

3. Mr. Matthews told me that he had seen on the internet some of the PATCON records that I had obtained from the FBI by way of *FOIA* requests. Mr. Matthews said that he was one of the FBI's undercover operatives in PATCON, and wanted to speak with me in person about PATCON. Thereafter, he traveled from his home in Reno, Nevada to Salt Lake City in order to meet with me on July 24, 2011.

4. During that meeting, Mr. Matthews told me that throughout most of the 1990's he was employed by the FBI and worked as under-cover operative assigned to PATCON. He told me that he had been told by the FBI that the purpose of PATCON was to infiltrate and to monitor the activities of extreme political right consisting of organizations such as the Ku Klux Klan and various Neo-Nazi groups, but that he no longer believed what he had been told by the FBI about the purpose of PATCON.

5. Mr. Matthews told me that, based upon his experience, he now believed that the FBI's real objective in PATCON had been to infiltrate and to incite these fringe groups to violence. To illustrate this point, Mr. Matthews told me about a PATCON operation designed to promote an extremist group to carry out a plan to damage the cooling system of the Brown's Ferry Nuclear Power Plant

in Alabama, and that as part of PATCON automatic weapons were being sold to right-wing extremists during the 1990's from the Lone Wolf gun store in Arizona that was implicated in the recent *Fast and Furious* scandal involving the transfer of automatic weapons to members of the Mexican Drug Cartel.

6. Mr. Matthews even told me that prior to the Oklahoma City Bombing he had seen Timothy McVeigh and a German National by the name of Andreas Strassmeir at a militia training facility near San Saba, Texas. According to Mr. Matthews, he had reported the McVeigh-Strassmeir siting to the FBI, and was told by the FBI that the Bureau was already aware of that fact, which indicated to Mr. Matthews that others within the FBI were monitoring McVeigh on the run up to the attack on the Murrah Building.

7. Ultimately, Mr. Matthews told me that he was very ill from exposure to toxic chemicals while serving with the Third Marines in Vietnam, that he was on disability and that he wanted the truth about PATCON told while he was still able to do so. I, too, had served with the Third Marines and with the help of a friend and fellow Marine, Roger Charles, was able to put Mr. Matthews in contact with Newsweek Magazine.

8. Newsweek assigned reporter Ross Schneiderman to write the PATCON story. Mr. Schneiderman spent months confirming what Mr. Matthews had said about PATCON. The story was set to appear in Newsweek the last Monday of November in 2011. The Thursday before the story was to run Mr. Schneiderman telephoned me to read to me part of the Matthews/PATCON story.

9. Mr. Schneiderman told me that he had been able to confirm what Mr. Matthews had told me about PATCON. But several days later, when the Newsweek story appeared in print and on-line, the focus of that story was upon Mr. Matthews' under cover activities in a most non-specific and general nature. There was no mention of PATCON or the various PATCON operations about which Mr. Matthews had spoken.¹ However, shortly thereafter others began to report on the story that Newsweek had refused to print.²

10. Meanwhile, Mr. Matthews was upset with the Newsweek story.

¹<http://www.dailymail.co.uk/news/article-2064479/FBI-informant-reveals-meetings-Ku-Klux-Klan-murky-underground-world-far-right.html>

²
http://sipseystreetirregulars.blogspot.com/2011/11/ssi-exclusive-patcon-fix-at-newsweek_21.htm
<http://sipseystreetirregulars.blogspot.com/2011/11/ssi-exclusive-hiding-mass-murder-behind.html>

He expressed to me that he felt betrayed because all Newsweek had done was to expose him to possible retribution from the various groups that he had infiltrated as part of the PATCON without exposing PATCON. Since then, both Mr. Charles and I have remained in contact with Mr. Matthews.

11. When the instant case was set for trial, I asked Mr. Matthews if he would be a witness. I asked him if he would testify about PATCON and, especially the McVeigh/Strassmeir San Saba, Texas event. It was my belief that had the FBI had in fact been monitoring McVeigh, then the Bureau had to have known about the plot to bomb the Murrah Building, but failed to prevent that attack. It was likewise my belief that had the FBI been monitoring McVeigh the videotape of the bomb being delivered to the Murrah Building may have either revealed the identity of an FBI operative , or else it may have been made by the FBI as part of its surveillance of McVeigh and not by a security camera on a building. If either of these scenarios were true, that surely would have been a very good motive for the FBI's failure to locate the videotape and records at issue in this case.

12. I told Mr. Matthews that because he lived in Reno, Nevada, I

could not subpoena him to testify at trial. I also told him that even if I could compel his attendance at trial by subpoena, I would not do so. I told him that if he was going to testify about PATCON, it had to be his own choice. I felt this way because of the possible risk to Mr. Matthews and his family in speaking out about his PATCON activities.

13. Mr. Matthews told me that he would gladly testify. He felt that it would provide him with the opportunity to tell the PATCON story that Newsweek had not told. Consequently, I listed Mr. Matthews as a witness in the *Pre-Trial Order*, and identified his area of testimony as PATCON.³

14. On July 7, 2014, following the hearing on Defendants' *Motion in Limine*, I e-mailed Mr. Matthews to let him know that he was going to be able to testify.⁴ I also spoke with Mr. Matthews by telephone, who expressed concern about coming to Salt Lake City, Utah to testify. He was worried about his personal safety, which is why I moved the Court for an order allowing Mr. Matthews to testify by video-conference from an undisclosed location.⁵

³ Doc. 183.

⁴ See Doc. 191-1.

⁵ Doc. 146.

15. The Court granted that *Motion* on July 15, 2014,⁶ and I immediately told Mr. Matthews by e-mail of that fact.⁷ I likewise told Mr. Matthews that he would be my last witness, and that I expected him to testify on Wednesday, July 30, 2014.⁸

16. On July 16, 2014, Mr. Matthews e-mailed both Mr. Charles and me to let us know that he had suddenly lost both his home internet connection and home telephone. He suspected the FBI was behind both of these events because he was going to testify in this case.⁹

17. As the trial approached, I continued to telephone Mr. Matthews to go over his trial testimony. He never answered my calls, however.¹⁰ Finally, on the morning of July 29, 2014, at my request, Mr. Charles called Mr. Matthews and spoke with him.

⁶ Doc. 174.

⁷ *See* Doc. 191-2.

⁸ *Id.*

⁹ *See* Doc. 191-3.

¹⁰ *See* Doc. 191-4.

18. Mr. Charles informed me that Mr. Matthews had said that he was not going to testify. Mr. Charles also informed me that Mr. Matthews said that he had been contacted by someone within the FBI and threatened. According to Roger Charles, the FBI had threatened to interfere with or terminate Mr. Matthews' disability and other veteran's benefits.

19. I notified the Court reporter that Mr. Matthews would not be testifying.¹¹ I likewise reported my suspicions of witness tampering to the Court, and the Court ordered defense counsel to investigate and report upon these allegations.

20. Before trial on July 31, 2014, I was able to speak with Mr. Matthews by telephone. I told him that the Court had ordered defense counsel to investigate this matter, and ask him to cooperate with them in completing that investigation. Mr. Matthews was encouraged by the fact that this was to be a Court-ordered investigation conducted by Assistant United States Attorneys. Mr. Matthews also told me that exposing the fact that he had been threatened by the FBI would be "good insurance" against any future retaliation against him from the Bureau.

¹¹ See Doc. 191-5.

21. During that conversation, Mr. Matthews related to me the events leading up to his refusal to testify, including the name of the FBI agent who had contacted him, Adam Quirk. Mr. Matthews told me that he was first contacted by Agent Quirk after the Court denied defendants' *Motion in Limine* designed to keep Mr. Matthews from testifying. According to Mr. Matthews, Agent Quirk had called him several times, telling him that it would be best for everyone if he did not testify. Agent Quirk told Mr. Matthews to take a vacation so that he could not be subpoenaed, and if he was subpoenaed that Mr. Matthews should answer questions put to him about PATCON with "I don't recall."

22. Mr. Matthews told me that he took Agent Quirk's comments to him as a threat and "took a vacation." Mr. Matthews likewise told me that Agent Quirk said that defense counsel were supposed to have notified both myself and the Court that he was not going to testify, and that this notice was supposed to have been communicated to us the week before the start of the trial.

23. Mr. Matthews said that he would cooperate with defense counsel in their Court ordered investigation of this matter. I e-mailed this information to defense counsel, and reported it to the Court. Mr. Matthews was also copied on

that e-mail,¹² and he never said that I was mistaken about the matters communicated to defense counsel in that e-mail. I likewise reported back to Mr. Matthews both by e-mail and telephone.¹³

24. After Court on Thursday, July 31, 2014, I e-mailed defense counsel to complain about their failure to do a good faith investigation into the FBI's alleged witness tampering, including the fact that they had not even bothered to speak with Mr. Matthews. Needless to say, this was not the good faith investigation that Mr. Matthews had expected. Mr. Matthews was also copied on that e-mail.¹⁴ Again, he never said that I was mistaken about the matters communicated to defense counsel in that e-mail.

25. On July 31, 2014, I spoke with Mr. Matthews by telephone about preparing for the August 25, 2014 hearing. On August 1, 2014, I also e-mailed both Mr. Matthews and Mr. Charles with respect to what I need them to do in order to held me get ready for the August 25, 2014 hearing.

26. Mr. Matthews was to prepare for me a time-line of when he had

¹² See Doc. 191-6.

¹³ See Doc. 191-7.

¹⁴ See Doc. 191-8.

been contacted by Agent Quirk of the FBI, all of the threats that had been made to him, or his family, by Agent Quirk and, if possible, the telephone number from which those calls had been made to him by Agent Quirk. Mr. Charles was tasked with finding out the type of telephone calls made and calls received records that were maintained by FBI field offices so that I could subpoena these records for the August 25, 2014 hearing.¹⁵

26. On August 2, 2014, I received an e-mail from Mr. Matthews admitting that he had spoken with his “handler,” Don Jarrett and that, based upon that conversation, he decided not to testify. In that e-mail, Mr. Matthews also said for the first time that he did not want to testify, and that neither he nor his family had never been threatened or otherwise encouraged not to testify.¹⁶ I immediately forwarded that e-mail to the Court.

27. The matters set forth herein above are based upon my personal knowledge.

Executed under penalty of perjury on this day 8th of August, 2014 near Ely, Minnesota.

/s/ jesse c. trentadue
Jesse C. Trentadue

¹⁵ See Doc. 191-9.

¹⁶ See Doc. 191-10.

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of August 2014, the foregoing **DECLARATION** as served by electronic process upon:

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