area. With

1 the exception of 7, this is one giant open
2 area. And again, I could present much better
3 pictures and photos and the whole bit than
4 this. This is a very messed up way of doing
5 this.

6 THE COURT: Well, we're-- this is
7 not-- as of now, this is not going to the jury
8 because from what he says it might be confuse
9 the jury with all the other plats and other
10 things we've had in here.

11 MR. RORK: Well, Judge, I was going
12 to have him draw one to save time, but this
13 witness I expect to testify and he will say why
14 he drew it the way he did and the jury can give
15 it what weight they want. I will ask him now
16 then to draw one purporting to be the same as
17 what's up there in a different manner.

18 Q. (BY MR. RORK) Do you need a blank piece of
19 paper?

20 A. I'm not very good at drawing. Instead of that,
21 why don't we just use the military blueprints
22 that were original.

23 Q. Do you have those?

24 A. I can produce those by tomorrow, and let's not
25 mess around with all the--

1 THE COURT: Let's not fool with this.

2 MR. RORK: Well, Judge, I would use
3 that for-- the officer has a reason-- there's a
4 reason for why he drew what he did. I will
5 just use it when he brings another one for his
6 purpose, and we'll use this for our purpose.

7 Q. (BY MR. RORK) Now, to go back to the
8 appearance you had in court on June 16, 2000,
9 at that time you pled guilty to a misdemeanor
10 and your sentencing was set for August 25,
11 2000; is that correct?

12 A. I assume you're right. I would like to see the
13 document, because I'm going by what you're
14 telling me.

15 Q. And I'm going by what I recall reading. You
16 can tell me if I'm wrong.

17 A. No, I can't tell you. I mean, I think you're
18 right, it sounds approximately right. But if
19 you're tricking me by a day or two, I don't
20 know.

21 Q. Well, with respect to whatever date you showed
22 up for sentencing, if it appears to be August
23 25th, you would agree?

24 A. Yes.

25 Q. And between June 16th when you appeared here in

1 this courtroom and August 25th when you came
2 back to this courtroom, where was your primary
3 residence at?

4 A. I was all over the place. My children were in
5 Tulsa, I was on the West Coast, I was in Tulsa,
6 I was up here, I was dealing with moving an LSD
7 lab. I had problems everywhere and plus I had
8 a birthday during that time, so I was
9 everywhere.

10 Q. So the answer to where your primary residence
11 was would be what?

12 A. I had no primary residence during that period,
13 I was in motion continually.

14 Q. Did you ever at any time then from June 16,
15 2000 to the sentencing date I-- I purport to
16 you to be August 25, 2000 notify Pretrial
17 Services that your primary residence had
18 changed from the missile base?

19 A. I don't know what I said to Mr. Blankenship,
20 but he-- but I called him regularly and he knew
21 that I was traveling continually.

22 Q. And I understand that. But earlier when you
23 were in court, Judge O'Hara and you designated
24 the missile base to be your primary residence.
25 I just wanted to know if you had designated any

1 other of your locations to be a primary
2 residence in lieu of the missile base?

3 A. My driver's license still said this is my
4 primary residence, I considered that my primary
5 residence, but I was not there at my primary
6 residence.

7 Q. Did you have or own or lease in your name or
8 any other name another residence where you
9 stayed at during this period of time?

10 A. I-- for three years I had stayed at my wife's
11 apartment, but it was not my residence. I
12 didn't receive one piece of mail there. Number
13 two, I also had stayed for 20 something years
14 at my mother's house where I did receive mail.
15 But my legal address was Wamego.

16 Q. And can you tell us how many occasions between
17 June 16th and August 25, 2000 you would have
18 been at the missile base in Wamego?

19 A. No, I cannot tell you how many times.

20 Q. Was it your custom when-- in this period of
21 time of June, 2000 to August, 2000 to stay at
22 the missile base when you resided there or at
23 the hotels in Wamego or Topeka?

24 A. Oh, I would usually stay at the missile base.

25 Q. And when you stayed at the missile base those

1 occasions you may have for however many number
2 of reasons from June of 2000 to August 25,
3 2000--

4 A. Only once the judge gave me permission to go
5 back. So let's state that. When he gave me
6 permission to go back, from that day on then I
7 would stay at the missile base. Go on.

8 Q. Whenever that was, I'm talking about from the
9 day you entered the plea on June 16th, do you
10 recall if you had permission to enter the
11 missile base then?

12 A. Yes.

13 Q. So from June 16, 2000 to August 25, 2000, as I
14 asked you, do you know how many occasions you
15 had to visit the missile base?

16 A. I've answered you no.

17 Q. And on those occasions that you don't know how
18 many you had to visit the missile base, when
19 you were there, did you stay overnight?

20 A. If I could. I mean, it was my preference place
21 to sleep if I was in that area.

22 Q. And on those occasions, if you could, was Mr.
23 Kendall there with you or were you by yourself?

24 A. Graham was almost always there. And I-- I
25 would say it would be very rare that he wasn't

1 there.

2 Q. Who normally stayed then at the other residence
3 at 915 Ash in Wamego?

4 A. At this point no one, because Gunnar had made
5 such a mess in the house, he couldn't stand to
6 stay there. So he lived at the missile base,
7 too.

8 Q. And this would be in this time period of June
9 of 2000 to August of 2000?

10 A. No, like up till June or July. At some point
11 they all moved out of there, with the exception
12 of Graham.

13 Q. So then when you would stay there, would you
14 ask Graham not to be there at the time you
15 would stay there at this time period?

16 A. No.

17 Q. And as you've described on the P-22, there are
18 areas where Graham could stay all night and
19 there was areas that was the living room that
20 you had remodeled that's been shown, the
21 bathroom and stuff?

22 A. There was, yeah, 110-foot tunnel in between and
23 another huge distance besides that.

24 Q. And do you recall you indicated you had spent
25 about \$300,000 to remodel the living quarters

1 of that missile silo?

2 A. Man, I have no idea. Still can't tell you to
3 this day. It was an endless bottomless pit of
4 money that went into it.

5 Q. In the time period that you owned the missile
6 base and then occupied it, do you recall having
7 several parties there on a regular basis?

8 A. What kind of parties?

9 Q. Any kind of parties.

10 A. Well, we used to have-- on a regular basis, we
11 invited the elderly people from the area that
12 went catfish farming and catfish hunting, and
13 they would come over to eat catfish and we
14 would throw catfish dinners and they would
15 reciprocate. We also invited anyone that
16 wanted to come for the Fourth of July. So if
17 you want to call these parties, people would
18 come because we had a good stance and we could
19 see three different firework things.

20 Q. Let me rephrase the question then.

21 A. Yes, do.

22 Q. During this period of time, do you recall
23 telling people in the entheogen-- entheogen
24 community--

25 A. Entheogen.

1 Q. The entheogen community that this was being
2 built as a temple for those practicing the
3 sacraments?

4 A. No, because that would be a little arrogant.
5 That it was an area that had the ability to
6 have the use of the sacraments used in it.

7 Q. And did you not during the time period that you
8 owned or controlled this base use it for
9 sacramental purposes?

10 A. Absolutely.

11 Q. And that would involve a number of individuals
12 whose names you've given throughout the time
13 you've testified?

14 A. That's correct.

15 Q. And that would be on a regular basis from
16 whenever it started until whenever it ended?

17 A. I don't know what you mean by regular.

18 Q. Well, what do you mean by-- how much was the
19 sacramental basis used when you were there?

20 A. It depends on if it was myself or if it was
21 other people.

22 Q. How about yourself first?

23 A. I practiced procedures and ceremonies and
24 areantly ^ sang high masses by myself or with
25 one other person, someone that watches for my

1 protection, these things. This would be on a
2 more frequent basis. For what you call larger
3 groups, it was very infrequent. On the order
4 of, the entire time we were there, less than 10
5 times.

6 Q. How about for the time period for yourself or
7 others regularly, at least once a week?

8 A. What do you mean others? I just said--

9 Q. Well, you said you were sometimes with others
10 to watch you.

11 A. Just-- they would not be using a sacrament,
12 just making sure everything was all right for
13 me. Not once a week, maybe once every two
14 weeks, maybe once a month. I carried a very
15 stressful and busy schedule.

16 Q. And then after you appeared here in court on
17 August 25, 2000, instead of getting six months
18 probation, you elected to pay a \$10,000 fine.

19 A. Twice the fee-- fine of which this honorable
20 judge looked at me and said, you know, you're
21 paying twice the fine, what's the reason kind
22 of, and I said it's all right-- or Haney said
23 it's all right. I paid it to get it over with.

24 Q. And that meant you had no probation and your
25 obligations ended once you paid all the money.

1 Correct?

2 A. Well, it wasn't promised to me, it was only
3 said that, you know, most likely because of the
4 size of the fine it would be done. And the
5 reason I accepted twice the fine guidelines was
6 because I was not allowed to bring in a case
7 with an indictment on me. This is against the
8 rules of the community.

9 Q. And was it also against the rules of your
10 pretrial release that you were aware of?

11 A. I have-- I could care less about the rules of
12 my pretrial release. I had bigger issues to
13 worry about.

14 Q. And this community that you're talking about,
15 it was, quote, against the rules, is that the
16 entheogen community?

17 A. That's correct. You don't roll on people for
18 legal reasons.

19 Q. And the only one you could roll on on this case
20 you pled-- or sentenced to would have been
21 yourself. Correct?

22 A. What do you mean by that?

23 Q. Well, you said you don't roll on people in this
24 community. And I-- the question was, the only
25 one you could have rolled on in your case and

1 charges would have been yourself; is that
2 correct?

3 A. I don't know what you mean. I accepted the
4 plea that I was guilty of a misdemeanor and
5 paid 10,000. If you call that rolling on
6 yourself, then so be it.

7 Q. Once the judge uttered the sentence that became
8 an operation of law that you were released and
9 paid the fine, you then had no further
10 obligations under that agreement. Correct?

11 A. That's correct.

12 Q. And at that point in time, is that when you
13 started calling people around to advise them
14 about this occurrence that you've indicated was
15 up to 13 different agencies?

16 A. Did I say I called up to 13 different agencies?
17 I don't remember saying that on the stand.

18 Q. How many did you say you called?

19 A. I don't remember saying a number.

20 Q. Why don't you just tell me how many you called.

21 MR. HOUGH: Judge, we'll object.

22 This is irrelevant, it's immaterial.

23 THE COURT: I will sustain the
24 objection.

25 MR. RORK: Well, Judge-- Judge, it

1 goes to the start of what he's doing.

2 THE COURT: I don't care what it goes
3 to.

4 MR. RORK: Well, I understand.

5 THE COURT: Sustain the objection.

6 Q. (BY MR. RORK) Then with respect to when, you
7 said you couldn't figure out earlier today when
8 it was you started calling to cooperate in this
9 case. After August 25, 2000, when was the
10 period of time that you decided to do what you
11 are saying is being done in this case?

12 A. I had to discuss the issue with my wife.

13 Q. Which was who?

14 A. Emily. I could not fully disclose the nature
15 of it to her, so I only gave her certain
16 parameters. I had to think about the
17 ramifications, I had to carefully weigh the
18 situation, because this was no ordinary thing
19 that I was getting ready to do. If you're not
20 going to bother to listen to me, I have no
21 interest in answering your question.

22 Q. I'm listening. I have ears on the side of my
23 head, not the back.

24 A. Okay. Very good. So now there was a lot of
25 implications to this decision and there was a

1 lot of exposure. I'm a very private person and
2 I did not like exposure that I knew I was going
3 to have. But I was compelled because if there
4 was a death in the system as a result of while
5 I was a member of a system, the whole entire
6 lineage of the sacraments were contaminated
7 fundamentally. This was an absolute violation
8 at the highest level of an organization of a
9 spiritual means, even though the deeper I
10 looked into this organization, the more corrupt
11 I found it to be. And even the corruption was
12 on myself.

13 Q. Did you not-- after you entered your plea on
14 August 25, why did you not just give this
15 information to Mr. Hough and the people in this
16 jurisdiction?

17 A. Well, contrary to the way you're trying to do
18 it, Mr. Hough and I really didn't get along
19 that well. I considered him enemy camp.

20 Q. And as enemy camp, then how-- what brought your
21 attention to Washington, D.C., and people
22 there?

23 A. Well, because I couldn't get anyone else to
24 listen to me.

25 Q. And what were you telling these other people

1 and who were they that they wouldn't listen to
2 you about them?

3 A. I, again, have gone through this and I'll go
4 through it once again. I called and mistakenly
5 called the U.S. Attorney's Office in
6 Washington, D.C., over what was called their
7 Narcotics Section. I should have called Main
8 Justice and asked for the Dangerous Drug
9 Section. And I will remember the man's name
10 because it's odd, give me a few minutes and
11 I'll remember it, because I said-- when he
12 laughed and he said, "I've wasted 20 minutes of
13 my life with you and you're nuts," and I said,
14 "You'll read about this in the newspaper,
15 remember my conversation with you." And he
16 said there is no such thing of what you're
17 talking about, there is no worldwide LSD
18 conspiracy, there is no way that there is
19 anything like this. You're out of your mind.
20 Are you on LSD? Yadda, yadda, yadda. And he
21 hung the phone up on me. That was one person.
22 And it was the U.S. Attorney's Office instead
23 of Main Justice I should have been speaking to.
24 I'm not well educated at these things.

25 The other group that I called was the

1 Northern California San Francisco U.S.

2 Attorney's Office, and I was shuffled off to a
3 duty agent who just kind of left me on hold and
4 chuckled and basically gave up on it.

5 Q. And at which point in time you directed your
6 attention elsewhere and, as you've testified on
7 direct examination, paid for Mr. Haney to go to
8 Washington and bought his tickets?

9 A. And paid for his hotel and paid him an
10 outrageous fee for one day's work.

11 Q. And the travel records or your American Express
12 records should reflect what date that was?

13 A. I don't think it was done on American Express,
14 but you may be right. I think that I paid for
15 the tickets direct out of Fort Bragg, some sort
16 of Fort Bragg travel agency, but it may have
17 been done on American Express, I cannot
18 remember.

19 Q. And would those documents assist you in
20 determining on what date he then flew to
21 Washington?

22 A. Yes.

23 MR. HOUGH: Judge, this is irrelevant
24 and immaterial.

25 THE COURT: It's completely

1 irrelevant.

2 MR. RORK: Well, Judge--

3 THE COURT: And I'm going to sustain
4 your objection and let's move on to something
5 else, gentlemen. We've covered this once or
6 twice already, let's not cover it again.

7 MR. RORK: Well, Judge, I'm not the
8 Government and I'm covering their case and I'm
9 doing questions in response to what they asked.

10 THE COURT: I sustained the
11 objection. You heard that, didn't you?

12 MR. RORK: And I-- Mr. Hough got to
13 make his comment and I'm making my comment for
14 the record to explain it.

15 Q. (BY MR. RORK) And so when you left this court
16 on August-- are you smiling, is something
17 funny?

18 A. I just can't believe you, but go on.

19 Q. When you left this court on August 25, 2000,
20 and had no further obligation in this matter,
21 where was the ET that you've indicated
22 previously and described that was taken in
23 those circumstances, which we'll get into,
24 where was it at on August 25, 2000?

25 A. To the best of my memory, and we would have to

1 go to documents, it was split between the
2 missile base above the Liebert room and my
3 wife's step-- I mean my wife's parents' house.

4 Q. And this Liebert room, what--

5 A. Liebert. Liebert is a division of Emerson
6 Electric that does all the air handling
7 purification systems for hospitals and computer
8 rooms throughout the world.

9 Q. Why did you call that room the Liebert room?

10 A. Because the only thing that was in there was
11 the Liebert, and it purified the air for the
12 living quarters.

13 Q. And with respect to what has been previously
14 shown and numbered 1 through 12, which location
15 would you have that room be numbered at?

16 MR. HOUGH: Well, Judge--

17 A. Again, it's such a poor--

18 MR. HOUGH: The Court has just-- the
19 Court previously ruled that this would not be
20 shown to the jury.

21 MR. RORK: Judge, you said it
22 wouldn't be given to the jury at this time,
23 it's been admitted previously. I will just
24 take the time and have him draw another one if
25 he doesn't want to be fast and do this one.

1 MR. HOUGH: Well, Judge, if the Court
2 has ruled this would not be given to the jury,
3 it begs credulity for it now to be on an
4 overhead in front of the jury.

5 THE COURT: You're correct. We will
6 not do it.

7 MR. RORK: Then I will have him draw
8 another one, that's fine. Do you need a piece
9 of paper?

10 THE WITNESS: Your Honor, my drawing
11 skills are poor. And if I would have known
12 this, I could have brought beautiful
13 blueprints. And I can get them, I promise, by
14 tomorrow.

15 THE COURT: You do not need to draw
16 this once again.

17 MR. RORK: Well, Judge, again, if he
18 could draw for the Government and mark on their
19 exhibits and go through them, I'm just going to
20 hand him one of the Government's exhibits,
21 then, and have him draw on it like he did for
22 the Government. I don't know why I should be
23 precluded.

24 THE COURT: Well, you're going to be
25 precluded and I don't want this-- this drawing

1 again, as bad as it is, I-- I don't want it
2 into evidence. If you want to bring in some--
3 some person to draw something who's
4 knowledgeable and skilled, they can do it, but
5 I--

6 MR. RORK: Judge, I'm handing him--

7 THE COURT: You're not going to force
8 this man to draw it again.

9 MR. RORK: That's fine. He doesn't
10 have to draw it for me if he doesn't want to,
11 I'm going to show him one of the Government's
12 exhibits.

13 Q. (BY MR. RORK) This is Government Exhibit No.
14 6-A. Do you recognize that?

15 A. Yes, I do.

16 Q. And on 6-A, if you would hold it up for the
17 jury, you've drawn an indication with a--

18 THE WITNESS: Your Honor, may I
19 stand?

20 THE COURT: Yes, you may, certainly.

21 THE WITNESS: I don't want to do
22 anything that's offensive to the Court.

23 Q. (BY MR. RORK) You've drawn on 6-A a thing
24 that's been circled on an "X"; is that correct?

25 A. Yes.

1 Q. All right. Now, why don't we take a marker and
2 show for the jury--

3 A. There's a-- is there a marker that will work on
4 this?

5 Q. Why don't you take a color other than black,
6 like orange, blue, red or yellow and draw, if
7 you would, on No. 6 the location of the area
8 first that would be-- why don't we draw it down
9 here first and then I will have you put it on
10 the board while she's putting down the board.

11 A. What do you want me to draw?

12 Q. I want you to draw the area that would be the
13 living area in there and circle it.

14 A. Okay. What I would like to do is I would like
15 to-- I would like to give the exact area where
16 the Liebert room itself is, okay?

17 Q. Well, first we'll get to that. I want you to
18 draw the living area first.

19 A. Okay. I mean, we're taking a three-dimensional
20 thing and we're projecting it in, I'm going to
21 do my best, okay?

22 Q. Now, in the living area-- is the Liebert room
23 that you referred to different than the living
24 area? You don't have to put it up on the board
25 yet.

1 A. No, no.

2 Q. It's within there?

3 A. Yes.

4 Q. All right. Now you can draw it with a
5 different color, like yellow.

6 A. By the way, it was completely missing in your
7 other drawing, that's why your other drawing
8 was so poor.

9 Q. Well, it's not my drawing, Mr. Skinner.

10 A. You introduced it.

11 Q. I wish you would answer the questions that are
12 in front of you.

13 A. Now what do you want me to do?

14 Q. Draw what you indicated was the--

15 MR. HOUGH: Your Honor, may I suggest
16 that we take an afternoon recess and during
17 that time Mr. Skinner can draw this?

18 MR. RORK: Well, Judge, I have other
19 things. I don't mind taking an afternoon
20 recess, but the Government sure didn't take any
21 recesses when they went through their 700
22 exhibits, and I intend to get through this
23 unless you're going to give me a break every
24 time they want to draw on theirs. I don't
25 think that's fair.

1 THE COURT: Well, ladies and
2 gentlemen of the jury, you may step aside and
3 we'll take a 15-minute break at this time. And
4 would the attorneys please approach the bench.

5 (THEREUPON, the following
6 proceedings were held at the bench).

7 THE COURT: Now, would you like to
8 spend some more time and complain about your
9 situation?

10 MR. RORK: Well, Judge, I was just
11 indicating that Mr. Hough is going to be able
12 to make remarks and then you cut me off without
13 making remarks and again. I-- I just-- I just
14 don't believe it's appropriate for the Court to
15 make comments, interject your opinion in the
16 case by going-- for instance, "Well, that's
17 completely not relevant," in areas that the
18 Government was allowed to spend
19 three-and-a-half days on. And I'm trying to
20 make every effort to get through this matter in
21 a summary fashion so it wouldn't take so long,
22 and then the Government objects.

23 THE COURT: I can see you're trying
24 to do that. I appreciate it. Appreciate it
25 very much.

1 MR. RORK: Well, and I tried to do it
2 with an exhibit that you already admitted. And
3 it's the Government's file, Judge, it's from a
4 witness we're going to have, it's one the
5 Government gave me. And you're letting this
6 witness take complete control of your courtroom
7 and you're not interjecting into him any type
8 of warnings, any type of attitudes like you're
9 interjecting to me. And I don't think it's
10 appropriate.

11 THE COURT: Because these other
12 people are trying to do things that are
13 relevant, and you're not. You're not at all.
14 Now, Mr. Bennett, would you like to make your
15 complaints at this time? We'll get them out of
16 the way and--

17 MR. BENNETT: Judge, comes now the
18 Defendant, Clyde Apperson, and moves the Court
19 for a-- renews our motion for a severance on
20 the basis that the-- what has-- has occurred in
21 this matter and the problems that the Defendant
22 and the-- the Defendant Pickard and-- and the
23 witness are having is prejudicial, I believe,
24 to our defense. And so we would renew that
25 motion for severance on that-- on that basis.

1 THE COURT: We'll take another look
2 at that and decide where we are. But I believe
3 that's all we can do then. May I urge you once
4 again to try to get what we're-- what this case
5 is about. This case is about a-- a highway
6 patrolman that arrested some defendants with
7 a-- and we haven't even looked at that area yet
8 and maybe-- maybe we're not going to, I'm not
9 sure, but--

10 MR. RORK: Well, Judge, I would just
11 like--

12 THE COURT: This-- this has been
13 actually the only case in my life I've ever had
14 where I have been so frustrated with the
15 attorneys, so frustrated with the attorneys,
16 it's just very difficult for me to continue.
17 I've never had a case like this before. I've
18 never had a case where the attorneys have been
19 so disrespectful, I've never had a case where
20 it's more difficult to try. And every time I
21 come back, I come back and you're waiting for
22 me ready to complain about something every time
23 I come back. This has been about the most
24 difficult case I have.

25 MR. BENNETT: Well, Judge--

1 MR. RORK: Judge, I can understand
2 that, but I don't want to lose sight. These
3 people are looking at mandatory life sentences,
4 like if the Court is going to take a gun and
5 shoot and kill them, number one. Number two,
6 this Mr. Hough, always the Court admonishes him
7 at the bench, never-- and you let this witness
8 run wild. Everybody else is told at the bench,
9 "Oh, you're having a problem," and I'm
10 repeatedly told in front of the jury, "Oh,
11 you've got a problem. Oh, it's not relevant."
12 I've never seen a Court let a witness get by
13 with this before.

14 THE COURT: You're the one that's
15 bringing in this. Mr. Hough.

16 MR. HOUGH: Judge, this is-- all I
17 can say is that I've never seen a complete lack
18 of decorum and respect for a Court that I have
19 seen in this case. If I were to behave in the
20 manner, talking back to the Court, that Mr.
21 Rork has, the Department of Justice would sit
22 my butt as counter help at a Kwik Shop so fast
23 it would make heads spin. There is no way that
24 we could possibly get by with that. It's
25 disrespectful, it-- he is inviting the wrath of

1 the Court. But more importantly, what he's
2 doing before the jury, then turning around and
3 saying that the Court is somehow out of hand
4 for asking for the type of decorum that is
5 afforded a court, it-- is absurd. I mean, you
6 can't invite the wrath of the Court and then be
7 heard to complain for it any more than I could
8 invite a mistrial and be heard to complain
9 because I got fired and because I got ethically
10 sanctioned. It's absurd.

11 MR. RORK: Well, Judge, if you would
12 tell Mr. Hough to limit his comments and quit
13 yelling "it's irrelevant" and you know that,
14 Judge, and I don't get to comment.

15 THE COURT: No, I don't. No, I
16 don't.

17 MR. RORK: And I don't get to
18 comment, that's not fair.

19 THE COURT: I know Mr. Hough thinks
20 that I am not any more friendly to him. I have
21 had more problems with Mr. Hough, but not
22 problems like this. He-- he and I have tangled
23 many, many times. And I-- it's amazing how
24 many times you complain about Mr. Hough and
25 about something that happened some time ago and

1 that he's been unfair and all of these other
2 things. I just think that this case-- this
3 case needs-- needs to straighten up.

4 MR. RORK: Judge, I understand that
5 and I will, but I will just stand on the record
6 that anybody could easily look at that and see
7 the comments that Mr. Hough just made and
8 compare it to the record, I believe it would be
9 diametrically opposed.

10 MR. BENNETT: Judge, I just-- if-- if
11 the-- when the Court says that we've been
12 disrespectful to the Court, if I've been
13 disrespectful to the Court, I apologize to the
14 Court. I-- I haven't said much, but if-- if
15 I've said something that-- that the Court took
16 offense at--

17 THE COURT: Well--

18 MR. BENNETT: -- I apologize to the
19 Court.

20 THE COURT: Well, as you know, you've
21 been one of my best friends, I-- I've never had
22 any trouble with you, but I-- I'm just very
23 disappointed in the way this case is going
24 and--

25 MR. RORK: To help the Court, Judge,

1 and, again, I apologize, but if you would ask
2 Mr. Hough not to make extraneous comments, keep
3 them to the record, and then cut me off without
4 saying anything, then that makes the jury look
5 like it's being favored. I don't care, I will
6 stand on the record.

7 THE COURT: I hope you do, because
8 I-- I've been-- I've been having trouble
9 finding-- I've been having trouble finding
10 where he's been saying anything that I think is
11 out of the way. But I'm not having any trouble
12 finding that as-- as for you.

13 MR. RORK: I understand, Judge, but
14 I-- for example, I mean, it's already been in
15 there with Mr.--

16 THE COURT: Well, I-- I think I know
17 what you-- what you're doing and I-- I know
18 what you're doing and it's disappointing.
19 We'll see how it comes out.

20 MR. RORK: Okay.

21 MR. HOUGH: All right.

22 (THEREUPON, the bench conference
23 was concluded, a short recess was had;
24 WHEREUPON, the following proceedings
25 were held within the hearing of the

1 jury).

2 THE COURT: All right. You may
3 proceed.

4 MR. RORK: Thank you, Your Honor.

5 Q. (BY MR. RORK) Mr. Skinner, you just marked on
6 that Exhibit No. 6 some areas in different
7 colors; is that correct?

8 A. Yes.

9 Q. And could we have you put that on the
10 three-legged thing to show the jury and
11 describe to them why you're-- maybe step around
12 to the-- to that side and describe for the
13 jury, if you would, what's been marked here in
14 a big red circle. What is that?

15 A. This would be approximately the living area,
16 underground of course. The yellow would be the
17 top vent for the Liebert room, and the reason
18 is that was a natural vent that would pull air
19 down so that fresh air-- this is the tunnel
20 that leads to both the door that goes to the
21 outside and then leads into the main
22 underground part of the missile facility
23 itself.

24 Q. And then what you have drawn in blue is
25 reflecting what?

1 A. The room that Graham lived in.

2 Q. Which was No. 6 on the other exhibit that we
3 looked at?

4 A. I believe so.

5 Q. Now, you're going to-- you said you have on the
6 way some blueprints that you're going to have
7 for this; is that correct?

8 A. Yes.

9 Q. All right. Now, on August 25, 2000, you
10 indicated that the things called ET were in the
11 Liebert room, some of them were?

12 A. Yes.

13 Q. And what type of containers were these and in
14 what form were they, the ones in the Liebert
15 room?

16 A. They were in two wooden boxes, and there may
17 have been two cans that were loose.

18 Q. And do you recall how many cans were in each
19 wooden box?

20 A. No, I know one of them had ten cans that had
21 never been opened up.

22 Q. And do you know where these two boxes were
23 opened? I mean, one of them was not opened and
24 one of them was?

25 A. Yes.

1 Q. And the one that was open, then, do you know
2 how many cans were in it?

3 A. No.

4 Q. Now, there was also other cans of the ET at
5 that time that were in Manhattan in the two--
6 one of them which was in the trunk previously
7 identified and marked. Correct?

8 A. That's correct.

9 Q. And how many cans were there, do you recall,
10 whatever is in the picture?

11 A. Yes, whatever is in the picture.

12 Q. And then there were also, as you testified, two
13 cans outside of the steamer trunk deal and put
14 into like a doll case?

15 A. A doll case, yes.

16 Q. Now, when prior to August 25, 2000, had those
17 boxes that you've described in the Liebert
18 building been put up there and by whom?

19 A. They were put up by me, myself, I don't know
20 the date. And it was post the date of the lab
21 being moved from Ellsworth to Wamego.

22 Q. Well, do you recall previously testifying or
23 indicating to the agents that you first went to
24 this location in Ellsworth or what's been
25 referred to as Carneiro or what's been referred

1 to as Salina. Just for the record, if it says
2 Carneiro, Salina or Ellsworth, we're still
3 talking about the Atlas F?

4 A. Correct.

5 Q. Had you not gone to the Atlas F facility on a
6 date prior to removal of the lab and entered
7 the premises and taken these boxes that's been
8 described in the Liebert room?

9 A. No, the-- they may have been taken prior to the
10 lab being moved, but it was all done in a very
11 short duration. You know, it was all in a very
12 short time span.

13 Q. What documents or records that have been
14 admitted or that you know exist would assist in
15 helping to determine what date the trailer went
16 down to the Ellsworth Atlas F?

17 A. I mean, I would have to get the Government's
18 interviews, and there were dates like hotel
19 reservations, phone calls, such things like
20 this.

21 Q. This would be the period of time where you've
22 indicated unilaterally you made the decision to
23 go to this location. Right?

24 A. That's correct.

25 Q. Did you-- do you recall on the date you went to

1 this location using your American Express card
2 to purchase items at a hardware store to be
3 used to cut the locks?

4 A. There's-- yeah, there's a possibility that I
5 did this, yes.

6 Q. Is there also a possibility that you had keys
7 to various locks at the Atlas F, just didn't
8 have all of them?

9 A. Didn't have all of them.

10 Q. And what keys did you have to the Atlas F when
11 you went there to unilaterally remove this
12 location?

13 A. I had the key to the-- to the gate, I had the
14 key to the hockey puck that sat over the lock,
15 and I had a key to the lock that opened that
16 up. And I had the key to each of the inner
17 blast doors, but I had none of the keys to the
18 actual lab itself and I had to use Skil saws to
19 cut through-- rotation Skil saws to cut through
20 the chains and the locks rapidly.

21 Q. Would this also be around the time period that
22 you've indicated that the electrician left a
23 bill or attempted to enter the location?

24 A. They would be-- it would be close, within a few
25 days.

1 Q. And when you first arrived there unilaterally
2 with this decision, you had with you Michael
3 Hobbs?

4 A. When I first arrived there, I don't remember
5 who was with me. I mean, you know, I'm doing
6 the best-- but the general team I will
7 describe, if you wish.

8 Q. Did you not have Michael Hobbs fly from
9 somewhere in California to Manhattan?

10 A. I believe he flew from Albuquerque to Tulsa,
11 Oklahoma. There's a ticket that shows that
12 date.

13 Q. When we're talking Albuquerque, that would be--

14 A. New Mexico.

15 Q. Where is Albuquerque, New Mexico, in relation
16 to Taos?

17 A. I mean, it's approximately 140 miles, I don't
18 know.

19 Q. In the general vicinity?

20 A. Yes.

21 Q. And was Mr. Hobbs living and working for whom
22 at that time?

23 A. I don't know who he was working for, but he--
24 he was doing some sort of-- I don't know what
25 he was doing, he may be working for a seed

1 company or for some sort of drywall company.

2 Q. And--

3 A. He was living in Santa Fe.

4 Q. He was living in Santa Fe, New Mexico?

5 A. Yes.

6 Q. And how long had he lived in Santa Fe, New
7 Mexico, from this time period-- was it August
8 2000 or July 2000, do you recall?

9 A. July or August.

10 Q. So in July or August, do you know how long Mr.
11 Hobbs had then been residing in Santa Fe?

12 A. Not specifically.

13 Q. More than a year?

14 A. Less.

15 Q. And then other than Mr. Hobbs flying from
16 Albuquerque to Tulsa, did you go to Tulsa and
17 pick him up?

18 A. Yes, I-- I believe I picked him up at the
19 airport.

20 Q. And at that point in time, were you staying in
21 the Tulsa vicinity?

22 A. Yeah, I was probably staying at my mother's
23 house.

24 Q. And then you and Mr. Hobbs traveled from Tulsa,
25 Oklahoma, to the Wamego missile base first?

1 A. No, we-- first I explained that I had a
2 problem, I didn't give him the full nature of
3 the problem. I said, "Can I depend on your
4 help?" And he said yes. I said, "We need to
5 find a driver, because we're going to be too
6 exhausted," and he got a friend to drive us.

7 Q. And who was that, do you recall?

8 A. Ryan Moskovich (phonetic) or something like
9 that.

10 Q. And so did you then head out from Tulsa to
11 Wamego?

12 A. After a night's stay or something like that is
13 what my memory serves.

14 Q. And what did you do when you arrived at Wamego
15 and what did you get, if anything, to assist
16 you in going to this Atlas F?

17 A. Well, first I said, you know, we need certain
18 supplies, we need Clorox, we need sponges and
19 we need some masks for filters so that no one
20 gets dosed, and we just-- a general thing, we
21 had latex gloves, such and such items.

22 Q. And do you recall, were those already at the
23 Wamego missile base?

24 A. A lot of them were there just as a standard
25 thing for cleaning up, but we needed more

1 bleach than would normally be at Wamego. We
2 didn't use much bleach at Wamego.

3 Q. And this would have been a period of time that
4 the Wamego missile base had no longer
5 functioned as the manufacturer of springs for
6 Gardner?

7 A. Correct.

8 Q. So when you arrived at the missile base, then
9 would Graham Kendall have been there as usual?

10 A. Yes, I believe so.

11 Q. And did you also have Mr. Guinan come down
12 there?

13 A. Guinan.

14 Q. Did he come down there?

15 A. To where?

16 Q. Guinan come down there to--

17 A. Where is "there"?

18 Q. The missile base that you're at in Wamego.

19 A. He was already there.

20 Q. And was he living on the Ash address or the
21 missile base, do you know?

22 A. Both. But he was actually spending his nights
23 at the missile base.

24 Q. And so other than the people that you've now
25 named, you then head off down to Ellsworth or

1 the Atlas F silo. Right?

2 A. No, I believe that my father also went for the
3 original opening.

4 Q. Well, do you believe your father went to the
5 original opening or the next day?

6 A. I can't recall.

7 Q. Okay. Do you recall going down there, though,
8 with whoever you've indicated and entering into
9 the missile base?

10 A. Yes. There could have been an early phase of
11 the first day we went in to just see how bad
12 the situation was and what we needed to open up
13 the door. And then the next day or the next
14 two days, we could have decided this is the
15 equipment we need to go through this extremely
16 thick multiple thousand pound blast door that
17 would be the beginning of the laboratory
18 itself.

19 Q. Do you recall the first day that you went there
20 not allowing anyone other than you to go into
21 certain rooms?

22 A. Absolutely.

23 Q. And where was it that you kept the other people
24 that you had brought with you from entering
25 into as it relates to that structure that's

1 been identified, and it shows just the exterior
2 part?

3 A. I don't know where I told them to stay.

4 Q. But they would have entered inside somewhere?

5 A. Yes. But I mean, I don't know where I had told
6 them to park themselves.

7 Q. And--

8 A. Also warned them not to touch anything.

9 Q. And when one entered that atlas missile silo,
10 one called the F, they had to go straight down
11 for a certain number of feet?

12 A. It was quite a trip down, yes.

13 Q. And when one enters straight down, did you then
14 come upon a chamber or an anteroom like?

15 A. No. You came upon a cylindrical blast door
16 that was quite large, it had a General Dynamics
17 lock on it, which I had the key to. Actually,
18 I believe that I did not have the key to one of
19 them or we ended up having to cut the chain on
20 one of the keys (sic). I don't know how that
21 happened. We were moving so fast that one of
22 my master keys was not present with me, and I
23 now remember cutting a chain instead of the
24 lock itself, because the chain was weaker.

25 Q. And did you take any type of equipment or rent

1 any equipment to load these items into and
2 depart from?

3 A. No-- on the original trip, I'm not for sure.
4 On the second trip, we took a truck. And we
5 may have left the truck, taken two vehicles,
6 and left it there to determine what we needed
7 the second time around.

8 Q. And when you were there on the first trip, is
9 that when you located these four boxes you've
10 described with ET?

11 A. No, no, I located two boxes.

12 Q. So on this first trip, you located these two
13 boxes and in what room that we've talked about
14 so far were they in or did you have to go to
15 other rooms?

16 A. It's called a launch control room, and it was
17 what Leonard referred to as the exercise room
18 next to his treadmill that Clyde keeps talking
19 about. Do you remember when I was talking to
20 you about the treadmill and the little room
21 next to it that had the two boxes, "Where are
22 the two boxes?" That's the room.

23 Q. And where were these other individuals when you
24 entered that room as you've now described it?

25 A. They were allowed on that-- that whole area,

1 they were allowed in that area, it was a safe
2 area.

3 Q. All these other people that you've just
4 indicated then would have also seen these two
5 boxes you've just described?

6 A. I assume, yes.

7 Q. And did you have those boxes loaded out
8 yourself or have somebody else take them out to
9 your vehicle?

10 A. No, I believe that they were taken out by other
11 people.

12 Q. Put into your vehicle?

13 A. No, put into a larger vehicle at some point.

14 Q. And when they were taken from the larger
15 vehicle, at that point who was with the vehicle
16 as it left?

17 A. I don't remember. It was-- we had a limited
18 number of people to drive each vehicle, so we
19 were doing the best-- we were all crowded into
20 these vehicles, it wasn't like one person was
21 driving one vehicle.

22 Q. I assume, then, that these two wooden boxes
23 that you've described that were loaded in
24 whatever vehicle left the Atlas F and then went
25 immediately to Wamego missile base?

1 A. Yes, with other equipment and other things,
2 yes.

3 Q. Do you recall who of this group of individuals
4 you've described took into the missile base--
5 into the Liebert room these two boxes then?

6 A. No. They unloaded and put them into somewhere
7 else, and I asked for-- "Where are the wooden
8 cases?" And it took them some time to find
9 them. This was both Gunnar Guinan and Michael
10 Hobbs had to locate them originally, because
11 they-- in fact, I even think Lupe was involved
12 in trying to locate those two wooden boxes.

13 Q. And did you indicate to them why you wanted
14 them located?

15 A. No, I just said I want them found and
16 separated.

17 Q. Did you ever in their presence, at the time
18 we've talked about from you finding them until
19 the time you're asking these people to look for
20 them, open them in your presence and display
21 what was inside?

22 A. It's possible that one of them was opened just
23 to see if there were actual cans in them.

24 Q. And these two wooden boxes that you're
25 indicating-- testifying about taking at this

1 time, you've previously indicated that one day
2 they weren't there and then one day they were.
3 Do you recall that?

4 A. What do you mean?

5 Q. Well, on direct examination when Mr. Hough
6 asked you who brought these items and from
7 where, you indicated you really didn't know who
8 brought them, but you were at the missile base,
9 Atlas F, and one day they were there-- I mean,
10 one day they weren't there and then one day
11 they were?

12 A. They did arrive and they were out there at some
13 point, yes.

14 Q. But you don't know when that time period was?

15 A. No, the records-- we can try and narrow it down
16 by records.

17 Q. And so when they arrived, then, did you have
18 occasion to look in there to see what was in
19 those two boxes?

20 A. No.

21 Q. And from the time they arrived, and whatever
22 time period that was that we're going to look
23 at, you had never been back to that location,
24 other than the time period you're talking about
25 now to move these-- this equipment?

1 A. That's correct.

2 Q. So would it help you in any recollections, if
3 you would recall whether it was a week or a
4 month after you had been there?

5 A. Can't-- can't do it.

6 Q. Is there any event that occurred, such as after
7 Chicago or-- or a location of a seminar that
8 you went to, that would help you?

9 A. No.

10 Q. This location had been-- you described on
11 direct examination Tom Schwartz had made a bet
12 with you that you could not utilize \$36,000 to
13 remodel it in the fashion-- or whatever fashion
14 that was.

15 A. No, that's not correct.

16 Q. What's correct? What is the correct--

17 A. Well, Tom Schwartz never made a bet with me
18 whatsoever in my life.

19 Q. You were talking about there was a bet made
20 about whether or not you could have this
21 missile base remodeled within a certain amount
22 of money. Do you recall that testimony?

23 A. Yes.

24 Q. And who was that bet with and what was it
25 about?

1 A. Tim Schwartz.

2 Q. All right. So Tim Schwartz is the son of Tom
3 Schwartz?

4 A. That's right.

5 Q. And Tim Schwartz-- and the location and time
6 that you say you had control of this missile
7 base was when in 1999, the Atlas F?

8 A. Ask your question again.

9 Q. When in 1999 was it your testimony that you had
10 complete control of this Atlas F?

11 A. Whatever complete control means, sometime like
12 November.

13 Q. Didn't you recall testifying that Mr. Schwartz
14 gave you the keys and then no longer had access
15 from that point in time?

16 A. Well, he had access, he could do anything. He
17 didn't want access before he gave me the keys.
18 He didn't want nothing to do with it.

19 Q. And did he indicate to you why he had wanted
20 nothing to do with it?

21 A. Yes, because he had bought it with his wife who
22 was now his ex-wife and that he was totally
23 distraught over the divorce. And he said that
24 this thing cost far much-- a far greater amount
25 of money than he thought it would and that his

1 life had taken a complete different turn
2 because she ended up settling in Ellsworth and
3 he never wanted to go out there. He was burned
4 out. It's like building a house and, you know,
5 you build it, you're burned out, you want away
6 from it.

7 Q. So in November of 1999, your relationship with
8 Tim Schwartz had been continuing from the time
9 in 1995 you had observed the blueprints and
10 looked at various missile bases up until this
11 point in '99?

12 A. I mean, we had a year or more that we didn't
13 talk because we had a disagreement once, but--

14 Q. And what was that about?

15 A. Oh, it was about the value of the option on the
16 Wamego base, and I resolved that disagreement.
17 And the other one was I said, "You shouldn't go
18 around telling people for \$36,000 they can
19 renovate a missile base."

20 Q. And so then after this was renewed, did you and
21 Mr. Tim Schwartz also engage in the sacramental
22 occasions you described?

23 A. Or-- yes, sometime in the summer of '99 he
24 tried, as I remember-- I'm not for sure
25 exactly, I believe it was

1 5-methoxy-n,n-dimethyltryptamine, which is from
2 the Sonoran desert toad, and another sacrament.

3 Q. And in relation to this time period in 1999,
4 when was it then that Tim Schwartz committed
5 suicide?

6 A. He didn't commit suicide in '99.

7 Q. I said when was it after this occasion in 1999
8 that you took access did he commit suicide?

9 A. I believe it was March of 2000.

10 Q. Of 2000?

11 A. I could be wrong, but I think it was late March
12 or something like that.

13 Q. And had you had discussions with Mr. Schwartz
14 from this time period you've indicated you had
15 control of the missile base in '99 to his death
16 sometime in March of 2000?

17 A. Did I have discussion?

18 Q. Yes.

19 A. Yeah, he literally parked himself in the Wamego
20 site telling me daily he was going to commit
21 suicide. And Ed Peden and myself would take
22 turns taking care of him, because he was such
23 an emotional mess.

24 Q. And Ed Peden is the individual that--

25 A. Had known him since he was 16 years old, been a

1 teacher of his.

2 Q. And also, Ed Peden was the one that was in
3 partnership in 20th Century Castles?

4 A. Early on. The partnership had split by that
5 time.

6 Q. And do you recall whether or not the missile
7 base that Ed Peden lives in, whether it's an
8 Atlas F, or ones that's Atlas E like yours?

9 A. It's an Atlas E. I believe it's Site I and mine
10 was called Site D. Complex seven was another
11 name for my site.

12 Q. And do you know whether or not Mr. Peden's--

13 A. Peden.

14 Q. -- missile base was remodeled-- Mr. Peden's
15 missile base was remodeled before or after
16 yourself?

17 A. Significantly before.

18 MR. HOUGH: Objection. Mr. Peden's
19 missile base is totally irrelevant to these
20 proceedings, Judge.

21 THE COURT: Yeah, I don't see it
22 makes any difference, but--

23 Q. (BY MR. RORK) With respect to this period of
24 time then of 2000, in March of 2000, with Mr.
25 Schwartz being around there on a daily basis, I

1 assume he was aware of the events that had
2 happened to you at the casino.

3 A. Oh, yeah. He could care less.

4 Q. And then when Mr. Schwartz' suicide or death
5 occurred, how were you informed of that?

6 A. Actually, Ed Peden was on his way over to see
7 me, and I got a call on my private line from
8 Diana, his wife, and-- and she said our dear
9 friend has given up and lost the battle and
10 they found him dead over by Osage lake next to
11 his car, a 300 and something thousand dollar
12 check from his yearly or quarterly payoff from
13 the shares he owned in Famous Brands. He was
14 extremely depressed.

15 Q. And it was in this time period, then, that the
16 people that knew Mr. Schwartz had given you
17 control of this missile base, as you've
18 indicated, other people in the community would
19 have known he had died?

20 A. It was in the newspaper.

21 Q. And do you know whether or not it would have
22 been in the newspaper in the Ellsworth area
23 where this Atlas F was located?

24 A. I-- I have no knowledge of that.

25 Q. Is not the Ellsworth area where Mr. Schwartz

1 was from?

2 A. No, he's from Topeka, Kansas.

3 Q. And the estate of Mr. Schwartz that was
4 handling this sale of the Atlas F silo, do you
5 know when in relation to March, 2000, they
6 began any discussions or control exercised over
7 this Atlas F?

8 A. Well, they started talking about-- first of
9 all, it was a very complicated probate. He had
10 left, as I understand, his entire wealth, and I
11 don't know this other than by hearsay, to his
12 stepsister which created numerous problems for
13 the estate. It was going through a complicated
14 probate and--

15 MR. HOUGH: Judge, we'll object that
16 this is irrelevant.

17 THE COURT: Yeah, I-- I have no idea
18 why-- why we're into this field.

19 MR. RORK: I will rephrase.

20 THE COURT: I will sustain the
21 objection.

22 MR. RORK: I will rephrase the
23 question, Judge.

24 Q. (BY MR. RORK) When in relation to Mr.
25 Schwartz' death did you become aware that the

1 local people or the estate was concerned about
2 taking control over it such that something
3 needed to be done?

4 A. Well, my first concern was that they wouldn't
5 recognize that there was a deal-- deal that I
6 had with him. He owned it through Corp One,
7 because he was also afraid of the blow-back
8 from CIRCLA. So he-- he-- instead of using a
9 trust, because of his phenomenal net worth, he
10 bought it using a corporation. And I don't
11 even know how that corporation was formed, but
12 his lawyers told him that there was no chance
13 of blow-back through CIRCLA.

14 So I first had to establish with who I
15 thought was in charge of the estate, which was
16 his father, Tom Schwartz. And after Tom
17 Schwartz spoke to Ed Peden and other friends of
18 Tim's, he verified that indeed I had control of
19 the place through a prepaid promise of both
20 finishing the tile work, cleaning it up,
21 getting rid of the trash and giving some money
22 to him. That I-- I had control of the place
23 until sometime in June or July.

24 Q. So sometime in June and July, then, is when you
25 had information to believe that the father of

1 the deceased wanted to enter these premises?

2 A. Yeah, I didn't have information to believe-- I
3 had phone calls saying he was there.

4 Q. And then it was when in relation to these phone
5 calls in June-- does that help assist you as to
6 when then you would have then physically
7 arrived with these people you've testified to
8 that take away the items you've talked about?

9 A. I mean, I would have to look at a lot of
10 records. I mean, it was within-- I mean,
11 within a day of the phone call. As soon as I
12 got the phone call on the 800 number from Ed
13 Peden and Paul, the electrician, I then said to
14 Ed-- when he got home, I said-- from my private
15 line, I said, "Was there any entry into the
16 facility?" And Ed said, "No, he couldn't get
17 through." And that Tom put a-- Tom Schwartz
18 had his driver chauffeur put a special lock
19 onto the gate. At that time I realized that Ed
20 was probably reliable, that the facility had
21 not been breached.

22 The next thing is-- is that within 24
23 hours, to the best of my knowledge, I was up
24 there making sure that that place was not
25 breached. And I had called Leonard from a cell

1 phone at the Savoy, I believe, in London and
2 said, "We have a serious problem. I have to
3 move the lab." He argued with me, yelled at
4 me. He said, "Just go buy the lab--" I mean,
5 "Go buy the facility." I said, "It's in
6 probate, it's not just like I can just go write
7 a check for this."

8 Q. Well, would that have been the time period then
9 that you would have entered the lab and removed
10 anything or just stayed outside?

11 A. No. I'm telling you I'm in Tulsa when I'm
12 talking to Leonard, okay?

13 Q. But when you were talking to him you
14 described-- you said after Mr. Peden had told
15 you about this phone call, you went to the
16 location to make sure it was secure.

17 A. No, before I went there to see, I had to find
18 out exactly what would have happened, even
19 before I spoke to Ed, if the first door was
20 breached.

21 Q. And--

22 A. And then he just-- he began to describe it
23 would not be a pretty scene. He said he left
24 trash in the tunnel going down. He said in the
25 second blast door, if they passed that, there

1 was a refrigerator with chemicals and anyone
2 would call from that. It was a deep freeze.
3 And he said if they went on along-- beyond
4 that, it would be a disaster.

5 Q. I understand that's what your testimony--
6 you're indicating they're saying here now is.
7 The question I had asked you was, when was the
8 date in relation to the phone call from Peden
9 that you went down and to look at it yourself?

10 A. Within 24 hours, to the best of my memory.
11 Maybe it was 36 hours.

12 Q. But that was in June?

13 A. No, it could have been July. I mean, you know,
14 in July sounds better. You know, I remember my
15 birthday was somehow hooked around this and
16 everything, so--

17 Q. And what month and date is your birthday? I
18 don't care about the year.

19 A. The 15th of July.

20 Q. It was somewhere around your birthday then?

21 A. It could have been later. But I remember it
22 was something I had-- my children were with me.
23 This was a big mess-up. I was trying to hold
24 onto my children until they were supposed to
25 fly back to see their family, their mother.

1 Q. And at the Wamego missile base at that point in
2 time, you had these green containers that have
3 been shown in some of the photographs?

4 A. Yes.

5 Q. And you had how many of those containers, you
6 believe about 150 of them?

7 A. I guess. In Wamego, yes.

8 Q. And so you then at some point in time in
9 relation to you physically going there, as
10 you've said soon after this phone call, how
11 many days was it, then, where you arrived as
12 you've described and then took those two boxes,
13 passed?

14 A. I don't know.

15 Q. A long time, a short time?

16 A. No, no, this was all a short event.

17 Q. So now we have two boxes that have been taken
18 by somebody from the--

19 A. No, they were taken-- they were taken with
20 other things from the facility.

21 Q. Let me finish the question, please. We now
22 have two boxes that were taken by somebody from
23 some location on the Wamego missile base after
24 having been transported there as you've
25 testified, and now they're entered into the

1 Liebert room. Do you recall that testimony?

2 A. Actually, they went up to the Lester building,
3 I believe. I said, "Find these wooden boxes."
4 And they were found within about 30 minutes of
5 the time I said find them.

6 Q. And do you recall who found them?

7 A. I-- it was either Mike Hobbs or Gunnar Guinan
8 or Lupe. Lupe may have found them.

9 Q. And then were you there when they were
10 physically moved from the Lester building to
11 the Liebert room?

12 A. They were moved to my conference room in my
13 living space.

14 Q. And were you personally present during this
15 move?

16 A. Yes, I was.

17 Q. And were they ever opened in anybody's presence
18 at that time?

19 A. I'm not for sure. I opened them definitely to
20 make sure that they were full.

21 Q. And when you opened them, then, the short
22 period of time I assume after they arrived in
23 your conference room, they were full?

24 A. Basically. The one I opened was full enough it
25 didn't rattle that much. And then immediately

1 I shoved them above the Liebert room's air
2 vacuum area. There was an area to where it
3 would pull air from above, and I put it in that
4 air vacuum area.

5 Q. Well, there's some square little things above
6 here in this room. Is that what you mean,
7 opening like that?

8 A. No. These were large soundproof, because a
9 Liebert is quite loud, and they had to be also
10 air-proof. So they were maybe two feet by
11 three feet, something like that, panels.

12 Q. And were they the kind of panels that you could
13 ordinarily lift up like in a drop ceiling?

14 A. No, they're not that kind, they're thicker and
15 heavier, they came from General Dynamics out of
16 San Diego at the Kerny Mesa (phonetic)
17 facility.

18 Q. But are they-- did they run consistently in the
19 entire ceiling of that room?

20 A. The entire walls, everything but the floor, had
21 these on them. They were for soundproofing.

22 Q. And was this a particular location that you had
23 previously used to store items or did you just
24 pick out one randomly?

25 A. No, this is the only place that I felt secure

1 to put something that no one would know, and it
2 would take the greatest number of keys to get
3 back to that area.

4 Q. And the particular tile that you removed for
5 this location, was that one--

6 A. Sound panels.

7 Q. -- that had been used before?

8 A. No, no.

9 Q. So you randomly picked the place out?

10 A. Well, I happened to know about it. And I
11 normally wouldn't have, but I was-- I was
12 moving it the best place. I would have put it
13 underneath-- you know, anywhere that was locked
14 I would have put it.

15 Q. But the ceiling panel wasn't locked?

16 A. No, but it was-- you had to go through the
17 greatest number of keys--

18 Q. I understand.

19 A. -- to get there, then you had to go into a
20 Liebert room and then you had to know-- it
21 would be almost impossible for someone to find
22 this.

23 Q. I understand that. But I mean, that day that
24 you're putting it in there, had you used that
25 particular location before?

1 A. No.

2 Q. So you just randomly selected-- did you have to
3 cut the tile out to remove it?

4 A. No, pushed it straight up. I had been up there
5 once before when the video surveillance--
6 that's how I knew about it. I had never pushed
7 up in that area, other than years earlier when
8 I was having an air flow problem and I wanted
9 to see where some grade was in there. It was a
10 communication port that the military had put
11 in, so this was an important area of the
12 facility.

13 Q. And were you the only one then in that location
14 and at that time that put these up in the
15 ceiling?

16 A. Originally I was the only one that knew about
17 it. Eventually, I told my wife and Michael
18 Hobbs in case something happened to me.

19 Q. Now, they were then, I would assume, taken out
20 of some boxes and then placed up there
21 individually or were they put up there with the
22 boxes?

23 A. Originally, just the whole boxes were pushed up
24 in there.

25 Q. When from the time the whole boxes were pushed

1 up there were the boxes removed and the
2 individual cans taken out?

3 A. No, what you've got to understand is that when
4 we opened the lab up-- see, I knew there was
5 supposed to be 40 cans, could only find two
6 boxes. When we opened the lab up, we found no
7 boxes, but empty-- but cans that were full,
8 with the exception of one that was one-quarter
9 full or something.

10 Q. Maybe the question was confusing. I said when
11 in relation to you putting these two boxes up
12 in the room where the Liebert was-- you said
13 originally they were in the boxes?

14 A. That's right.

15 Q. When after then, then, were they taken out of
16 the boxes in relation to the day you put them
17 in the boxes?

18 A. Whenever the master inventory was taken to try
19 to rectify the total number. And the next
20 thing that was done was when we decided to
21 split-- when I decided to split it between
22 Wamego and the house.

23 Q. So that's what I'm trying to tie down is then
24 you-- they're put up in the ceiling one day in
25 the boxes?

1 A. Yes.

2 Q. And then the very next day, do you go back to
3 this location of the Atlas F and remove other
4 items for two or three days?

5 A. Yes. And then that's when I find the cans.
6 And every single can went up into that storage
7 thing and they were stuffed up there.

8 Q. We'll get to that. And so when you're there at
9 the Atlas F for two or three days, then you
10 find what you've said were other cans. And who
11 was there when those were found?

12 A. Everybody saw them as they were coming out,
13 everyone that was there; Lupe, my father,
14 Michael Hobbs and Gunnar Guinan.

15 Q. And do you recall how many cans were there on
16 that occasion?

17 A. You know, 24. I don't remember. I don't
18 remember how many cans were which and which.
19 In the end, the number balanced. That's all
20 that mattered to me.

21 Q. And what was that number again?

22 A. I needed a total of 40 to balance, because
23 there was a different shape can of the
24 previous.

25 Q. After you're there and these items were moved

1 and you have your father come up there; is that
2 correct?

3 A. That's correct?

4 Q. And he's a doctor of osteopath?

5 A. No, chiropractic.

6 Q. Chiropractic. And this period of time, then,
7 was in some period in July while you were still
8 on pretrial release?

9 A. That's correct.

10 Q. And after the items were moved there to this
11 location and you put all the cans up inside the
12 ceiling, what-- you've said-- is it 39 or 40
13 that are up there?

14 A. There's-- let's say there's 39 that are total
15 up there, whether they're in boxes or loose.

16 Q. That's fine. And then when after this
17 occasion, which is a few days from the two
18 boxes placed up there, did you split them up
19 and take some to Manhattan?

20 A. We would have to go and look at the hotel
21 receipt of when Mike Hobbs stayed at the
22 Holidome, because it was done in two steps,
23 that will give us the exact date that the split
24 was done.

25 Q. Okay. And then from-- do you think that would

1 have been done before you came for sentencing
2 on August 25th?

3 A. I don't know. We can pull the data of the
4 hotel receipt and we'll know the exact date
5 that this occurred.

6 Q. Will you do that, then?

7 A. I don't have access to the date. Maybe the
8 Government would be kind enough to give it to
9 me, or maybe you have it.

10 Q. If I had it, I would show it to you. When you
11 were there, then, at that point in time and had
12 moved these items to the house in the locations
13 you've described, do you remember if you had
14 been here for sentencing yet or not?

15 A. I don't remember, no.

16 Q. And the ones that were aware that those had
17 been moved was Emily Ragan and Michael Hobbs?

18 A. That's correct.

19 Q. When you're in Sacramento on October 12, 2000,
20 talking to the agents, as you described earlier
21 today, when do you recall from that point you
22 ever returned to the missile base?

23 A. I returned whenever, you know, I had agreed
24 with them to do it. Within days, a week.

25 Q. And the time that you returned--

1 A. And October 12th was incorrect. The
2 negotiations, I made a mistake, they commenced
3 on the 17th and 18th, I believe.

4 Q. And is that something that was brought to your
5 attention on one of these breaks?

6 A. No, it was something that-- when this exhibit
7 was put here that you were looking for, when I
8 looked at it, I realized that the names of Nan
9 Carter was on the bottom of it. Do you
10 remember you said that you had lost an exhibit?

11 Q. Right.

12 A. And it was-- you were giving it to her. I
13 looked at that exhibit. And at the bottom of
14 it, Nan Carter. And Nan Carter, the only time
15 I've ever met her in my life was in Sacramento,
16 and that meant that I was off on my dates.

17 Q. Okay. And being off on that date, then, at
18 least the 17th and 18th would be the dates you
19 were in Sacramento then?

20 A. I assume. I mean, I may have been there the
21 18th and 19th. I mean, you know.

22 Q. Well, and I understand. And just assume for
23 the evidence that's going to show the 17th and
24 18th that you were in Sacramento.

25 A. Right.

1 Q. Okay. Do you know when prior to that date of
2 the 17th or 18th you had last been at the
3 Wamego base?

4 A. No.

5 Q. So let's go then to the 17th.

6 A. You've got to also understand I got married, I
7 had children with me, I was very busy at that
8 time.

9 Q. And that's-- in the months of July and August,
10 September?

11 A. Yes.

12 Q. And so at least on October 12th, 2000, when
13 you're in San Francisco-- or Sacramento, excuse
14 me.

15 A. October 17th do you mean?

16 Q. Well, October 17th and 18th when you're in
17 Sacramento. When you leave there, whenever
18 that is, you said within days, did you-- were
19 you not at that point in time accompanied by
20 law enforcement to the Wamego missile base?

21 A. No, I was not.

22 Q. When did you then go to the Wamego missile base
23 after October 17th, 2000, until law enforcement
24 arrived?

25 A. I've tried to answer that. Within a week, I'm

1 not for sure.

2 Q. Okay. And when you were there, then, within a
3 week and not being sure, I know on one--
4 watching one of the tapes you indicate on
5 October 23, 2000, there's a conversation about
6 a sneak and peek. Do you recall that? You
7 were asked questions by Mr. Hough after you
8 watched the interview of the hotel room in
9 California. Do you recall that?

10 A. Yes.

11 Q. And you made a reference to the sneak and peek
12 when you were talking to Mr. Pickard, and Mr.
13 Hough asked you what you meant by that in the
14 conversation with Mr. Pickard, and you
15 indicated it dealt with the law enforcement
16 officers had been there and gone through the
17 base. Do you recall that?

18 A. Do you mean when I'm talking to Leonard
19 Pickard?

20 Q. On October 23rd.

21 A. I have no idea what you're talking about. I'm
22 sorry.

23 Q. Well, let's go to the situation-- do you recall
24 being with law enforcement at the missile base
25 on October 23rd, 2000?

1 A. Yes.

2 Q. And do you remember which--

3 A. Maybe. I mean, I-- I need some-- you're
4 sitting here and I'm-- give me some documents
5 to look at here, okay?

6 Q. You can ask Mr. Hough if you need to refresh
7 them.

8 THE WITNESS: Mr. Hough, may I please
9 have some documents? I mean, he's all over the
10 place on this stuff.

11 Q. (BY MR. RORK) Do you recall when you were at
12 the missile base with law enforcement officers
13 in relation to after October 17th? You said
14 about a week.

15 A. About a week sounds right.

16 Q. Okay. About a week, as it sounds right,
17 between the time you were in Sacramento and the
18 time you arrived and law enforcement arrived.
19 Did they meet you at that location or ride with
20 you?

21 A. They met me in Wamego.

22 Q. And when they met you in Wamego, did they then
23 accompany you from that location to the base?

24 A. No, I mean, they met me at the base. They may
25 have met me at the front gate. I don't

1 remember how they met me. I don't know if I
2 met them at Dyer's or if they showed up at the
3 base, I don't remember.

4 Q. But the date they showed up, you knew they were
5 coming?

6 A. Well, they were two days late or something like
7 that.

8 Q. But you had made an appointment with them to
9 arrive there?

10 A. That's correct.

11 Q. And you knew that they were going to arrive
12 there?

13 A. That's right.

14 Q. And the purpose for them to arrive there was to
15 look at items so you could show what you had
16 control over?

17 A. It was for me to prove that I was telling the
18 truth.

19 Q. And you say they indicated that they came two
20 days late, so your recollection is they
21 appeared two days later than what you initially
22 thought?

23 A. That's correct.

24 Q. And when they arrived at that location on the
25 date, whatever it was, and I'm not interested

1 in the date as much as I am as when they
2 arrived, Graham Kendall still resided there,
3 did he not?

4 A. That's correct.

5 Q. And Gunnar Guinan was still?

6 A. No, he was not, he was living in California. I
7 have said that now twice.

8 Q. When did Gunnar leave from Kansas to California
9 in relation to the agents coming?

10 A. July is the best of my memory.

11 Q. And other than Graham Kendall, who else was
12 residing at that location?

13 A. No one that I can remember.

14 Q. When the officers arrived and you met them that
15 day, how many-- how long had you been at the
16 base in the time period before their arrival?

17 MR. HOUGH: Judge, for purposes of
18 clarity, we would stipulate that the agents
19 arrived at Wamego October the 27th.

20 MR. RORK: Well, Judge, I--

21 MR. HOUGH: We would stipulate to
22 that for purposes of clarity.

23 A. This is why I'm asking--

24 MR. RORK: Excuse me, Your Honor, I
25 appreciate the Government's efforts to give the

1 witness an answer. I think they can do it on
2 redirect if they would like to. I would like
3 to ask the questions of this witness.

4 THE COURT: Well, are you-- do you
5 think you're getting the answers that you want
6 because he doesn't seem to know.

7 MR. RORK: Well, Judge, I wasn't
8 asking about dates at the time, I was asking
9 about occurrences, I wasn't worried about the
10 dates. And that's when the Government offered
11 to stipulate.

12 THE WITNESS: Your Honor, I have a
13 little difficulty flying by the seat of my
14 pants.

15 THE COURT: If you don't know, just
16 say, "I don't know." Don't struggle around
17 about it, it doesn't-- just answer it that you
18 don't know if you don't know.

19 A. Okay.

20 Q. (BY MR. RORK) The Government has indicated
21 they're stipulating and they would stipulate
22 that August-- or excuse me, October 27th would
23 be the date the officers arrived there. You
24 know the officers arrived there on a certain
25 day and if they stipulated that that's October

1 27th, do you recall who was there?

2 A. Do you mean what officers arrived?

3 Q. Yes.

4 A. Arthur, Karl, a bunch of officers I did not
5 know.

6 Q. That's fine.

7 A. Zack Zajak.

8 Q. Do you remember Sorrell, if he was there?

9 A. He arrived a little later is what my memory
10 shows, and Roger, but I'm not for sure.

11 Q. That's fine.

12 A. A lot of people I didn't know that showed up.

13 Q. And prior to them arriving there, whoever they
14 were, it's not a trick question, it's just
15 whoever was there.

16 A. All right.

17 Q. How long had you been staying there physically,
18 a day, a week or--

19 A. Between two and four days.

20 Q. And the only people then on that location for
21 that two to four days would have been you,
22 Emily and-- and Graham?

23 A. No. Emily lived in Northern California, at our
24 house in Northern California.

25 Q. The only people there would have been you and

1 Graham Kendall?

2 A. That's right, and there was-- there were people
3 that came to feed Graham Kendall, because
4 everyone had left and so there were people that
5 came and left to make sure the animals were fed
6 and make sure that Graham was fed.

7 Q. And that would be local people or out-of-town
8 people?

9 A. Local people.

10 Q. And prior to anyone arriving there that day,
11 what the Government's indicated to be October
12 27th, had you been directed or asked to go out
13 into the Lester building and move any of the
14 green military boxes?

15 A. I don't know what I had been asked to do prior
16 to that date.

17 Q. What, if anything, did you do prior to that
18 date with respect to those green military boxes
19 out in the Lester building?

20 A. I was trying to find one of them that had the
21 can that said Native Scents on it. That's all
22 I remember.

23 Q. And in doing that, would then you have been the
24 one operating the forklift or somebody else?

25 A. I operated the forklift almost entirely during

1 the entire operation that I was allowed to be
2 there.

3 Q. Well, this is before they arrived that we're
4 talking about now.

5 A. Yes. No one else would operate the forklift
6 but myself.

7 Q. And were those military boxes, as you've
8 indicated on direct examination prior to the
9 officers arriving there, stacked up to the
10 ceiling where they couldn't be looked into?

11 A. The only way you could move them was with a
12 special forklift, and you had literally an inch
13 to an inch-and-a-half of clearance or you would
14 damage the building.

15 Q. And so prior to October 27th, 2000, did you
16 move any of those from that inch to
17 inch-and-a-half clearance in your
18 looking-through time?

19 A. I believe I tried to find-- I tried to bring
20 organization to it.

21 Q. And in what way?

22 A. It just-- I didn't know what had happened as
23 far as what was what.

24 Q. On October 27, 2000, when these individuals
25 have indicated that they were going through

1 there, you walked them through all areas of the
2 buildings underground, did you not?

3 A. I walked them not through all the areas, I
4 walked them through most areas.

5 Q. And when you walked them through most areas,
6 can you-- do you recall where and what
7 locations you pointed out the existence of any
8 cans that you referred to that had ET in them
9 on that date?

10 A. There was a-- a can sitting on the stereo
11 system and I pointed to it.

12 Q. And with relation to the stereo system, is it--
13 would it be in one of those rooms you depicted
14 on--

15 A. The large missile base room, the longest room
16 that comes when you-- when you see that asphalt
17 road going down, and there's a giant steel
18 door, there's a long room that's 22 feet tall,
19 27 feet wide.

20 Q. Would that be the rooms that you've drawn in
21 color on Exhibit 6-A?

22 A. No, no.

23 Q. All right. And so who put that there?

24 A. I did.

25 Q. And where did you obtain that from prior to

1 putting it there?

2 A. That came out-- that was the only can that was
3 opened of that style of can that was in the
4 inner sanctum of-- not the inner sanctum, but
5 the second inner sanctum of the laboratory.

6 Q. And other than that open can that you're
7 referencing was shown to them on this
8 walk-through, was there any other can showed to
9 them?

10 A. No, not until-- no.

11 Q. And then on October 31, 2000, do you recall--
12 well, excuse me, first, on the day they walked
13 there, whatever time of day it was, whenever
14 they arrived, whoever they are, did they not
15 have one of them or other people remain at that
16 location continuously until the end of
17 November?

18 A. I don't know.

19 Q. Well, did you at that point on October 27,
20 2000, give them authority, as the document
21 that's been signed, for you or anyone with your
22 permission to be there, give any of these
23 individuals authority to continue to remain
24 there from that point on?

25 A. I told them they could do anything they wanted.

1 Q. And after that walk-through on the 27th of
2 2000, I don't care where you were living at, I
3 don't want the address, but did you stay nights
4 at somewhere other than the missile base?

5 A. No, I stayed at the missile base.

6 Q. And do you recall while you stayed at the
7 missile base how many of those ones that had
8 arrived there October 27th stayed there with
9 you in some location?

10 A. I have no-- they didn't stay in the room that I
11 stayed in.

12 Q. Now, after October 27, 2000, do you remember
13 when they started putting the microphones in
14 various rooms in what locations?

15 A. No. No, I was removed for that operation.

16 Q. After October 27, 2000, then they looked at
17 whatever green boxes were down on the ground
18 that had been put there, I assume you put them
19 there?

20 A. Yeah, when they asked me to rearrange them.

21 Q. And how did they ask you to arrange them, in
22 what shape?

23 A. They needed them arranged by trash versus what
24 was lab and what was chemical equipment.

25 Q. And you followed that request and made that

1 change?

2 A. To the best of my ability.

3 Q. Now, there remained on the walls in whatever
4 location there were what's been testified to as
5 approximately 100 other green military boxes.
6 Would you agree or disagree with that?

7 A. Between 70 and 100.

8 Q. And the testimony has been that none of the
9 officers that were there at any time opened up
10 and looked into those other 70 or 100 military
11 containers, would you agree?

12 A. I wouldn't agree because I wasn't there to know
13 what was or wasn't done, nor have I read such a
14 report.

15 Q. And I said there was testimony, which means
16 there's been a witness that testified, but you
17 haven't been here.

18 A. Yeah, it would still be hearsay.

19 Q. Right. But so when you say you weren't there,
20 you meant there in that location where the
21 green boxes were and not "there" meaning
22 weren't on the base?

23 A. Being when?

24 Q. Well, you said--

25 A. Are you talking about when the electronics were

1 put in?

2 Q. No, I'm talking about the green military boxes.

3 A. Yes.

4 Q. When the-- you said there was 70 to 100
5 approximately.

6 A. Yes.

7 Q. And then I asked you if they had looked at
8 those other 70, 100 boxes and you said you
9 weren't there. Where was there you're meaning?

10 A. I was not at the base. If they did open them
11 up, I didn't know about it. And I wasn't up in
12 the Lester building.

13 Q. And you've indicated that after they arrived
14 there on October 27th that you didn't stay in
15 the same rooms, but you spent the nights at the
16 base. Correct?

17 A. That's correct.

18 Q. And then there would be occasions, then, when
19 you would leave the base and you could go to
20 wherever you wanted to?

21 A. Yes.

22 Q. You wouldn't be accompanied by one of these
23 individuals to wherever you went?

24 A. I mean, I-- I don't remember. I mean, it
25 wasn't a big issue. I think someone was always

1 with me.

2 Q. Well, that's what I'm trying to recall.

3 A. I don't know. I mean, we didn't get-- I didn't
4 get any sleep and neither did they for five
5 solid days.

6 Q. Do you recall whether or not from the time
7 these officers arrived there on the date that's
8 been stipulated to, continuously from there
9 after, if you called Leonard at any occasions
10 where they weren't recorded phone calls?

11 A. No, not that I know about, nothing like that
12 happened.

13 Q. And if you were always in the presence of
14 someone from this group of people, that would
15 be one way that we could corroborate that you
16 wouldn't have made any other phone calls.
17 Correct?

18 A. That's correct.

19 Q. Do you recall if there was any restrictions
20 placed on you that was-- you were orally
21 advised, "Don't leave here without one of us
22 being with you"?

23 A. I don't remember anything like that.

24 Q. When you were there in this time period from
25 October 27th until-- we'll go from October 27th

1 to October-- to November 7th, did you have and
2 show the law enforcement all the cell phones
3 that you had access to?

4 A. Yeah, they knew every-- they knew all the cell
5 phones.

6 Q. And at that time do you recall whether or not
7 the four lines that were previously assigned to
8 the base were still in operation or use?

9 A. I assume they were.

10 Q. Prior to October 27, 2000, you had already been
11 in the part of the process of making recorded
12 phone calls in the presence of law enforcement?

13 A. Yes.

14 Q. And prior to October 27, 2000, you had already
15 gone to a hotel and had recordings taken at
16 that location, had you not?

17 A. Yes.

18 Q. From the time of October 17 and 18, 2000, which
19 would correspond, we believe, to those two days
20 of interviews, if that's what it corresponds
21 to, were you always in the presence of law
22 enforcement from that point in time or were you
23 allowed to go by yourself?

24 A. Ask the question. You're talking about after I
25 met with them in Sacramento and then I met with

1 them in the Bay area, was I in the presence of
2 law enforcement?

3 Q. Yes.

4 A. No.

5 Q. So the-- the times, then, for clarity purposes,
6 that-- would you have been in law enforcement
7 presence would have been whatever time was
8 there October 17th and whatever time you were
9 there October 18th?

10 A. And then whatever time I went down to the Bay
11 area, too.

12 Q. Exactly. And there was a point where you're
13 talking about the Bay area would be what's
14 referred to as an October 23 recording?

15 A. Yes.

16 Q. So between October 18th and October 23rd, you
17 did not have an agent with you at all times?

18 A. No.

19 Q. Can you tell us, Mr. Skinner, in that time
20 period of October 18th till October 23rd on how
21 many occasions you called Leonard Pickard at
22 any number?

23 A. (Indicating).

24 Q. And you need to say something audible for the
25 record.

1 A. Zero without an agent present. In other words,
2 I don't want a trick question here. If no
3 agent was present, I didn't call him once.

4 Q. And my question was, from October 18th, 2000,
5 until October 23rd, 2000, the only time you
6 were with an agent would have been October 19th
7 for whatever calls were recorded. Agreed?

8 A. Whatever-- I mean, I don't know, because I
9 don't have the stuff in front of me. So I
10 don't know.

11 Q. So not knowing it, then, then what you're
12 saying is the only times you would have been in
13 the presence of law enforcement from October
14 17th to October 23rd, 2000, would have been
15 occasions where-- whatever dates and times
16 recordings were made by phone, number one.
17 Correct?

18 A. (Nods head up and down).

19 Q. You need to answer out loud.

20 A. Yes.

21 Q. And then whatever occasions would have been
22 recorded audio, such as has been marked and
23 offered as exhibits. Right?

24 A. Yes.

25 Q. And on those other occasions that there wasn't

1 a recording made or a video being made, you
2 were free to go and talk to and see whoever you
3 wanted to. Correct?

4 A. That's correct.

5 Q. And, in fact, you did then leave the presence
6 of law enforcement and go and see who you
7 wanted to talk to or visit with, did you not?

8 A. Correct.

9 Q. And you've indicated you did not talk to Mr.
10 Pickard on any occasion during that time
11 period. Did you see him physically anywhere at
12 that time period and talk to him?

13 A. No.

14 Q. Now, after October 23, 2000, and the meeting at
15 the hotel, the next occasion, whenever that
16 was, there would have been a recorded
17 conversation with Mr. Pickard. And I believe
18 they start about October 29th, don't they?

19 A. I guess, yes.

20 Q. And whenever that is, so then from the October
21 23rd date until the officers arrive at the base
22 on October 27th, you had occasion to talk to or
23 visit anybody you wanted to, did you not?

24 A. That's correct.

25 Q. And when you gave the officers on October 19,

1 2000, a cell phone number to call Leonard
2 Pickard, they called that number-- you did in
3 their presence, and it was recorded, was it
4 not?

5 A. Correct.

6 Q. And that cell phone number that you called on
7 October 17, 2000, was the same cell phone
8 number that was then called the next time a
9 recorded phone conversation was made; is that
10 correct?

11 A. I believe that's the case.

12 Q. And if that correlates to October 29, 2000, on
13 more than one occasion, that would correlate to
14 that, would you agree?

15 A. Yes.

16 Q. And then all of the other phone conversations
17 made from October 29th through November 6th,
18 2000, which have been recorded or played or
19 attempted to be made, were all made at this
20 same phone number given back in early October.
21 Correct?

22 A. Well, no, I mean, I called up to the room.

23 Q. Other than-- other than the room.

24 A. Hotel room.

25 Q. Other than the hotel room when you called

1 Leonard on a cell phone, and those have been
2 testified to--

3 A. Well, I called him from a pay phone, I called
4 him from the house phone up to the hotel room.

5 Q. Other than the house phone to the hotel room,
6 other than the pay phone at the hotel, whenever
7 you called Mr. Pickard on his cell phone from
8 October 19, the first recorded phone call, to
9 November 6th, the phone calls that have been
10 recorded, was to the same cell phone number,
11 wasn't it?

12 A. Yeah. What phone we called from, I don't know,
13 but we always called the same phone.

14 Q. And that's what I'm asking you. Was it always
15 the same phone number?

16 A. I believe so, yes.

17 Q. And do you recall at one point in time, you
18 indicated there was some conversation about
19 alpha and indigo and different numbers?

20 A. Correct.

21 Q. And you never did dial any other number of
22 the-- of a code that was given that resulted in
23 a phone ringing, did you?

24 A. No, not that was correct, we got some doctor.

25 Q. And with respect to October 31, 2000, when the

1 officers went through the missile base and they
2 saw that one can of ET that you've described--
3 excuse me, the walk-through on October 27,
4 2000, with the one can of ET in the area you've
5 testified to, did they take any other cans that
6 day?

7 A. No, they-- they actually didn't even take that
8 can. They touched nothing. They were under
9 strict instructions not to touch anything.

10 Q. Other than showing them, then, that one can
11 that was there in whatever location you've
12 testified, did you show them any other cans
13 that day, October 27th?

14 A. Not that I remember.

15 Q. On October 31, 2000, when the officers came
16 back with the search warrant that they had, do
17 you recall them taking that can? Was it in the
18 same location on October 31st as you showed
19 them on October 27th?

20 A. I don't recall where it was. It probably was.

21 Q. And do you recall what other cans they took on
22 October 31, 2000?

23 A. I think they-- I would have to see the reports
24 again, I don't recall.

25 Q. Do you recall Officer Sorrell asking you on

1 October 31st, "We found 13 cans here, are there
2 any more to your knowledge or in your
3 possession or control?" Do you recall that?

4 A. No, I don't recall that conversation. I recall
5 them being quite concerned that-- that there
6 was that much ET in the facility.

7 Q. But you don't recall-- maybe if it wasn't with
8 Sorrell or whoever I said, do you recall
9 talking with any officer about their finding 13
10 cans and is there any more in your possession
11 October 31st?

12 A. I don't remember it. I've been asked by them
13 before and I don't remember those
14 conversations.

15 Q. And when you say you've been asked by them
16 before, that was when you went over those 19
17 reports that were made and they went by them
18 paragraph and paragraph and had you make any
19 changes you wanted to make; is that correct?

20 A. That's correct.

21 Q. Where on October 31, 2000-- excuse me, on
22 October 31, 2000, why was a can of-- that
23 you've described that had been up in the
24 ceiling then placed on the location in the--
25 where the stereo was?

1 A. This particular can was never on the ceiling.
2 This particular can was sitting with the lab,
3 and it was in the same area of the Native
4 Scents can.

5 Q. And when you were asked to look for the Native
6 Scents can, you just then came across this can
7 of ET by accident?

8 A. No, I knew it was there, I had told them that I
9 could show them the exact size and description
10 of an ET can so they could find the source of--
11 in Europe of where the ET was coming from.

12 Q. And then at their direction on October 27,
13 2000, or prior to October 27, 2000, then, you
14 had told them about you could show them an ET
15 can, so you had it set out for them to see for
16 the walk-through?

17 A. That's correct.

18 Q. And while they didn't take it that day, they
19 did observe that can of ET so they could
20 determine the source. Would you agree?

21 A. Well, they couldn't determine the source, but
22 they looked at it.

23 Q. And you were asked to place that can-- were you
24 asked to place it on the stereo or put it in
25 another location?

1 A. I don't remember. I don't remember at all.

2 Q. But at least you remember being asked to have
3 that can there so they could see it?

4 A. No, they didn't ask for it to be put on the
5 stereo. They just--

6 Q. Well--

7 A. They-- they didn't say-- they didn't even know
8 a stereo existed prior to showing up.

9 Q. They just asked to show the can?

10 A. They wanted me to show anything that was out in
11 the open. Anything that was out in the open
12 was the rules, because there was a problem with
13 a search warrant, they wanted to make sure it
14 was executed correctly.

15 Q. And prior to them wanting to do this search
16 warrant, that can had then been out in the
17 metal building in one of them green military
18 containers?

19 A. That's the best memory I have on this, yes.

20 Q. And you retrieved that can specifically at
21 their request?

22 A. No, I told them that I could show them a can
23 back in the Sacramento meeting.

24 Q. When they came through on October 31, 2000, and
25 they had what they said was 13 other cans or a

1 large amount, whatever amount it was, were you
2 told where those were found?

3 A. No. I mean, I-- I had given them to them, I
4 didn't tell them where they were found.

5 Q. So you had removed them from the location in
6 the ceiling?

7 A. Yeah. By this time, they were underneath a
8 refrigerator area in a bathroom.

9 Q. And who had placed this-- who had removed them
10 from the ceiling and put them in this location?

11 A. Myself.

12 Q. And for what-- what purpose?

13 A. Because I was getting everything ready to turn
14 over to them.

15 Q. And so it would have been sometime other than
16 October 27, 2000, when they walked through that
17 you removed them from the ceiling to place them
18 in the location?

19 A. Just-- just prior to that. There was a
20 refrigerator down in that area that had to keep
21 some of the items from the other lab
22 refrigerated, and I didn't want to keep it
23 unrefrigerated, so I accumulated the chemicals
24 that were going to be inside the building
25 underneath this bathroom to where this

1 refrigerator was. And that's where I had the
2 ET can.

3 Q. Would that be the ET can that you-- the 13 cans
4 that you showed them on the 27th?

5 A. I don't know what the count was.

6 Q. But you showed them some of the cans that were
7 there on the 27th on the walk-through?

8 A. No, I don't remember them but seeing the one
9 can on the walk-through.

10 Q. All right. And that's what I'm-- you don't
11 remember them seeing but one can on the
12 walk-through?

13 A. That's right. They didn't even see the lab on
14 the walk-through.

15 Q. But on--

16 A. They didn't see anything but green tubs, they
17 could only see-- they were mainly interested in
18 documents showing control and such of the
19 missile base.

20 Q. I understand that. But the-- do you-- do you
21 know when the cans that were found in the
22 location behind the refrigerator were removed
23 from the Liebert roof in relation to the
24 walk-through of the search warrant?

25 A. Within four or five days.

1 Q. After the walk-through or before?

2 A. No, before.

3 Q. And so then if there was more cans up there,
4 where did you leave them in-- were there still
5 cans in the ceiling, then, when the search
6 warrant happened?

7 A. No.

8 Q. So other than the cans that were in the trunk
9 in Manhattan or the doll thing, there were no
10 other cans around there?

11 A. No other cans.

12 Q. And you never made any mention to these
13 officers at that time that you had other cans
14 stored in a different location?

15 A. No.

16 MR. RORK: Judge, would this be a
17 good time to stop? I--

18 THE COURT: Yes, it would. Ladies
19 and gentlemen, let's recess now until 9:30 in
20 the morning. We'll see you back here at that
21 time. Mr. Bailiff, let's recess the court.

22

23

24

25

