

"The Trentadue Case: No Time to Mourn" held September 6, 2012 at Town Hall Seattle in Seattle, WA and sponsored by the Post-Prison Education Program."

<https://www.youtube.com/watch?v=-241tiW7j0w>

Transcript starts 15 minutes in with the CNN story.

0:15:02.5 - CNN News Story

LOU WATERS: — Americans are taking toward violent criminals these days with a new three strikes and you're out law, and other measures. There's a new national move to make criminals pay for their acts.

BOBBIE BATTISTA: But away from the public eye and behind bars are inmates being forced to pay beyond the intent of the law. There are indications that some inmates are being tortured and even killed. CNN national correspondent, Bonnie Anderson, is here now to start a series on this entitled "Criminal Injustice". Bonnie?

BONNIE ANDERSON: Well, every day in America, the FBI investigates allegations of corrections officials abusing inmates. Sometimes the accusations even include murder. Today, we'll look at one such case in Oklahoma City. To friends and family, Kenneth Trentadue was a kind man, who after spending six years in prison for bank robbery became a hard worker and married

a long time sweetheart in the late 1980's. The couple loved spending time with their nieces and nephews, and finally earlier this year had a boy of their own.

JESSE TRENTADUE: Kenneth was pleased to have a baby. He talked about, if anybody could teach a child what not to do, he was the person who certainly could do it, and that was his attitude about the baby.

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BONNIE: But last July, Trentadue was arrested for not reporting to his parole officer. He faced a hearing, and according to his lawyer brother, a few months in prison for the infraction. In an August 17th letter to his wife, Trentadue said he was headed to the federal transfer center in Oklahoma City. Be there 10 to 14 days, he wrote, then on to where I'll be doing my time. On August 19th, he called his family from the prison.

JESSE: He was pretty upbeat. He left a message for his wife through my sister saying, would you please send him a money order to take care of his personal expenditures until he got through his probation violation hearing.

BONNIE: But on August 21st, Kenneth Trentadue was dead. According to the warden who called the family and sent this follow up letter, he was found hanging from a light fixture in a single cell used for protective custody inmates. Prison officials believed it was suicide.

JESSE: How can you hang yourself in a security cell when there's not supposed to — they're supposed to be suicide proof?

BONNIE: For Trentadue's brother, Jesse, the story did not ring true.

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JESSE: I can't understand why he would be asking me to help him get ready for his probation hearing one day, and then kill himself the next.

BONNIE: Trentadue demanded an immediate autopsy, but according to this fax, prison authorities refused unless Trentadue's ailing mother provided a Power of Attorney and a letter of consent. This, when federal regulations clearly state a warden may order an autopsy in homicides or suicides with no authorization from the inmate's next of kin.

JESSE: And I'm starting to get evasive answers from them. I'm having difficulty getting my brother's body released. It took a week almost to get him home. They'd asked to have him cremated, we said no, we want him home.

BONNIE: An autopsy was finally performed. Death by asphyxiation. But all other details would not be revealed until the FBI's investigation is complete. When Trentadue's family got his family home for burial, they were stunned and angry enough to photograph it thoroughly. Prison officials say it was suicide. What do you say?

JESSE: It's a lie. They killed him. The thing that troubles me is why they think we're such fools. They sent my brother's body home, made up so you can't see his injuries. And he was beaten to a pulp. His head is smashed in. His forehead, the back of his head. His throat's been cut. His knuckles were black and swollen. He was literally beaten from the top of his head to the soles of his feet. He has bruises from fingerprints on his biceps where they held him and they killed him. He has shackle marks on his legs, where he was chained when they killed him.

BONNIE: Burns?

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JESSE: Burns on his face and his shoulders.

BONNIE: Heel marks?

JESSE: He had been stomped. There was the bruise of a heel on his ribs. The skin was off of his back where they probably — it looks as though they dragged his body after he was dead.

BONNIE: Trentadue sent in these photos to the warden. On September 1st, eleven days after the death, the prison issued a press released referring to the abrasions and bruises for the first time. Permissible items found in the cell, according to the release, would support presumptions that cuts on the body were self-inflicted. You received his personal effects. What was in them?

JESSE: You have a picture of his wife and baby. You have a plastic cup. Vial filled with soap. Toothbrush. Comb. Nothing that would have allowed him to do that kind of injury to himself.

STEVE DUNTON: He has a number of abrasions on his face around his right eye and on his forehead.

BONNIE: Dr. Steve Dunton, a medical examiner in the Atlanta area, reviewed the photos and videotape of Trentadue's body for CNN.

STEVE: This collection of different injuries, bruises, abrasions that bear into the body, particularly those on the back of his hands, the back of his arms. I find this to be highly suspicious.

BONNIE: They don't appear to be self-inflicted?

STEVE: Most of these, no. I don't see how they could be.

BONNIE: In a statement, the FBI in Oklahoma City said, "The photographs are very troubling, and we're going to investigate as well as we can, and come to a conclusion." Prison officials refused to speak with CNN, and are not cooperating with Trentadue's family, not even to explain why he was in protective custody apart from all other inmates. When Trentadue's wife, mother, and siblings requested a copy of the paperwork he would have had to sign before witnesses in

order to request a single cell for security reasons, they were told to file a Freedom of Information request, and they did.

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They also asked for photographs of the cell, videotapes from the surveillance cameras routinely used in such facilities, the log book showing who was on duty when Trentadue died, and the medical reports prisons, by law, must complete upon an inmate's arrival to document his physical and psychological condition. You wrote to the warden. Did you get any satisfaction?

JESSE: Nothing.

BONNIE: You wrote to the acting warden?

JESSE: Nothing.

BONNIE: You wrote to the regional council for the Bureau of Prisons?

JESSE: Nothing.

BONNIE: You wrote to the person who heads up the Bureau of Prisons?

JESSE: Nothing.

BONNIE: You wrote to the — to Janet Reno?

JESSE: Nothing.

BONNIE: The Bureau of Prison's regional council and officials in the Washington, D.C. headquarters also refused to speak with CNN, citing the ongoing FBI investigation. You're grieving but are you also angry?

JESSE: I have a rage which you cannot put into words. And I will always be thankful to him for his wounds. He was able to — to tell us in death that it wasn't a suicide.

BONNIE: Why should the public care that a one time victimizer might have become a victim in prison?

JESSE: I would say that the people who killed my brother represent the United States, and that should scare the hell out of all of us.

BONNIE: With the federal transfer center, a hub for inmates bound for penitentiaries around the country, FBI agents say it will take time before they can track down prisoners who may have heard or seen what happened. Until then, Trentadue's family will just have to wait for some answers. Now, according to people close to the investigation, prison officials just two weeks ago

finally allowed the medical examiner's office into the cell where Trentadue died. Bobbie and Lou.

[END VIDEO]

0:23:15.3 - JESSE AT PODIUM

JESSE: I'd like to thank you all for coming here tonight, and thank Harry for having me. This week is the first time in almost 17 years I have looked at that tape, and I think it was more painful than when I watched it the first time. I could not have imagined when that news clip was filmed, that it would be the start of a 17 year war with the Department of Justice, a war that I don't see an end to. I look at my wonderful wife and my children, and I see what I've missed over the last 17 years in this fight, how distant I've become, how unpleasant to be with on many times.

Because early on in this fight I was consumed with rage and hate. And I didn't start out to distrust and hate the Department of Justice. They earned that distrust and hate. I didn't start out to solve the Oklahoma City bombing. I didn't start out to expose the corruption on a massive level in the Department of Justice. Things like PATCON, and hopefully you'll get an opportunity to talk here tonight, how the FBI especially hides records from defense counsel, evidence from defense counsel, and they have a system for doing it.

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How they have a system for recruiting and planting informants on the staffs of federal judges, on the staffs of congressmen and senators, even on defense teams in high profile criminal cases.

And I want to talk to you about what a war like this is about. It's painful to see my brother's face again, although that's burned — that image is burned in my brain forever. To see your parents, who died during this fight, and you had no time to grieve, you're just consumed, consumed by the fight.

And to talk to you, it is much like a war. You fight these on many fronts. You fight them on a civil front by suing the government. You fight it on a criminal front by trying to have people indicted for the crime. You fight it politically by trying to recruit your congressmen and senators to help you. And lastly, you fight it on the Freedom of Information Act front, and the Freedom of Information Act is a law that Congress passed that says you have a right to demand from federal agencies records. And unless they're protected by a privilege such as national security, national defense, or an ongoing criminal prosecution, they have to give them to you.

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And I want to talk to you about how this war raged on all those fronts for 17 years. And the first thing I want to tell you about is my brother being at the transfer center. He came out of the military during the Vietnam War like lots of folks, boys did. He came out a heroin addict. And he robbed a bank to support it. He was caught, he pled guilty, he went to prison, federal prison. He

does his time, he's released in 1987. He has a probation officer that doesn't believe in beer drinking. And Kenny worked construction in Southern California, and I helped him fight that condition of probation and parole.

We took it all the way up and lost. So Kenny goes back to his probation officer and says, "Look, I want to drink beer, so there's no point in me coming in once a month to give a urine test. Come and get me." And they never did. He gets married, 1995 he has a child. His wife is Mexican American, they have family in Baja California. He's coming back across the border, he's picked up, and sent to Oklahoma City. And at the time it seemed nothing unusual to me, because he said he was going back for a parole hearing, revocation hearing.

But now I know the federal judge that convicted him was in San Diego, his probation officer was in San Diego. The judge has to revoke your probation and parole. There was no purpose to be in — in Oklahoma City, but he was. And he arrived on a Friday night, we speak with him on Saturday, he supposedly commits suicide on a Monday. And this is what happened in the civil side of that lawsuit.

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We didn't start out to sue the government. We started out wanting justice for my brother, and some modicum of support for my brother's widow, and her little boy. The — they made two attempts to have his body cremated. Once they asked us, we said no, then they go to the medical

examiner, he says no, the family has to do that, it's their decision. The logs, everything, that lit-any of — of material I asked for in the Freedom of Information Act request on CNN, the log books disappeared.

Now, the log books are maintained at the institution until they're full, and then they're sent to the National Archives. The log books that was showing people who had access to my brother either disappeared or the pages from the logs disappeared. The crime scene — the Department of Justice does an investigation. The crime scene photographs disappear. There's a surveillance camera videotape. The FBI says it's blank. I receive a call from a very famous videographer named Norman Pearl, who was the videographer for the Rodney King trial.

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He says, "Look, this is strange, and I wanted to call you." He said, "The FBI brought me a surveillance tape and they brought me a camera, and asked me was the camera functioning? And I — and they said they didn't want a report, they wanted an oral report, nothing in writing." He calls them back and says the tape's erased. They immediately show up at his door, they take back the camera, they take back the tape, and tell him to keep his mouth shut. He calls me and says, "I'll come and testify for you." Shortly before the trial, Pearl's dead of a heart attack.

My brother's clothing, he was wearing bloodstained clothing at the time. It was apparent from the photographs we got later that — and that disappeared. Gone. There's supposed to be a — a psychological reconstruction done of an inmate's suicide in the federal system. The Department

of Justice requires it. And the purpose is to see was it, one, really a suicide, and two, if it was, what could we have done to prevent this, or to alleviate this — this problem. The only inmate suicide in the federal system for which a psychological reconstruction was not done, my brother's case.

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We get into the civil suit and find out that 41 pieces of evidence disappeared out of the FBI's official file. I say, "What was gone?" They say, "Well, not only is the evidence gone, but all chain of custody records for that evidence are gone too." "What happened to it?" "We don't know, it's just gone." Had two inmate witnesses. A kid named Nick Akabasso [?], he supposedly dies of a drug overdose before the trial. Had a witness named Alden Gillis Baker, both of these men said they could hear the torturing and the beating. Baker is in Lompoc. The Department of Justice recruits three inmates to convince him to change his testimony.

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We attempt to get a protective order for him. The judge won't grant it. Baker hangs himself, according to the Department of Justice, a month before our trial is to start. Before he hanged himself, he contacted the US Attorney handling the civil suit and told him about the threats and asked him to stop it, and the US Attorney tells him, "Unless you change your mind, you'll get no help from — your testimony, you'll get no help from me," and hung up. That call was recorded. I asked for the tape, the judge won't turn it over.

We were able to, and it's unusual to do this, get Grand Jury testimony of the guards and witnesses who said they saw my brother hanging. And we deposed them and three of them collapsed on cross examination and admit they lied to the Grand Jury. So I think we've got them now. We'll go to the prosecutors, US Attorney, and say, "Look, you can charge these guys with perjury and you can get them to change — to tell the truth what happened." The Department of Justice goes to a federal judge and gets an order prohibiting me from reporting the crimes.

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Reporting the crimes to the US Attorney and to the Senate Judiciary Committee. Couldn't believe it, but they got that order just like that. We have the Inspector General with the Department of Justice do a multi-year investigation supposedly into my brother's murder. It's the only report I understand by the Inspector General's office not involving national security that's been sealed. In a civil suit against the United States Department of Justice, it's tried to the court, not the jury. Two weeks before that trial started, the OIG, the Inspector General, sends a copy of that report to the judge, and other evidence.

I asked for them, can't have them. We go to the trial anyway. This was in the year 2000. It was a couple month trial in Oklahoma. We end up with a \$1.1 million judgment, but it's not for my brother's murder, it's for the intentional infliction of emotional distress upon my family. The Department of Justice tells us, "We'll never pay you." And they appeal. The 10th Circuit sends it

back. We win again. They appeal again. 10th Circuit sends it back, we win again. They take it up again, and suddenly in 2008 they pay the judgment.

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Now, they probably thought we'd go away. But that just made us armed and dangerous. And I did a test on that. We put out a \$250,000 reward for a year. No one claimed that. Now, that told me this involved more than the guards. The reason, if it had been guards, somebody would have come forward to claim that reward. You don't claim that reward because somebody way up the food chain is looking at you. And you're going to pay a price if you do it.

And that's — that ended. And I — and I — it was hard to take, to have it end like that. No more recourse civilly. And then we tried the criminal route, and it was done in conjunction with the civil suit. We could not get a Grand Jury convened, so we went and had billboards put up with those horrible pictures of my brother's body on it. Now, we couldn't afford the billboards, but the billboard company said, "You provide the — the pictures, and we'll put them up." And the communities in which those posters and those billboards went up, the city council supported this.

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A lot of the public complained, said these are horrible things, we don't want our kids looking at that, and they stood behind us. But key, key to the criminal side of it was the medical examiner,

Dr. Fred Jordan. He shows up at that cell that morning to pick up my brother's body, and he demands his investigators access. They tell him no. They get back to the medical examiner's office and they call the FBI and say preserve that crime scene. The Department of Justice has the cell cleaned by noon that day.

They let Jordan back in in November, he does a Luminol test, and that's a test you can put for blood, it's — it's a solvent you put on the walls or floor and use a blue light, a blacklight, and where there's blood it glows. Jordan told me it glowed like a Christmas tree. Jordan's there, they point to a note on the wall and say it's a suicide note. Jordan says, "Well, why did he sign his name Tom instead of Kenny?" Jordan said, "I want the handwriting analyzed." Now, Jordan told me that the cell was sealed, said FBI crime scene.

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He comes back two weeks — two weeks later, the cell's painted. I found out, and again, all these things I didn't know at that time, that before the Grand Jury convened, the Deputy Attorney General, who was then Jamie Gorelick, convened the meeting with the criminal side out of main justice who were going to do the Grand Jury, and the civil lawyers who were going to do the defense of my family's civil suit, which we hadn't filed. And I asked for those records, and the Department of Justice says, "Work product." Well, work product only applies when you're anticipating a civil suit. There's no way they should have been sitting down with the civil lawyers and the prosecutors, and they were all out of main justice.

Typically, when you have a crime committed, it'll be your local US Attorney here that prosecutes it. If there's a civil suit filed, it'll be the local US Attorney that defends the United States government. In my brother's case, time after time after time, it's main justice lawyers. I find out that the first thing they did was go to the Armed Forces pathologist, a man named Gormley, and ask him — he's the chief pathologist for the military. "Will you come to Oklahoma City and testify that this is a suicide?" He said hell no. In fact, he called me and told me what they'd done. He said, "This man's been murdered."

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Well, I find out before the Grand Jury, they don't tell the Grand Jury that the FBI crime lab had found somebody else's blood in the cell. Don't bother to have it tested. They claim Kenny had been hanging by a bedsheet, and had been cut down. It was a braided bedsheet ligature according to the FBI. The crime lab said it hadn't been cut. They don't tell the Grand Jury about that or the medical examiner.

Kenny had called when he was in Oklahoma and he'd spoken to my wife, and she said, "How did you get to Oklahoma?" And he said, "It's that jet age thing." And he went on to explain how that that's why they fly — it's where they fly prisoners around the country. And they altered that transcript of the call to say it's that AIDS thing, and tell the Grand Jury that my brother had AIDS and that's probably why he killed himself.

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Jordan was an ally. And this video was shot — now, bear in mind, Fred Jordan was the key witness for the government, one of the key witnesses in the bombing case. My brother was killed shortly after the bombing. He's handling the bomb — Oklahoma City bombing case, he's handling my brother's murder. And this is an interview he gave in July of 1997.

[TAPE BEGINS]

MALE VOICE: This is KOKH TV, Oklahoma City.

FEMALE VOICE: From Fox 25, this is the nine o'clock news.

FRED JORDAN: I made a lot of people very angry at me, and you know, that's just a shame, because I am trying to protect the public safety here, and it's just — it's just too bad, that's the way it's going to have to be.

KIRSTEN MCINTYRE: Fred Jordan, the state's chief medical examiner, speaks out in anger about the mysterious death of Kenneth Michael Trentadue. A Fox 25 news exclusive. Good evening, I'm Kirsten McIntyre.

DAMON JORDAN: And I'm Damon Jordan, hired in for Jack Bowen. Tonight, a major development in an ongoing Fox 25 news investigation. The state's chief medical examiner says it's taking too long to find out what really happened to an inmate who died inside Oklahoma City's

federal transfer center nearly two years ago. And tonight, Fred Jordan is demanding the local bombing Grand Jury investigate the mysterious death of Kenneth Michael Trentadue. Fox 25's Phyllis Williams has been following this case for more than a year now. Phyllis, Jordan really rarely gives interviews. Why is he doing it today?

PHYLLIS WILLIAMS: Well Damon, he says he's simply fired up and he wants action. Jordan says if Kenneth Michael Trentadue was murdered, or if anybody else is murdered at the federal transfer center, the public has the right to know. But Jordan says that's not happening. Do you believe he was murdered?

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FRED: I think it's very likely he was murdered. I'm not able to prove it. I have — I have temporarily classified the death as undetermined. You see a body covered with blood, removed from the room as Mr. Trentadue was. Soaked in blood, covered with bruises, and you try to gain access to the scene and the government of the United States says no, you can't. They continued to prohibit us from having access to the scene of his death, which is unheard of 1997, until about five months later we went in there and Luminol'd, and it lit up like a candle because of the blood still present on the walls of the room after four or five months.

But at that point, we have no scene, we have no crime scene. So the — there are questions about the death of Kenneth Trentadue that will never be answered because of the actions of the United

States government. Whether those actions were intentional or whether they were through incompetence, I don't know. And it's not easy to communicate with the federal government. It was botched. Or worse, it was planned.

PHYLLIS: Why is there a problem? Is there a problem with [UNINTEL] —

[OVERTALK]

FRED: Well, you tell me. You tell me why there's a problem.

PHYLLIS: Is there a problem? Could it because the family will not let this go?

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FRED: Would you if it were your relative?

PHYLLIS: Some people would question why you're — why you feel so strong about this case, because after all it's just an inmate.

FRED: It's not just an inmate. Mr. Trentadue may — might be somebody I wouldn't let in my house, but let me tell you something, he's a human being, or was a human being. And I'm not saying I like these guys. I'm not saying I wouldn't be terrified if you put me out there with them.

But I'm saying that there are responsibilities, and I'm saying that the investigation of their deaths is my responsibility as long as I'm chief medical examiner. Damnit, I'm going to do it. Regardless of what I have to do. Now, the other — the other thing is, do you think that the prison system — do you think that the court system is so accurate and so effective that there is no one in jail that's innocent? If you do, I have a piece of shore property just outside of El Reno I want to — I want to sell you.

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I think that we need an Oklahoma County Grand Jury made up of Oklahoma County citizens in which the US Attorney for the Western District of Oklahoma, Mr. Ryan, can participate, where the people in Washington cannot forbid him to do that. That he can — he could participate in our investigation as an Oklahoman, as somebody concerned about our city.

PHYLLIS: Have you tried contacting Reno yet?

FRED: Oh, yes I have.

PHYLLIS: And what's happening?

FRED: Yes I have. Let me tell you about that. Back when we were still investigating the bombing, because Mr. Trentadue died shortly after the bombing, I, the medical examiner for the state in which the Murrah Building bombing occurred, made a call one day to Mrs. Reno's office. I

told them who I was, and I said I would like to speak to an assistant US Attorney. I was told you can't, none is available. But the door has been shut from Ms. Reno's office to me as the chief medical examiner forever.

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PHYLLIS: But you will fight for this county Grand Jury that's looking at the bombing too.

[OVERTALK]

FRED: Oh yes. Yes, I will. Yes I will. And if that doesn't happen, I will continue to fight in any way I possibly can. My job as chief medical examiner is, among other things, to investigate deaths that occur in prison.

PHYLLIS: Well, Jordan also wants the local bombing Grand Jury to tour the federal transfer center and see if it's possible for an inmate to hang himself as the FTC officials claim. And Damon, there was a new law that was signed in February that would give the medical examiner immediate access to a death scene at the federal transfer center, but Jordan says that the Feds are trying to block that. What they want him to do is have access if — only if they say the death is suspicious.

DAMON: All right, good job Phyllis. Stay on it for us. Kirsten?

KIRSTEN: And Jesse Trentadue, Michael — Michael's brother and his family have been waging a war to find out what really happened at the FTC for nearly two years now. Jesse Trentadue, who was a Salt Lake City attorney says Jordan's efforts may be what's needed to finally get the truth out.

JESSE: I think he senses and has experienced the same frustrations we have. To have been lied to, to have evidence destroyed. Witnesses threatened. Witnesses hidden. The actions of the United States Department of Justice in this manner stink.

KIRSTEN: Jesse Trentadue has appeared before the federal Grand Jury. He and his family have been complaining — campaigning throughout the country, even bringing their concerns to Capitol Hill. For the very latest tonight in the Trentadue case, chief medical examiner, Fred Jordan, is asking that the bombing Grand Jury be allowed to look into the case.

DAMON: A federal Grand Jury has been investigating Trentadue's death for the past nine months, but so far no action has been taken. A Senate Judiciary Committee as well as Amnesty International are now involved in the case, and Trentadue — the Trentadue family has filed a federal lawsuit against the FBI, the Bureau of Prisons, and the Justice Department.

[VIDEO ENDS]

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JESSE: This was Jordan in July of '97. Shortly after that interview he calls me up and he says, "I'm going to change the manner of death to suicide. You've got 15 minutes to convince me not to." And I said to him, "Dr. Jordan, the lawsuit is just started. I'm going to find the evidence. Don't do this." And he hung up the phone and changed it to suicide. I talked to his staff some-time later, and they said before doing that he had been visited by two FBI agents who had re-moved him from the medical examiner's office, brought him back several hours later, he was white as a sheet, and he went and made the call to me.

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There went the criminal prosecution. But I still — my family, we still had hopes about political, because a very powerful senator was my senator and I knew him. Orrin Hatch. And I thought he was the — the chairman of the Judiciary Committee. And this is an interview Hatch gave in Oc-tober of '97. And he gave this interview after the Grand Jury had concluded. It had been — the conclusion had been announced as a no-bill. The Grand Jury had actually concluded on August the 1st, 1997. When it happened though, there was a meeting by then Deputy Attorney General, Eric Holder.

And Stewart Margolis, and other high ranking staff members from the — the Attorney General Reno's staff. And it was what Holder coined the Trentadue mission. And the subject was, how are we going to handle the release of this no-bill on indictment for Kenneth Trentadue's murder. And they put together a plan. And Hatch — not — the deal with Hatch. They say Hatch is cru-cial, we've got to deal with Hatch on this. Got to muzzle him. And we've got to do all of these

other things. And one of the other things they did is they did a video tape of a reenactment of my brother's suicide, sent it to all the national media.

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Holder refers to in his staff as Trenta-do's, meaning things to do, and Trenta-don't's, meaning we don't want to do these things. But the crucial one was Hatch, Hatch, Hatch. And this is Hatch's statement to the press when the news of the no-bill was announced at the end of October of 1997.

[TAPE BEGINS]

MALE VOICE: What's your reaction to the letter from the Justice Department that they walked away from the Trentadue [UNINTEL]?

ORRIN HATCH: Well, I've been somewhat surprised by it. Both surprised and unsurprised. The fact is is that — is that they have not found any criminal liability here. On the other hand, they can't explain the tremendous inconsistencies of what happened in this particular instance. So I'm very concerned about it. They have left it open for the state to determine whether or not there has been criminal activity and whether or not people need to be indicted. But their own investigation did not disclose that according to them. I met with the Deputy Attorney General just last night on this.

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MALE VOICE: And you've seen the pictures and the information in the case. How can there be no federal crime, wrongdoing in the death of Trentadue?

ORRIN: Well, it wasn't just pictures. It was the finding of blood. The inconsistencies with regard to the death. The — the way the matter was — was covered up really. The lack of proof that he really did harm to himself. All of this is very, very upsetting to a lot of people including myself. Now, we haven't had a hearing on this in — lately, because of the ongoing federal investigation. But now that the federal people have completed their analysis of this, and their investigation, I think we will hold a hearing between now and the end of the year, and just see what we can do to get to the bottom of this.

MALE VOICE: Is there anything further that you could do besides hold a hearing?

ORRIN: Not a lot. Not a lot. We -- we've pushed the FBI and the Justice Department as far as we can push them. Now what we've got to do is push them through hearings and see what happens there. But it still doesn't mean that — you know, that justice won't be done in this case, because the state — certainly the state is looking into it, and may very well decide more has to be done.

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MALE VOICE: In December, you told the Attorney General Janet Reno that it looked like this was murder. Do you still believe that Trentadue was murdered?

ORRIN: Well, I don't know that I ever went that far, but it certainly looks terrible, and it certainly makes one wonder whether or not a murder was committed or a manslaughter. It certainly has a lot of elements of — of — of questionability. And if you look at all the facts, the body, they tried to cremate the body before anybody could see that that body was bruised and battered. The blood that was found, the lack of following procedures. I mean, they just go on and on. There's a lot wrong with this case, and I hope somebody will get to the bottom of it. But apparently the federal government hasn't been able to do so.

MALE VOICE: Well, if the Feds can't make a case for something that happened in their institution, and this man was in their custody with their people, what chance does the state have in making a case?

ORRIN: I think it's very difficult for the state to do it. But nevertheless, they may have some ways of doing it. Because there were state people who — who may have been involved, especially from the standpoint of following up on what happened.

MALE VOICE: Well, if indeed the state does make a case in this incident, this crime, if they find it to be one occurred on federal property, is it not thus a federal crime?

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ORRIN: Could be. And if they could make the case we may — I'm sure the Justice Department will revisit it. I — I was disappointed in — in these findings. There's just — there are just too many unexplained facts, too much brutality apparently done, and -- and frankly no answers. And I can't understand that.

MALE VOICE: Does it have the aroma of cover up?

ORRIN: Yep, it has the aroma of covering.

MALE VOICE: You talked about holding a hearing. Will your committee have full access to the Oklahoma Federal Grand Jury's findings?

ORRIN: Say that again?

MALE VOICE: You talked about having a hearing in this session. Will your committee have full access to the Oklahoma Federal Grand Jury's findings?

ORRIN: No, we can't get into Grand Jury matter. See, that's one of the problems we've had is that they always hide behind the Grand Jury. And when I say cover up, I'm not saying necessarily by the Justice Department. I don't think they would cover it up, but I — there certainly looks like a cover up from the beginning in this thing. And somebody — somebody other than

Trentadue beat himself up — you know, beat Trentadue up. The injuries that he suffered on his body did not appear to have been self-inflicted, neither does the actuality of his death.

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MALE VOICE: Will the sub-committee investigating the FBI crime lab also look into the handling of evidence in this case?

ORRIN: I don't know. We'll have to see. I think the regular hearing will go into what they did and what they failed to do. So we'll get into that regardless, and there'll probably be a full committee hearing unless — unless we assign it one of the sub-committees.

MALE VOICE: Do you think what's going on here is a parsing of words, and not saying a crime was committed, we just can't prove it?

ORRIN: I think that's basically it. There — they just — they just don't have the evidence to show who — who did this, if anybody did it. And they themselves admit that — that it's a very, very serious set of problems and very strange circumstances, and the facts militate that somebody's responsible here other than just plain Trentadue. And yet, they haven't been able to find out who or what caused this — this particular problem.

MALE VOICE: What about as far as the former inmates who have come forward in the case and now say that their lives are being threatened, and one has even been sent back into the federal

system because he traveled across lines from Arkansas to Oklahoma to tell his story to the Oklahoma County DA, Bob Macy, what he saw the night Trentadue died? He said he saw an officer cleaning bloody batons the night that Trentadue died. Can we get your comments on that?

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ORRIN: Don't know much about that. Haven't been into that, but that's serious — that's serious stuff. And like I say, it does look bad. Somebody has not told the truth here, and somebody is — is, in my opinion, covering up. And you know, I wish that wasn't the case. I'd love to have it proven that it wasn't the case, but I think it's a pretty uphill battle to prove that — that — that nothing happened here other than Trentadue's self-infliction. That — that doesn't — that doesn't look possible to me under the facts that I've seen. So I'm very concerned about it. I just — I just — it just appears to be a tremendous injustice as we sit here right now.

[VIDEO ENDS]

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JESSE: Certainly not the Justice Department. Orrin Hatch promised a hearing, it doesn't take place. He's repeatedly visited by Eric Holder. Disappears off of the political spectrum. And it was about several years after this — well, I guess a year before and several years after this that we launched that FOIA front. And it started in December or January of — December of 1995 or

January of 1996. And this was back before caller ID on phones. And I get a telephone call in December, and the caller says, "I want you to know your brother was murdered by the FBI. It was a case of mistaken identity. It was an interrogation that went bad."

And I said, "What do you mean?" They said, "Well, they suspected him of being part of a — a group who were robbing banks to get money to fund attacks on the federal government." And I dismissed that. And then I — in June or July of '96 I read an article in the paper about a fellow named Richard Lee Guthrie. It was in the Los Angeles Times. Who hanged himself supposedly while in federal custody. The day before he'd promised to give the Los Angeles Times an interview he said would blow the lid off the Oklahoma City bombing.

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I didn't pay much attention to that either. And then shortly before his death, I get a message from Timothy McVeigh. And McVeigh said, "When I saw your brother's photograph, and I heard what happened to him, I want you to know that I believe he was killed by the FBI because they thought he was Richard Lee Guthrie." And I didn't — you know, I — I honestly — I didn't think that much about it. But what did focus me was a phone call I received in 2003 from a reporter now dead, a great guy named JD Cash. And he called me up and he said, "Are you Jesse Trentadue?" And I said, "Yes." And he said, "Can I talk to you?" And I said, "Of course."

He said, "Let me ask some questions about your brother." He said, "How tall was he?" I said, "He was about five foot eight." JD said, "What was his build?" I said, "About — he was a powerfully built man. He was about 180 pounds." JD said, "His complexion?" I said, "He was dark complected then." JD said, "Where was he arrested?" I said, "He was coming back across the border from Mexico visiting his wife's family." JD said, "What was he driving?" I said, "His friend's 1986 Chevrolet pickup truck."

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JD said, "Did he have any tattoos?" I said, "Yeah." JD said, "What kind and where?" I said, "He had a dragon tattoo on his left forearm." JD said, "You better sit down." I said, "Hell, I am sitting down." He said, "Let me tell you this." He said, "At the time your brother was picked up and killed, the largest manhunt in American history was taking place for John Doe 2, and this is the description. White male, powerful upper body build, five foot eight to five foot nine. Dark complected. Believed to be in Canada or Mexico. Driving mid-1980 Chevrolet pickup truck. Dragon tattoo, left forearm."

Turns out one other person had that description too, and that was Richard Lee Guthrie. So now I had a motive. And so how am I going to prove it? And I decided through Freedom of Information Act. I had been leaked, and I don't want to step over my time here, but I had been leaked two teletypes from FBI director at that time, Louis Freeh. And they talked about this white supremacist compound in eastern Oklahoma called Elohim City. And how McVeigh had called there several times before the bombing asking for more help.

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So I filed a Freedom of Information Act request for all documents linking Elohim City to the Oklahoma City bombing and McVeigh through FBI informants. Well, people say, how can you fight the FBI? They're so big and so powerful, it's the federal government. I had one real advantage. The FBI will always lie. It will lie when the truth would serve the bureau better. So I knew they would come back and say there are no — there's no such teletypes. And that's what they did. And I knew also that when I sprung those teletypes on them in front of the federal judge they'd come back and say they were fake. So I had an affidavit from a retired FBI agent out of the headquarters saying, no they were real.

So I filed the teletypes, they come back in front of the federal judge and say, "Oh, those are fraudulent." I filed the affidavit. The judge goes ballistic. He says, "I want you to go back and do another search." And he says to me, "Where should they look?" And by that time, I had discovered by doing the research on the FBI that they had started out in the '80s with what they called a June File. Any evidence or materials they didn't want produced on a Freedom of Information Act request or turned over to defense counsel in criminal trials went into the June File.

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Well, they were found out. So then they invented the Zero File. Well, they were found out about that too. And then I found out they had an I-drive, and an I-drive was where they put all the evidence before it's put — uploaded into the official file. And they make the decision as to what is uploaded into the official file, and that's the file given to defense counsel, and that's the file they searched for responses to Freedom of Information Act requests.

I say to the judge, "Have them go search the I-drive." And then I found out they had replaced that with an S-drive. So — and they have like 24 more letters in the alphabet to go, but they went and searched that and they come back in front of the judge and they said, "We've got 340 pages of documents." And they say to him, "We can't turn these over, your honor, because we had five or six informants there, and their lives will be in jeopardy." And the judge says, "No, no, turn them over. You can black the names out." And it turns out that the earliest record starts two hours after the bombing in Oklahoma City.

And I go back in front of the judge and I say, "Oh, that's not — that's not possible. That's not possible." And meanwhile, I had gotten in to see Terry Nichols, and he had given me a lot of information about the bombing. And he wanted the story told. And I go in front of the judge and said, "I want permission and an order from you to go take his deposition and video tape it." Judge says, "You've got it." FBI scurries to the 10th Circuit and gets him reversed.

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But what was important about that was the information about the I-drive and S-drive. And then I stumble on to something called PATCON. P-A-T-C-O-N. And these are on the Internet now, because for my own safety I made sure that they were out there as quickly as I got them. And PATCON stood for Patriot Conspiracy. And it looked really big. They talked about PATCON Group 1, PATCON Group 2, PATCON Group 3. And the FBI's backpedaling. They say, "Oh no, these were just some good old boys down in Alabama who stole some night vision goggles, and we went in on a sting operation to get them."

But last summer, 2011, I get a phone call from a fellow named John Matthews, and Matthews tells me, "You've got all the pieces but you haven't put it together." And I said, "What do you mean?" He said, "PATCON." And he said, "I'll come and see you." So he came to Utah to see me, and he was an old veteran of the 3rd Marine Division like me, and he's very sick with Agent Orange. And he had been one of their top operatives in PATCON for a decade throughout the '90s.

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And he said, "I went underground for the FBI because I believed it was right to monitor these hate groups," unlike lots of people who are informants because they're caught in a crime and then are forced to do it. He said, "But now I look back on my life," and he said, "I want the American people to know what was really done." He said, "It wasn't to monitor them." He said it was to infiltrate and incite. I said, "What do you mean, John?" He said, "Ruby Ridge was a PATCON operation. Waco was a PATCON operation." He thought Oklahoma City was but he

couldn't prove it. He couldn't swear to it because he wasn't there, but the people he worked with were there.

And he had the documents. PATCON involved a plan to blow up the Browns Ferry Nuclear Plant in Alabama. It involved running guns out of the same gun store in Arizona that's part of Fast and Furious. And I say to him, I say, "John, you want this story told. I can't do it. But I know somebody who can." And so I connected him with an editor at Newsweek. And they're crazy about the story. They spend four months, they confirm everything he said. He's got the FBI records. The story's going to run the last Monday in November of 2011.

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I get a call from the reporter at Newsweek that Thursday before to read me the story. It's going to be 10 — eight to ten pages long. It's going to talk about the Browns Ferry plant, it's going to talk about Ruby Ridge, it's going to talk about Waco, it's going to talk about the gun store in Fast and Furious. The story comes out on Monday, not a mention of PATCON. Gone. I go back to the reporter, I go back to John and John's upset. He said, "I should — I exposed myself, my family, put my family at risk to come out and tell this story and this — this is what they've done?" All they did was talk for eight pages how what a hero he had been by infiltrating the Klan and all of these other hate groups.

But what came out of that, and again it was a Freedom of — it looked like a dead end, the Freedom of Information Act fight again. I stumbled on to the fact that the FBI was not only doing it,

but had a manual for recruiting and placing informants on the staffs of federal judges, on the staffs of congressmen and senators, among the clergy, in local law enforcement. In media. And even in other federal agencies. And I couldn't believe this so I — I filed a Freedom of Information Act request for it, and they go, "Hell yeah we've got the manual. Here's 205 pages of it, but you can't have the rest. Call this national security, or we'll reveal our policies and procedures."

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Now, that went — that fight hasn't gone critical yet. It's not yet in the courts. But something tells me I might win that one. I can't imagine a feeder judge is going to say to them, "Oh yeah, you can keep secret your policies and procedures for putting informants on my staff." But it was the arrogance with which they told me that, and the arrogance with which they said — they said, "Yeah, here's what we — here's our manual, we use all of these things, but you can't have it all." Now, my time is about there, and I — I know a lot of people here are skeptical.

The story sounds fanciful, it sounds like somebody who is bitter towards the government, and I am, I'll be the first to admit that. But it didn't start out that way. But I would tell you this, there's a document, usually a contemporaneous FBI document to support — and I've got it, and I put them out there, that support everything almost I've told you here today. And what I'd like to show you now is the proof beyond any doubt of my brother's murder. Proof that we didn't get from the FBI until it was too late. Proof that didn't come until the Grand Jury had found no

crime. Proof that didn't come until after the judge had found no murder. Proof after they muzzled Hatch. And these are photographs of the ligature mark on my brother's throat.

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The next photograph is [UNINTEL] or a horrible one to say — I should say. In life, your skin has elasticity. So if you wear a watchband, and you take it off, and you see the impression of the watch, it disappears in a few seconds. If you take off your socks, you'll have rings around your feet. And that'll disappear your ankles in a few seconds. When you're dead, your skin does not have elasticity. This — the FBI claimed my brother hanged himself with a braided bedsheet rope.

This is the ligature mark. These cross striations you see there, it looks like a railroad track, those are the — from the locking mechanism on plastic handcuffs. They beat him, they tortured him, strangled him. And so, you ask me how long I'm going to fight these sons of bitches? Until I'm dead. And what justice I get out of that, will they ever prosecute anybody for my brother? No, never will. But I can harm the reputation of the Department of Justice. I can harm the reputation of the FBI. I can do great damage to them. And that's my objective. That's the only justice my family will ever get. Thank you for having me.

[APPLAUSE]

1:07:16 ### END OF TRANSCRIPT ###