

# Identifying Undercover Activity and Agents

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1. Gun Show and General Surveillance Practices
2. Personal Experiences with Surveillance
3. Differentiating General Public Behavior from HUMINT Collection
4. Defense against Surveillance Practices  
(Counter Social Engineering)

# 1. Gun Show and General Surveillance Practices

The United States Government historically has collected enormous volumes of information on its citizens. During the 1960's files were meticulously assembled on political leaders such as Martin L. King, various congressmen, hippies, musicians and the like. Virtually all segments of society were observed, recorded and files on these individuals and groups were assembled and stored. In the event of a major civil uprising, the government had made plans (recently disclosed) to transport "dangerous or subversive" American citizens to internment or concentration camps.

In the aftermath of the Oklahoma City bombing, the US Government increased funding for its law enforcement and intelligence collection agencies and has drastically scaled up its surveillance on its citizens, particularly at gun shows and on citizens who write books they dislike. In light of their intrusive and often illegal activities, I have written and published this book to give ordinary citizens sound information on identifying and countering the "watchers".

The prospect of civil unrest and major civil uprising enhanced by modern science has caused the government to prepare contingency plans for rounding up its citizens and incarcerating them without charges or trial. The reasons for this will be disclosed in this book.

In this chapter we will describe the following –

1. Funding, Scope, and Capabilities of Federal, State and Local agencies.
2. Training in conducting Surveillance.
3. Deployment for Intelligence Collection
4. Conduct of Undercover Agents

## 1. Funding, Scope, and Capabilities of Federal, State and Local agencies.

Federal agencies that collect and accumulate information on US citizens that may be used for law enforcement and other purposes include the Federal Bureau of Investigation (FBI), Bureau of Alcohol Tobacco and Firearms (BATF), Drug Enforcement Agency (DEA), National Security Agency (NSA), Central Intelligence Agency (CIA), the various armed forces service branches and of course the Internal Revenue Service (IRS).

All these agencies are funded to support staffing of 5,000-15,000 domestic US employees except for the armed forces which can deploy more than one million men and women to needed locations in the US. The staffing numbers are important as you will see shortly. In addition to staffing, travel expenses, firearms, training, supplies and a huge array of surveillance and related equipment are available from a central and regional pools in nearly unlimited quantity for any particular need.

For the purposes of Gun Show surveillance I will use the example of BATF. Although the exact numbers are unknown, I have estimated from congressional reports that all staffing is in excess of 12,000 people. If you divide this figure by an average of 10 gun shows a week this allows for the entire staff to be deployed at a rate of 1,200 per show or roughly broken down into 8 two hour shifts of 150 officers to frequent and monitor the two day weekend shows at any given time.

The cost to the government calculates out as follows –  
12,000 employees at \$1,000/wk including travel and expenses.  
This costs app. \$12 million per week or about \$600 million per year.

The budget allotted for the agencies listed above is actually substantially larger for each one than the \$600 million estimated for BATF here. The additional money goes for high tech equipment, paid informants, training, facilities and so on. During Gun shows, I have surmised that an allotment of \$10-20 for cosmetic purposes is allocated to enable agents to blend in by making small purchases thereby mimicking consumer behavior and providing real cover for their intelligence collection activities.

The agents also practice the rewarding of “target” vendors with small purchases when they talk and “open up” to them. This improves their intelligence gathering and effectively conditions the targets to make more money when having a big mouth. Anti government talk is often rewarded since it can be used to inflate the threat and motivate a larger budget from congress.

The other agencies listed each have separate priorities other than Firearms regulation and each assigns agents and supports them in the field according to their prioritized needs. When required, agencies may contribute to a central pool for meeting extra manpower requirements such as the 5,000 table Great Western show in California.

Capabilities of these agents include extensive training and education, decades of experience, and an unlimited electronic potential as the situation demands. This includes all modern forms of bugging, audio, video, infra red and multi spectrum electronics, human informants both paid and voluntary, and use of unwitting 3<sup>rd</sup> party conscripts. These will be covered in more detail later.

State and local agencies do not have the resources that the federal government has and generally staff at a rate of 250-500 per million population for state highway patrols and about 2-3 per thousand for local populations. County Sheriff staffing varies widely but appears to be 1-2 per thousand population.

## 2. Training in conducting Surveillance.

Surveillance is not conducted at the Federal and professional levels by just going to a target site and wandering around. An overall plan is produced centering around a basic pattern and supported with use of a variety of signals and communications much like a basketball or football team, or a military unit would use.

Individual training includes teaching the following –

- a) Good listening skills. Being able to listen to things that you might find offensive, painful, and dangerous without giving away who you are and what you are doing. This can include looking at a book while pretending to read it and being able to listen to the gun transaction taking place four feet away. You learn to examine a gun across the aisle while doing the same thing. The key here is to avoid hint of emotion or heightened interest which might give you away.
- b) Learning deception and lying. This means being able to tell people that your someone your not. An entire body of science has been developed to teach the body language, vocal skills, temperament and language of how to be convincing when you are actually lying (this author has seen so much of this, that I have concluded that the science of lying is institutionalized within the government to such a degree that it would be nearly impossible for me to sit on a jury and believe anything that a government employee would say against any citizen. That is why we use juries and demand things like evidence rather than just testimony to convict people that the government accuses of crimes.)
- c) Relating and using scripted behavior and conversation. In dealing with professionals, or a suspect with special interests, agents are trained to learn the language and knowledge of the particular interests of the target. They will bring up subjects that are believed to be interesting or of particular momentary interest such as car problems if their vehicle has broken down (especially if the breakdown was deliberate) or a popular television program or movie that the target likes.

- d) Use of body, eye and hand signals. This is important when working in groups. At a gun show, if an agent hits a “hot” conversation, they may scratch behind one ear to call for reinforcements in listening to the conversation. This allows the agents to flood a spot and overhear important deals being made or discussed at gun shows. Agents are also trained to move and flow together so that each one picks up part of the conversation and it is pieced together later. This allows for the group to mimic the normal flow of traffic in the show without appearing obvious. Eye signals and hand signals are used to control the flow of traffic by the agents when they are following “bomb book buyers” certain foreigners, and the like. A barely noticeable finger wave may be used to tell one agent to walk around him because he is on a hot target and needs to stay in one spot.

### 3. Deployment for Intelligence Collection

Just like a football team or military unit lines up in a pattern or formation and then follows a play or plan of action, so do the surveillance experts. At gun shows, the agents are sent in using a staggered approach. Several line up at the door and then move into the aisles when the show opens. This first group generally follows a snake like pattern moving very casually through the show since their shifts generally run two hours. By spreading out through each aisle they can cover the entire floor averaging one agent per 1-2 tables. The added agents needed to fill out the snake formation are slowly sent in every few minutes to blend in with the crowd. The following agents look to the next person in their line and maintain distance while moving through the show, or close and crowd on “targets” according to predetermined hand and eye signals. “Countercurrent” and other complex patterns are also used to conceal organized movement at gun shows.

A second group of agents also enters the show. These are the floaters who move around in what appears to be a chaotic pattern. They look for the anti-government and radical individuals and begin conducting specific target observation and listening, or may just float as an extra manpower reserve for agents who signal for listening help. The use of pagers with number codes is also used with the vibration of the pager alerting the agents who then look at the numbers which can represent an aisle, agents, situations and so on.

A third group is also used at the shows. These are usually paid informants who may only know a single agent but are completely unaware of the presence of the rest of the agents. They usually exhibit unusual and high strung behavior which would seem inconsistent with the ordinary field agents who often are not good actors. Many criminals who have practice at lying and fitting into a particular belief system are often used and deployed in this manner. They are sometimes given a wide berth so

they can operate freely. Sometimes they are worked at close range so it appears to others that they are being watched making their cover appear more genuine.

Supervisors are placed through the show to act as “traffic cops” and electronics are used such as wires on selected agents and informants for “hot” cases, or used directly such as the “pen switch” where a customer asks to use a pen to write a check. They turn their back to the target to write the check while another agent talks to and distracts the target. Then they hand the pen back to the target. It can be a similar pen equipped with a radio transmitter or they might simply unscrew your pen and put a tiny transmitter inside it. [Authors Note: Beware the free pen samples you may repeatedly get in the mail. The ones you can’t unscrew need to be broken apart with a hammer to find the tiny bugs.]

These same techniques are used when surveillance is conducted in malls, book stores, restaurants, meetings and so on.

#### 4. Conduct of Undercover Agents

If the government has sent its agents to conduct surveillance on you they are not there for their health (or yours). Uncle Sam has concluded that you are a criminal who needs to be watched and busted.

In cases where anti government individuals or groups are targeted the government agencies adopt several techniques to deal with, discredit, hound, and frame their targets. The main ones are –

- a) Use of disinformation. This is often used to feed hatred, anger, fear and ultimately to provoke individuals or groups into breaking the law. This serves several purposes. The first is to be able to make a headline making bust, the second is to produce dangerous “wackos” that their agencies need so that more money is extracted from Congress to bust them. (This works quite well actually-You need a big bad enemy to get more funding to fight with. This means pay raises, better electronic toys and fame and fortune when you finally get to arrest them.) The third purpose is to be able to utterly discredit the target by taking them to court later and saying “look at the ridiculous things this person believes-They belong in jail and you the jury should put them there because we the government say so and also because they are stupid.”

Some examples of this strategy include

1. Feeding the militias with the belief that China or Russia or the UN has deployed thousands or millions of troops on US soil and that we need action to stop it.
2. Spreading the word that the government and not Tim McVeigh blew up the Federal building in Oklahoma City, therefore we should hate and fight the government.

3. The government has UFO's stashed away and is hiding things from the public. Therefore we should do something now.

The common theme here is that we should do something now (translated – so we can bust your stupid behind and put you behind bars where we the government think you belong) [All of these have been used on me by the Federal agents at gun shows and most of these attempts are laughable]

A small amount of critical thinking will easily prevent most people from following the undercover line and I will address each of the examples here.

1. Your Author had access to volumes of classified information during his tenure in the US Navy. (I was the custodian for the STIC Pubs, (Scientific and Technical Intelligence Publications) that the CIA and other agencies provided the Navy to help fight with. The key words here are Science and Intelligence which contrary to popular opinion, the military actually has a little of. I can personally assure you that as of October 1999, no foreign power represents the slightest possible threat of land, sea or air invasion to this nation with the possible exception of a general stream of Latin Americans sneaking across the border looking for jobs and a better life.

On critical examination, there are several requirements necessary to support a belief of possible invasion. The first of these is actual evidence in the form of troop movements and supporting logistics. A single division requires the sewage, water, housing, training, vehicles, and related infrastructure equivalent to a city of 15,000 people. This would be impossible to go unnoticed by virtually everyone in the same state. Secondly, a sea or air invasion would require the ability of China or Russia to sea or air lift and support huge numbers of troops against very real US military force. This author doubts that China could successfully invade Taiwan without using nuclear weapons and Russia already showed it could not invade either Afghanistan or Chechnya without defeat.

[Authors Note- The US armed Forces do indeed have capabilities that go well beyond what is publicly known. During my tour in the Navy, we knew without any doubt that we could have swept virtually every ocean on earth clear of all enemy forces in a few days, and we had very real reasons to know that this was true. I can assure anyone reading this that if the kids gloves come off, what the US military is actually capable of if there are no restricting rules is almost unbelievable, and this does not include nuclear weapons.]

2. The notion that Tim McVeigh was not the bomber of the Federal building in Oklahoma City has been argued on several grounds. The most frequent arguments have been brought up to me by undercover agents whom I recognized and personally knew at gun shows.

The main arguments presented have been 1) that the bomb would not have produced the damage pattern seen, 2) that the cavity left in a portion of the building instead of a perfect semi circle was proof of charges placed inside 3) there was a second explosion 10 seconds afterwards and 4) Tim McVeigh was framed.

Since I have written and/or published over a dozen books on explosives I can talk with at least a small amount of expertise on this explosion. In the armed forces manuals that I published, there are detailed descriptions of damage patterns to buildings, vehicles, windows and so forth based on the distance from and size of the explosive used. The pattern at Oklahoma City was extremely consistence with the described patterns for a 1-4 ton size explosive placed close to the building. The odd bite taken out of a small part of the building could have been due to a column being the last of four legs supporting some large utility on the roof. When the other three legs collapsed into the rubble, the column could be expected to have been pulled into the collapse as well. A reflected wave or gas line running up the column could have produced the same result just as easily and it is a common occurrence in commercial explosions to have unusual effects like that seen. A quick review of the video of two ton bombs used in the Gulf war also produced similar damage and patterns.

The second explosion often occurs in commercial explosions and is most often due to leaking gas that finally reaches a fuel air mixture that permits combustion and is ignited. I do not say these things because I am a fan of the Government or the FBI. I say them because I believe that the evidence shows them to be true.

The final point concerns Mr. McVeigh. It boils down to this- The entire government case says that he obtained app. 2 tons of Ammonium Nitrate, added fuel to it to make it into a bomb and then used it to blow up the federal building which incidentally killed and wounded all those in the area. This is the entire case summed up in one sentence.

If I were McVeigh and I did not obtain the 2 tons of ammonium nitrate, I would have taken the stand and told them so and that their records of it were false. If I did not convert it to gas when it was used as a bomb then it would have to have either been used as fertilizer on ground which would have been easy to take the stand and argue. Or if it were still in existence and placed in storage somewhere it would have been easy to say it where it was and the entire case is gone instantly. None of these facts were argued and they were the only ones that

were relevant. The only argument presented was that someone else could have done it.

The entire point of all of this is that it is the federal undercover agents who are the most significant promoters of this type of disinformation.

3. The final bit of misinformation I will address and that I have seen undercover agents spout at gun shows and elsewhere has been related to UFO's. As an amateur scientist I am keenly interested in the possible existence of life elsewhere and of the SETI effort to find evidence of it. I am also reminded of a time in the US Navy when I flew on surveillance planes and had civilians insist to me personally that we were UFOs. Their insistence on their being right about this was equivalent to the level of many of the religious belief systems that members always believe they are right about.

I would like to take the time here to describe some science and its military application and how some people might believe they saw a UFO.

In the 1980's, the government deployed a satellite which used a radar/laser system to very accurately measure the average wave height. Water does not compress like air does so that when the current runs into an underwater mountain, the entire wave front is lifted up according to the height of the mountain and then spreads away. This lift can be measured, recorded and then made into maps of the ocean bottom.

In the mid 1970's the US Navy had an unexpected Soviet submarine threat. We could listen and to and track Soviet submarines all over the world and they knew it. We had great confidence in our ability to find and destroy all their subs in all out war and they also knew this. The Soviets came up with the idea of towing their submarines behind their large grain and cargo vessels without turning the operating equipment on making the subs noiseless. The close proximity to the towing vessel would blend the sonar echoes into a single return. The scientific and technical question at this point for the US Navy and other intelligence services is how would one track a noiseless machine moving underwater in these conditions. The obvious threat was a group of towed and silent submarines being able to launch nuclear missiles and strike targets in 30 seconds as well as laying for all the US ships that would try to immediately leave harbor in the event of war.

The basic science approach to this question becomes obvious. When you watch a sub on the surface you can see the water pushed over its bow and it produces a wake as the water spreads away. As the sub submerges, the wake gets smaller and smaller as it goes deeper until it finally disappears. It does not completely disappear. It can't disappear because a small volume of the water will always push straight up at the circular apex and reach the surface before it spreads. This amount gets smaller as the sub goes deeper but it cannot reach zero because the water does not compress. The wave height gets smaller according to

the inverse of the square of the depth. The next paragraph is the obvious conclusion and conjecture that I can draw based upon knowledge of the basic sciences.

Based upon this science it is then possible to build measuring equipment that can be mounted on the underside of an aircraft to accurately measure the average wave height and track any moving bulges on the surface. Such an aircraft may look like an upside down AWACs when deployed and if they caught a glimpse, the UFO people would like to believe they saw something, didn't know what it was and were sure it came from outer space. This author is quite certain of other sources of origin for many of these incidences.

a) Disinformation is widespread and used effectively to some extent by the agents as cover. It makes them appear gullible which I am quite sure they are not but they use this technique to turn stupid and other gullible people into criminals. The real criminals here are the government agents.

The final point I need to make here is that the government spends a great deal of time and your tax dollars to alter peoples belief systems for their own purposes which is not a real good use of the publics money or trust.

b) Framing. This generally comes in two flavors. The first is where evidence is planted to support a bust. This is usually done by using a third party and is never done consciously with recorded surveillance (because they would catch themselves breaking the law) but has been used effectively to put desired targets behind bars.

The second type of framing occurs when undercover operatives can entice, provoke, frighten, intimidate or otherwise motivate targets to break the law so they can make their bust, get medals pinned on their chests, get promotions and pay raises and all the other incentives that go with artificially expanding the easy to bust criminal market.

In the next chapter I will cite a number of specific personal experiences in which this has been done to me at gun shows and elsewhere. It became so frequent and annoying that at Kansas City and Oklahoma City gun shows I became exasperated with the agents and told them that "I am perfectly capable of killing people, wiping out cities and committing crimes if I desire to do so without any encouragement or assistance from the government of the United States and its undercover agents, Thank you very much!!!"

\*In 1979, This author was arrested for carrying a concealed firearm. Ultimately, the jury found me not guilty but while awaiting trial a deputy sheriff by the name of Bill Frazier told me that a deal had been struck between the judge and the Chief of police to send me to the state pen. once I was convicted and that the only chance I had to avoid this was to try to take off and hope they didn't catch me. This is one more example of stupid police trying to make bigger busts.

## 2. Personal Experiences with Surveillance

For many reasons already delineated in my previous books and much too lengthy to repeat here I began to write books in 1996-97 on how citizens could build their own weapons to protect themselves from this government and other eventualities. The series was entitled *The Scientific Principles of Improvised Warfare and Home Defense*. In the spring of 1997 I began to attend gun shows to promote my work and began to run afoul of the US Government surveillance network almost instantly.

In the early days I little realized how extensive and dirty some of the US law enforcement agencies could be in their operations but I would soon find out. What I will describe to you here is a condensed form of only a small fraction of the events to which I have faithfully observed, recorded and interpreted. These will be the main highlights of what for me, has become an almost daily lifestyle.

My first gun show as a book dealer took place in Kansas City where I soon began to notice that some of the people who came to look at my books did not seem to fit in with the other attendees. They asked questions of why I wrote the books, what my motives were, and generally conducted “soft” interrogation which made it easy to tell the agents apart. Regular consumers don’t much care about motives and personal detail, they just want the book and information for themselves. I could count heads with this behavior and estimated only a few dozen agents per show. This would continue for about three months.

During the next three months I would observe the agents clustering around when someone other than their own agents came to look at and buy the weapons books. They would use hand and eye signals to move people around and would often continue the surveillance past my own tables. I concluded that this was where they accumulated their list of possible suspects when bombings take place. Some were followed out of the building and I even commented once to them that I thought it was a bunch of crap.

At about three months into the shows I went to Blaine, Minn. And on a boring Friday night I began to watch the agents, many of whom I now recognized personally move around. I had never been to a show in Minnesota so it was surprising to me that I would personally recognize so many of the attendees. It was also surprising that they many of them moved through the show in formation according to a discernible pattern. Then the whole picture seemed to emerge. It was astonishing at first and I felt like a complete idiot that so much organized and planned activity could be taking place around me without my having the foggiest idea of it at all.

Over time the agents adopted a pattern of dealing with my selling books that they did not like. They would send in people to talk with me and sympathize with my feelings, followed by the oddball belief system agents and informants. Then, usually at the end of the show they would send in someone to pretend to be really offended, angry or hurt by the books. The striking example of this was a US Navy SEAL they sent in to give me a hard time about the cover on my books. They sent him in at the end of the show when I was tired and annoyed. I had put an eagle with a trident on the cover of the book and effectively piggybacked on the Navy SEAL emblem. He would pretend indignation and at the Atlanta show he told me that at least he earned his BUD symbol and appeared to be provoking me to a fight. Here I was, a 40 year old gray haired man who was overweight and with knees that hurt so bad I could scarcely walk by the end of the show being challenged by a magnificently trained and conditioned 20 year old special forces expert. He obviously had earned his BUD and was in great shape and trained to kill which I would never dispute. He had not been trained in what the application of science can do to all that muscle, training and ability.

This provocation angered me along with the overall undercover pattern of harassment so in the fall of that year I began to work on my chemical weapons book. Just prior to my releasing the text material on nerve and mustard agents, I told one of the undercover agents that they did not appreciate the power that this kind of knowledge represented. I recited the story of the SEAL and told him flatly that I could, with what I know how to build with my own two hands kill more people than every SEAL on the planet combined and the numbers wouldn't even be close. The agent scoffed at me, told me I was practically crazy and walked off. I then released the chemical weapons text. The SEAL was never sent in again and no one ever made fun of my book cover or my statements again.

What did happen is that the US Senate passed the Feinstein bill criminalizing the sale of dangerous weapons books. At the Cleveland gun show, a copy of the bill was placed in my hands and I was basically told that as soon as Bill Clinton signed the bill I would be arrested. The vote in the Senate for the bill was surprisingly unanimous and I would argue with the agents at the show stating the obvious- what they are going to do, make understanding what words mean against the law. Aside from the first ammendment, I and many others do not believe that any government should be allowed to tell its citizens what they are or are not allowed to know.

I ended up going to the federal building in Lincoln, Nebr. to ask Senator Hagel's staff when the bill would be signed so I would know when I would be arrested. As soon as I walked in the door the secretary pressed the emergency security button and in seconds the security people disguised in maintenance uniforms came scrambling in. As soon as they found I wasn't there to blow up the place they left. To make a long story short, the bill was killed by the

combined armed services committee and Mr. Hagels office was kind enough to call me and let me know this.

Concurrent to these events, several other things were also taking place. I began to make counts of agents at the shows which began to be easier to do each time. I could go to a show in Texas and count the people I knew in the crowd. Since I had never been anywhere close to the Texas shows before it allowed me to get a good head count and make further observations of the surveillance practices under somewhat controlled conditions. I estimated from this that average deployment per table runs from .2-.6 agents per two hour shift on average. A 1,000 table show would draw 200 to 600 agents per two hour shift to ensure good coverage of all activity. I quickly presumed that it would be nearly impossible for anyone to illegally buy a gun or conduct any other criminal activity without the government knowing it in this environment.

Given these numbers I roughly estimated that about 10-20% of the crowd in winter shows were federal employees and at times the summer shows ran as heavy as 50-90%. Not all of these were federal agents. A number were local and state law enforcement that attended the shows and exhibited surveillance and consumer behavior that was often distinct and different from the Feds.

During this same time frame I became friends with an undercover agent in Omaha. His approach was so off the wall and his stated belief systems so odd that it was hard to be certain what he was. It didn't take long to figure out though. Whenever we were in a preset location, he would showboat in a way that someone would if they knew they were on camera. His personality changed and he enjoyed crowding the conversation and being its highlight. He didn't do this in random meetings or discussions which we had away from prepared situations. In setup meetings his conversation was scripted which he tried hard to follow rather than being spontaneous and it was here that he resembled the informant/agents at the gun shows. The final give away occurred when he planned a meeting with me at a café and didn't show up. Instead there was a woman at the counter who wore a blue dress and had really nice legs. It was so obvious that they were attempting a handoff that I did not respond to her interests. (This would be repeated a number of times in the coming months in other circumstances) She soon left and a man came in wearing a white T-shirt who had the Fed "look". I would run into him about two weeks later as I pulled off the interstate in Colorado to get a bite to eat.

A couple more interesting anecdotes come from this same time frame. While selling my books at Las Vegas, an environmentalist came up at the end of the show to look at my books. I had just finished the chemical weapons book and he looked at it for a couple of minutes. He then came up and asked me if I was some kind of a nut to put information like this out. I told him not to worry, as soon as someone takes a bunch of herbicide, makes it into nerve

agent and wipes out a city, the government will take all the organophosphates off the market. It took a few seconds for the light bulb to finally go off in his head and then I saw him grin ear to ear and say “Yeah, that would be good for the environment”!.

On another occasion I called my dad from on the road and told him about the undercover hassles I was having. I also told him how I could tell the undercover agents apart by agencies in some cases. Our phone connection was crystal clear the entire time until I began to describe my observed differences in the FBI agents. The phone instantly began to crackle and we could barely hear each other. I told him I would call back later. [Details on this will be covered in the next chapter]

While in Houston, an individual came up, claimed he was a lawyer for the ACLU and asked me to call and talk to him about my case if I thought the government would try to arrest me for selling books. I was mildly suspicious and never called him. I would see him later at the end of the Great Western gun show and counted him as an agent which was obvious. [Lesson learned-the government fakes ID's just like criminals so don't believe anyone at their word or printed card alone.]

A pivotal point finally came at the Sioux City gun show in the spring of 1998. It would have a profound effect on my life and possibly the lives of many Americans. I had just completed and was selling my Chemical weapons book. An elderly nice old man came up to my table and started looking at my latest book. He had his young grandson with him and seemed very ordinary. He started to talk to me about the book's content and told me his son headed the army's chemical weapons program in Maryland. He wanted to set up a meeting between us and although I was leery I didn't want to offend him so I talked around it. He said “let me show you his picture with his family that I have here in my wallet. He opened the wallet to show me the picture and I glanced at it. I then noticed the blue imprint card with the emblem United States Central Intelligence Agency on the other side of his wallet. When he realized that was what I was looking at he immediately closed it and our conversation ended.

Later at Sioux City, after the show ended and I was packing up, another gun dealer from the show named Tom Brown came up to me. He and I and the janitors were the only ones left in the building and I was throwing my last boxes of books into my van. He told me that funny things happen to people who leave gun shows in the middle of the night. Vehicles come up behind them with their bright lights on at high speed and try to run you off the road. I told him I had never heard of that before and since I didn't have guns I doubted someone would be after my books that bad. He earnestly restated what he told me and it was obviously intended as a thinly veiled threat. I had

other veiled threats at other shows of a similar nature but nothing had ever happened so I didn't take it seriously.

The next show at Sioux City took place in a couple of months and it was obvious this was not a normal show. One of the informants with the name of Andras Saleh worked very hard to establish a close relationship, buying \$400 worth of books, offering to buy a pizza after the show and talk about the info in the books and "other" things. He came up as the show ended and offered to help pack up and load my books. Then he asked if I was going home the same way I came to the show. I told him no as the alarm bells went off. I was also stupid enough to tell him my actual route. He then excused himself for a few minutes and went to talk to Tom Brown the same dealer that had made the veiled threat. I knew I had been had. I left with him with my guard up and ate the pizza, had the normal boring conversation with the exception of my book being compared to Adolf Hitler and then I left for home.

I took the route I said I would because I didn't think anyone working for the government would actually try to kill someone over a book they wrote. I also took one precaution. I sled my seat way back so that I was actually not in the window and was shielded by the panel in my van. As I pulled onto the Indian reservation north of Fremont, Nebr., a car pulled up rapidly behind me with its brights on. Then they pulled along side and I was sitting behind the panel and not in the window view when I saw a flash, then another bright flash. I thought they had shot at me but I heard no sound. I considered driving into their rear wheels to force them off the road but I peered around the corner and saw that it wasn't a gun but one of those large, million candle power strobe lights. They were trying to blind me. As they pulled in front and continued the light show I pulled my visor down to block it. Once in front, they pulled the strobe light in and as they set it on the seat it went off blinding them. They swerved all over the road and nearly ran off. I started to laugh even though the situation was actually quite serious. The Feds had sent the keystone cops to covertly kill me and very nearly ended up killing themselves. The aftermath would become much more serious.

The next morning my dad called and as usual asked me how the show went while getting me out of bed. I told him what happened and angrily said "for you assholes listening on the phone, I am going to describe how to make Malathion into nerve gas, and how to strap it to the mufflers of every secretary's car going into Washington DC. When the plastic melts they will gas the city. I'll teach that in my next book. This conversation took place on Monday morning. By Wednesday morning, as I left home to go eat I noticed the several US Government license plates on cars that I passed on the way to the hiway. This did not go completely unnoticed since Silver Creek is a town of only 500 people. When I arrived at Pizza Hut in Columbus it was impossible to not notice the Lt. Colonel (Silver Oak Leaf on the collar) sitting next to my booth. He followed me back to Silver Creek and then back to

Columbus when I went for parts to repair my van. On the way back to my house I tried to pull window to window to talk to him but he pulled down the block. This was the first time the government sent the US Army out to babysit me. Unfortunately it would not be the last.

By the following Monday I had become incensed that they had done nothing about the undercover agents midnight activities so I called Andras Saleh (the informant) and confronted him over the phone about what had happened. He did not deny being a government informant and asked why I had not told him about this right away. In the course of our conversation I finally told him “Do you even realize what it is I know how to do, I could kill you with nothing more than a postcard in the mail coated with anthrax”. At this point he finally cracked and I realized that he knew nothing of what they had set up. He was just being paid to do what they asked him to which was to try to make friends and delay my departure. I learned the lesson that in dealing with government snakes like this you can’t even trust honest people because they use the honest ones to set up their dirty work. This would be a very valuable lesson in the years ahead.

In a humorous anecdote, some months later my landlords wife came over and told me her 4 year old son had gone out and told one of the men in the US Gov’t licensed cars that “Boy are you in trouble” The agent looked down at him and asked why to which he replied “My mom planted fresh grass there and you’re parked on it”. He then went to get mom. I explained to her that the government didn’t like the books I wrote and became indignant that I would actually complain about their trying to kill me over them so they sent the agents out to babysit me.

I had actually tried to address what I would do if federal agents tried to arrest me for writing and selling books (especially in light of Ruby Ridge, Waco and the Oklahoma City bombing) and I decided that I would at least put up a creditable fight. When the US Army showed up outside my house I had these visions of Delta Force kicking in my door and arresting or killing me which I found almost unbelievable. Although my imagination and ego probably began to run away from me it was obvious that if the Army was coming I was really screwed. I felt I could deal in some surprising ways with law enforcement and it would all not go there way but I also knew from my military experience that I wouldn’t stand a snowballs chance in hell if Army troops came to kick in the door. During all this I was enraged that they would send uniformed Army personnel to my home and not arrest their own agents for what was so obviously an illegal act. I finally concluded that the laws we live under no longer mattered and that I would have to contemplate the unthinkable.

I did not want to be arrested for writing books without at least a fight so the problem became how do you actually fight an army. The only way I could

conceive (at this time-I've improved since then) of a method was to build and equip my own army.

Since Waco and Ruby Ridge as well as the advent of modern electronics combined with the real world army that the US Government was now willing to actually use against its citizens it was obvious that firearms, explosives and even chemical weapons would be practically useless. In my own particular instance I would be fighting nearly alone and would not be reinforced by anyone. This led to the creation of a new fighting concept which I would publish in my next book on biological weapons. At first I was practically horrified by the concept but after the way the Government had treated me and the way they made it extremely clear that my life and its laws were worthless to them, I got over the remorseful feelings quickly.

The core materials I published gradually, step by step, hoping the government would get the message and reform its laws or at least live by them. The only thing that would happen would be more dirty tricks. I consequently published where to find anthrax, plague, tularemia and dozens of other bacterial diseases, how to grow them on Jello and agar(in color pictures) and in soup. I included enhanced weapons designs such as mixing dermal irritants to anthrax so the targets would self inoculate the organisms during exposure which would render the use of gas masks useless in a manner similar to that of mustard gas in WW1.

Finally I published and simultaneously told the agents of my own army building concepts. In response to the obvious ability of the US Army or law enforcement to wipe me out, it would be possible for someone (acting on my behalf post mortem) with a big box of envelopes with anthrax under the postage stamps to send pre addressed envelopes out to every hate group in America (or the NRA to rearm the country). Here is a ready made army that hates the government already and that would actually fight if given invisible, self reproducing weapons they could carry anywhere in the world undetected and grow overnight. Each of them could arm and equip their own mini armies once they had the organisms and color pictures in the envelopes with some basic training instruction on how to safely grow and use them.

I completed my book on the bio weapons and in the months that followed widely distributed it. It soon became clear that the government had no conscience whatever and would not obey its own laws. In the summer of 1998, my book business was slowly dying with the summer gun shows, the harassment diminished somewhat and my anger and hate slowly melted away. I finally decided to try doing something else for a living but I would soon learn that the Government does not let people walk away so easily.

In the late fall of 1998 I began to sell computers. I borrowed the money from my parents and used sidewalk displays. Some of the wholesale suppliers had parts that failed, some would not ship key parts and computers for a

month and the business slowly died. Simultaneously, the undercover agents from the gun shows began to show up at my tables in front of HyVee. Some made intelligent conversation. Others made insults and threats. Others tried to talk about using the computers to link to anti government groups. It was the same o, same o. Just like a gun show every day.

The business quickly failed and I finally felt beaten and decided to try and find a regular job. After some difficulty I finally obtained work with Cummins tools in which we would setup truckload sales at different locations around the country each day.

My first day driving to the work site was illuminating. The crew boss was a former Army MP named Clint Hartung. I remained quiet and he slowly brought up gun show talk. It was clear that he had been briefed about me, a fact which he later did admit to but his real job was to sell tools and I found him in the next two weeks to be one of the hardest working and most decent men I have ever had the pleasure to know. I also realized that he was honest. There was no hint of evasion or deception whatsoever. When we finally had our serious conversation about his being talked to about me he told me he had been briefed and what did I expect considering the books I had written. He also told me that the incident at Sioux City was a warning rather than a murder attempt. If they had wanted to kill me they could have. I told him that my Biological weapons books were also a warning and that I could have easily killed many of them, but I didn't.

While selling the tools in Wisconsin, we had the gun show crowd once again deployed wherever I went. It was clear that I would never be left alone. I also had some difficulty getting in and out of the truck with my bad knees so at the end of the run I asked if I could sell tools on my own which is what I tried to do. A footnote to this trip included a conversation with one of the other crew members who was an obvious informant. He finally told me to my face that I would never be left alone. That I would never be left alone no matter where I went and what I did for the rest of my life. I remembered that conversation and it is the one thing that taught me that I would never take another job working for anyone else ever again.

In the spring of 1999 I decided to try my hand at selling tools. Once again the bulk of my daily contacts were the undercover agents. Now without witnesses around they began to use the insults again and in one case ran my customers off. They did this in front of a witness, my landlord who could identify one of them.

The business ultimately would fail. I was unable to finance advertising, vehicle repairs, inventory increases and tool trailer construction. The undercover agents also would begin to get on my nerves. I warned them that if they kept this up I would go back to the gun shows and convert my books to

CD's and sell them so everyone could afford them. From that moment on they poured it on. In addition to shoplifting a couple of one dollar items so that I would be sure to see it and then practically dare me to do something about it, they would show up to talk but not even buy the usual token items. This combination hastened my demise in this business and I sold what I had left and converted it to the computers and CD sales that you now see at the gun shows.

The 12 explosive, 3 incendiary, 3 booby traps, chemical, biological and various other books that I sold for \$400 before, I could now sell for only \$20 and I also made the entire 5,700 page CD internet ready so that anyone could copy and send them anywhere on earth. It was my way of telling the government that it would not be allowed to do whatever it wanted to me and other citizens any longer without consequence. They may be able to harass or kill me which they regularly have threatened to do but my books will live on long after I am gone and will enable other people to fight back. I chose to fight with the words I could write. Others may not be so nice (I guess my problem in dealing with the government is that I haven't killed any of them yet-I must be too nice of a person).

One of the early shows on my return to the gun trade was at Belleville Illinois. At the start of this show a well dressed professional looking man came up and with some authority told me that Clinton had signed an executive order and that they were going to put a stop to my books. I told him they can arrest me whenever they feel like it.

Prior to this show and since then I have gone six straight months with \$1,000 in vehicle repairs. Some was no doubt required maintenance. Some had all the earmarks of direct sabotage. In five weeks I had to replace five tires. They were all worn to the inside. In addition all the rubber contact surfaces such as the windshield wipers, hoses, belts front end steering guards were all eaten through in the same time frame. It appeared that Uncle Sam's agents had decided to use property damage as a means of stopping me from legally selling books. [I had considered publishing the use of rubber solvents that can be sprayed on the inside of tires to weaken the rubber and cause blowouts to the inside which is what happened repeatedly on my vehicle-(from assassination 101)]

While replacing my radiator in Little Rock, Ark. after the survival show there, a couple of the agents came in to strike up conversations with me. I finally decided to have some fun and when one of them commented to me that someone had shot at his vehicle and hit the bumper while he was driving through a bad neighborhood I pined back that the shooter must have been a poor marksman if it was a deliberate attempt. He should have led your vehicle more. At that point the agent realized that I was playing with him, grinned and got up and left.

At Waterloo, Iowa one of the undercover agents came up dressed as a biker, looked me square in the eye and said “when I Kill people I like looking them in the eye”. He caught me off guard but I soon replied that it would be kind of hard to do that when you’re killing them a million at a time, wouldn’t it.

Several new approaches by the undercover bozos (I have by now demoted them from the status of agents to bozos) included trying to repeatedly get me to leave the country so they can just pay someone else to do the dirty work without having to explain it to anyone. I told them that isn’t going to happen because if they intend to kill me they have to do it here where they have a chance of getting caught.

Another one tried to pass off a phony \$50 bill and went out of his way to show me a printed roll of \$5 bills so I would catch on. This happened at the flea market in Nebraska City. I called the Sheriff and the undercover bozo who set up across from me came up and told me that no law enforcement officer at any level would be coming. I chased the individuals down the street who tried to pass off the bills so I could get their license number on their car but I was passed by another agent who sped down the hill, told them I was coming and they left the area in the other direction. The message from this incident was obvious, they could pass phony bills and have me arrested when I tried to deposit them in the bank. [and the sheriff never did show up].

Other incidents have included cars following me home in the middle of the night (after an evening out with my daughter at Columbus) with emergency flashers and brights on (they wouldn’t pass). My computers in my house would behave funny and even the gauges on my car would act like yo yo’s. When I would get angry and tell them I know you’re listening and knock it off the odd events would cease. Its easy to see how they can do some of this. When I was in the US Navy we would sometimes set up a prank by asking a new squadron member to carry light bulbs to the office across the hanger. When he passed in front of the APS radar on our plane we would turn it on and light up the bulbs he was carrying. We also regularly used our EW equipment to place phantom planes and ghosts on the radar scopes of Soviet planes and ships. They would chase our phantoms all over the oceans so it is easy to see how they can do this on computer screens. Playing electronic games is not new. In this case it is illegal and involves property damage and personal injury.

One interesting event occurred at the start of October 1999. I commented at a show that two women I recognized from a discovery channel program had been conducting surveillance on me in Columbus and I hadn’t seen them in a few months. They were easily recognizable as a pair and I had noted their involvement in a US Army program that had been highlighted on the show in which they placed electrodes in the brains of army volunteers to see how effective brainwashing might be using electronic methods. The women were interviewed on the program and I think they were CIA employees. My comments at the show were made on Sunday. The next day (Monday) at about noon as I was walking up

to the Columbus Wal Mart I noticed both women rushing up to meet me at the door. I ignored them and walked in. I wanted nothing to do with them.

At other shows bozos have come up in succession with comments about how police can gun you down by accident, or say they felt threatened, or how the wide open fields in the country here can be used to dispose of bodies so no one would ever find them. To that last comment I replied that perhaps the same can be said about Washington DC. Maybe centuries from now someone will be digging around on the East Coast and find the remains of a once great civilization and wonder what happened to it. It was at this time that I finally mentioned what I have known about for some time. I knew how to draft instructions for producing modified biologicals that could possibly depopulate virtually the entire planet.

The example I gave to the agents was a simple one. *Clostridium Perfringens* is the organism that causes gas gangrene. It is found in ox manure which the North Vietnamese dipped their punji sticks into to cause infected wounds in troops who step into the booby traps. We breathe this organism in and out every day. We eat it on our foods and it is found in our own solid waste. The reason it does not hurt us is that it cannot reproduce in the presence of oxygen. The spores only germinate in oxygen short environments like wounds with blood flow cut off and inside canned foods or underground in gardens.

If this organism is modified so it can become aerotolerant, facultatively anaerobic or aerobic it would likely wipe out every species on earth from the earthworm on up on the tree of life. I estimated the knowledge of how to do this was achieved around 1970 and the US Army almost certainly knew about it around that date. I could give thousands of other examples but this one alone should suffice.

One person in their basement could modify the organism and if only one ever gets out it would populate in the soil and spread. Whenever it was breathed in or swallowed by any upper life form it would produce toxins cutting off the flow of blood and immunity or other defenses and turning the tissues into food for itself (gas gangrene). There would be no defense and eventually it would spread across the planet eliminating everything that breathed it in or ate it. Now I wonder how powerful and arrogant the leaders in Washington feel now. They can't really do whatever they want anymore without consequence. I wonder if I have to write the next two or three books with all the procedures so everyone can do it. Its funny that a lot of people already know about this in this country. The government can't stop it.

All I ever wanted was to do my research work and take inventions to the marketplace. All I wanted from the government was fair laws so I could do so. All I have seen from the government is a succession of threats, harassment, attempted murder and contempt for their own laws. I have come to view the BATF, CIA, and even the FBI as paracriminal branches of the federal government.

I have vented my anger with my books and on some occasions with harsh invective and rancor towards the law enforcement officers or agents standing in front of me who in many cases likely do not understand why I am so angry. I am also sure the dirty tricks people do not announce to all their actions to those around them.

Ultimately, if this government does not do something about these people and live up to the promise of rule of law I am quite sure that one day someone is going to do it for them.

### 3. Differentiating General Public Behavior from HUMINT Collection

It is clear that undercover and related law enforcement practices involves not just catching criminals but in creating them as well (on both sides of the badge). A well informed public needs effective methods of identifying agents and activity in the field so they can protect themselves from these types of predators. In this chapter I will provide some of methods and techniques that have served me well in the field and at the gun shows.

In addition to the government practices and skills already described, a number of other habits and actions are required for undercover agents to do their job. The most important of these is recognition of their target. In order for an undercover operative to do their job they need to know who they are supposed to watch and create contact with. This gives the target a number of opportunities to identify agents from background populations and I will give a variety of field examples here in each case to provide some insight in how to identify them.

The first and most important skill is reading eye contact. When you walk through a mall or a Wal Mart store in a city where you have never been, watch how people look at you as they pass by. If you dress or look sharp, they will notice you and some might make eye contact if attracted to you due to the context you created with the appearance. Do this with an ordinary or less than attractive appearance. Virtually everyone will not give you the slightest notice (context = ordinary). If they look at you at all, they appear to look through you at the items behind you or may appear daydreaming. Undercover agents who's job it is to watch and report will make or avoid eye contact in a manner in which they clearly recognize you. The only way they can use avoidance or recognition expressions is if they actually recognize you from being briefed.

If the agents job is to make contact, then they will attempt an eye appeal contact or smile to open a conversation. This must be taken into context again.

Are you dressed and groomed to deliberately create appeal. In your ordinary life, is this how others might approach you when they don't know you?

In the context of gun shows, I often left my shirt hanging out. Sometimes I would go a day without shaving and am overweight. I create a context in which there should be no interest whatsoever by women. After writing the chemical and biological weapons books I had a variety of approaches by women at the gun shows. Aside from the context of my appearance, the room was full of physically fit, single men who were far better candidates for their initial interest than I could ever be. It was obvious that the interest was artificial and generated by a government interested only in more dirty tricks.

Eye expression is useful when watching agents during their routine work. While working the shows they would look at books and literally "stare" through them. There was no real interest because they were not there as consumers to be interested in book and topical content. They were interested in the people buying the weapon books, or the gun transaction across the aisle, or were simply bored and trying to fill out their shift.

One other area useful as a test of a persons core belief system that I used at the shows involves the concepts of how to grow anthrax on jello, send it to all your friends and build your own armies. When I first stated this idea at a show, it shocked the initial listener. When you state it to ordinary people who are unaware of it, the response is one of shock, surprise, horror or very high interest depending on how the listener is initially inclined to accept the information. It would usually take a couple of seconds for their brains to interpret what you said and the light bulb to go off. Undercover people who have already heard about the concept do not find it new. In fact, if they hear it frequently they find it boring and this easily registers in their facial and eye expressions.

An outgrowth of this concept involves undercover bozos who come up to you and pretend to believe that the government needs to be overthrown and "we" should act to do something about this now. If they have not heard the idea stated above about the anthrax, they generally express surprise. Most were only superficially interested which indicated that their core beliefs were not anti government but pro arrest. An additional series of tests can be constructed to test these beliefs. By presenting fresh and insidious ideas like mixing anthrax and poison ivy together and mailing it to every employee of a particular agency you don't like (or secretly work for) you generate a response. Another example would be coating the mail with plague organisms on the outside of envelopes and saturating the target zip code so that every piece of mail becomes contaminated. If the person you are talking to understands these before he has seen you his eyes will remain dead or unmoved irregardless of faked facial expressions and body language (translation-they are good actors). When you finally hit on a fresh concept that turns on a light bulb in their head their eyes give them away. The genuine anti government consumers at gun shows generally find these ideas

useful and appealing. They are not interested in you personally like the agents are, they only want the information for themselves. If they find the concepts fresh and appealing, their pupils tend to dilate (become larger). If they are actually horrified or repulsed by the idea their pupils remain dead or more often contract in response to the suggestion. This is because the body responds to the brains interpretation of frightening and horrific ideas. In this case the bodies blood vessels constrict (blood runs cold) and you see part of this effect in the eyes (fight or flight response).

When you deal with genuinely angry people who are anti government and are inclined and prepared to fight them, they find new methods of fighting back appealing so the brain interprets this as something positive. Blood vessels dilate, the body relaxes and this results in dilation in the eyes. Sometimes you have to run a whole series of ideas past the undercover bozos to finally reach a fresh one they haven't heard so you can measure their response. Often they are so well briefed that they have heard everything and it becomes like talking to a dead fish.

Other common visual cues include –

Sincere smile = Creates wrinkles around the eyes

Fake smile = Creates no wrinkles

The test for this is what do they smile at that genuinely amuses them. This gives you a baseline to work from

Anger = Eyebrows lower

Does the man genuinely become angry at the government or is he just faking it.

When a person is sad, eyebrows furrow which generate shadow (dark) areas higher on the face.

There are many books on body language and facial expressions which are useful in helping you determine if you are dealing with undercover agents or real people. These can help you ferret out the actors.

The most obvious way to tell people apart at gun shows and other situations is how they generally behave. The general public goes to the shows to buy guns, books, ammo and to occasionally socialize. The intelligence collectors try to mimic this behavior while acting to collect HUMINT (Human Intelligence). They tend to focus on behaviors that are primarily listening, moving to listening or filling their time till the shift ends. The public shops and comes or goes as they inclination suits them.

Another way of telling agents apart is the use of scripted conversation. They would come up with a preplan of “go up and talk to him about this”. When they would do this the conversation would lose its spontaneity. This became so bad once at a show at Dallas that I finally told the young agent in front of me that one of the ways I tell agents apart from the public is their use of the scripted

conversation. He was focusing so hard on what he was supposed to say that he missed what I said. Another agent standing next to him did not miss it. We both grinned and he winked at me as he walked off.

Early on, the FBI sent in younger agents fresh out of Quantico to the shows. At that time they were notoriously easy to identify because they basically glowed with the persona that I have a badge, a gun, and I am super undercover cop. The older agents generally knew better. They had enough experience to know that bullets actually tear people up and that they were not bulletproof. The kids did not. This showed in their demeanor at the shows.

At a gun show in Novi, Michigan in 1998, I watched something being done by the undercover agents that I had not seen before. I noticed them moving in groups of 4-5 in paired formations two isles apart. I then noticed in the isle between them a uniformed member of the Michigan militia. Wherever he moved, they moved in parallel. When he stopped to talk, they stopped to “lean in” and listen in his direction from the isle away. It took him about 30 minutes to reach my tables and as he walked up I told him “you must be the most watched man at this show” At that instant the groups broke up and scattered every direction. I almost broke out laughing. He replied to me “let em watch, they know where to find me” and it was clear he was oblivious to the covert observation he was under. It reminded me of how overwhelmed and stupid I felt at the Minneapolis show when I first began to see the overall surveillance pattern.

Undercover operatives use a variety of electronics to assist them in listening to their targets without depending on agents. One of these is the use of ink pen bugs. These generally cannot be taken apart. When I first noticed parts of my conversations from my parents house and elsewhere showing up at the gun shows I realized that they were using bugs. I soon suspected and examined the free pens that I was being sent in the mail. I quickly learned to throw them out and the pens quit arriving. The listening continued however. I then realized that they would borrow my pen to use to write a check. Another agent would distract me and a bug would be placed in the pen which I then put back in my pocket. This allowed them to listen to every conversation I had at the shows. They could also switch pens. Even my car was repeatedly bugged. Once they were in such a rush to leave, they left the front panel of my drivers seat on the floor with the screws off. I looked under the seat and talked directly into the bug and told them this must be the most bugged vehicle on the planet.

One advantage that they produced from this type of bugging is having the ability to find out what interests their target has so they can use it to brief agents to bring up the common interests or concerns. The van breakdowns were other examples. My watching certain TV programs repeatedly came up till I told them that was enough. You can use the DeJaVu from this to recognize agents. In real life they rarely come up as openers to conversations if ever. When the subjects are

broached in advance it is most likely a dead giveaway of a personal life briefing being used by an agent.

One of the minor harassment techniques they also used involved a credit card company that I became annoyed with. Since they knew the Providence credit card company had annoyed me over a credit application they had the company send me weekly applications until I finally told them to knock it off because I was on to what they were doing. The weekly mailings abruptly ended then.

I also became annoyed and tired of having every single piece of mail I received opened and taped shut. They toned it down since I complained about this as well.

One of the techniques used lately by the agents who are apparently under pressure from Washington to get someone on the inside to do their dirty little frame up or other “law enforcement” job was to have the bozo (agent) step in front of me while I was browsing at books in a bookstore or walking into a Wal Mart. In order to use this technique they have to watch where they are going to see where to move to. This was easy to spot so I told them I knew what they were up to and they knocked it off. Shortly afterwards, they tried an “in your face” approach where they would have the agent move in close, chest to chest to invade my personal space. This didn’t bother me since I knew what they were doing so they began to have uniformed police officers do it to crank up the intimidation level. The first time they did it they caught me off guard but I quickly realized what they were doing and this soon ended.

One final way of identifying agents is simply physical and voice recognition. You learn to recognize tattoos, hair color, identifying marks, speech patterns and so on. One of the most surprising visits at my table occurred when FBI director Louis Freeh stopped by. I didn’t realize it at the time. All I thought was that he was someone used to giving orders so I figured he was one of the supervisors you regularly see. Some time later I was working on the computer at home and had a 20<sup>th</sup> century with Mike Wallace on the discovery channel on TV. I heard a voice I thought I recognized and I looked up at a special on law enforcement. The voice was the FBI directors and I realized that the big cheese himself had come out to visit me. For a few seconds I had this real intoxicating feeling of importance. Then the real world problems made me realize I needed to get my ego in check and go back to work.

A few final incidents that come to mind while writing this include the power being knocked out in my house (and not the neighbors) when I first tried to print out the chemical weapons book. The invasion of biting spiders when I was ready to print out the Bio Weapons book. The thinly veiled statements of dealers (agents) next to me at gun shows stating that “I had better hope I never lose my high profile”.

## 4. Defense against Surveillance Practices (Counter Social Engineering)

“Biological and Chemical Weapons are like Lawyers. You need them to protect yourself against unjust Government, their horrible to think about, scare the hell out of you, and screw everything up if you ever have to use them!” Tim Tobiason

The US Government under which we live has adopted a number of policies and laws which seem best described as a by for and of itself form of governing.

Personal observations and experiences have already been described and form a general pattern of –

- a. A clear plan of framing citizens who write or say things it doesn't like.
- b. Institutionalizing the sciences of lying, deception, and harassment.
- c. Sponsoring attempted murder and death threats.

[In this regard I have often felt the US Government should put itself on the list of nations that sponsor domestic terrorism]

- d. Having a policy of burning out armed resistors prior to Waco and then pretending that wasn't the case there.
- e. Massive surveillance of ordinary law abiding citizens.

One other important comment I wish to make here is that there have been persistent rumors of the government building concentration camps (to which they will attach the less insidious name of internment camps). There is in fact indirect evidence of this and it can be contemplated in the following context.

I have personally created the possibility of arming tens of thousands of angry citizens with the instant ability to create their own armies and wipe out cities. In the event a mass mailer delivers to tens of thousands of addresses in a single day such organisms as Anthrax or Botulinum and instructions on how to use them what would the government do. Anthrax can easily be mass produced and the spores hidden anywhere and stored for decades with the recipients being able to repeat what I have just described above at any time.

The only response would be for the Government to declare a state of emergency and start hauling people away to areas they can control them before everything starts to fall apart.

No amount of government electronic capability and individual force can cope with this genie out of the bottle for long. This will result in a quite drastic shift of power to private people and away from governments. The US Government would have to intern all individuals with anti government inclinations that they know about as well as all possible recipients to contain this threat. The only means of doing so then is the establishment of the actual infrastructure and plan of actions that have been rumored for some time.

I doubt the US Government would simply stand by and watch the overt arming of American citizens by this method and have presumed that they would adopt draconian and totalitarian practices in the name of preserving themselves (and Democracy?)

This author has developed a number of strategies and tactics that will enable the mass arming anyway. These include –

1. Teaching all Americans how to arm themselves with invisible, self reproducing weapons that each one of them can build and train their own armies with. I will be gone one day but I intend to insure that all people will have access to knowledge that will let them arm themselves against this kind of dishonest, power crazy and corrupt government. I am accomplishing this through the books I have written and distribute.
2. Arming millions of American citizens through third parties by means that I will describe in future books is another approach. One other approach is to simply publish the doomsday weapons procedures and let everyone have the singular ability to remove this government.

It sometimes seems that the people in Washington can write all the rules for themselves and their rich constituencies and the hell with everyone else. They need to learn how quickly their materially wealthy worlds can be brought to an end. I have made abundantly clear to the federal agents how easily Washington can be removed in a day (while they have made it abundantly clear how easily I can be removed in a day).

The US Government has adopted a social engineering approach of telling American citizens what laws it is going to have to live under or else. I have

adopted the opposite approach (counter social engineering) that we the citizens will have to tell the government what kind of laws we are going to live under and that these laws apply to the government as well and they have to be fair for everyone. This is a condition that certainly does not exist today. By using the internet to spread the knowledge of self arming and army building we the people should be able to stand up to any police force or army the US Government sends against us.

As a practical matter there is no defense against determined surveillance by the Government with their ability to apply huge resources to any given area, person, or problem. This is why everyone needs to be armed with the knowledge and capabilities. They can't watch everyone all at once and cannot fight the entire population.

Once Washington realizes that it is functionally impossible to disarm the nation peacefully, and that it must reform or face a near certain civil war one day perhaps they will decide to give in and live up to the promises of Democracy.

Instead of pretend Justice we can have real justice

Instead of pretend laws we can have real laws for everyone

Instead of pretend representation we will have real representation of all the people instead of just themselves.

Instead of government by for and of itself we can have government writing and applying laws for everyone.

To those of you who will live on in this kind of world I wish you the best of luck. You do not have to be sheep and do whatever they tell you just because they can lock you up or kill you. You can fight back!

## Postscript

Over the last two years, undercover agents would often follow an easily discerned pattern. They would feign interest in my books to get me up from sitting on a chair and then as soon as I would get up they would leave. As soon as I sat down, they would repeat the action. They would also do other things designed to create fatigue during the day. Near the end of the show day a new set of agents would come over. These would concentrate on using forceful techniques almost to the degree of bullying to create and reinforce hate for the President (if you hate him enough to threaten him you can be arrested), to believe in the oddball conspiracy theories and generally to reinforce the need for hating and taking action against the government.

The remaining undercover agents working the show are waved off to allow the Psy Ops people to work me over without interruption. This technique was intensified since the original publication of this book. I have estimated that about 20-40% of the dealers at the shows are agents or front men for the government and this allows them to effectively control the majority of the buying and selling of guns, gate receipts for the show promoters, traffic flow and overall intelligence collection. It has become obvious that Tim McVeigh would have been easily identified early on as an easy Psy Ops target and since he was young and had no training in being able to recognize what was going on around him he was obviously talked into retaliating. Whether the government knew he would blow up a building or not I could not say. Perhaps they simply thought that he would confide his plans to undercover agents so they could make another bust. Perhaps some of the players in Washington did in fact want to see a building blown up so they would receive more money for empire building.

Whatever the case, it is clear that the government uses techniques of exhaustion and forceful, sympathetic, and intellectual reinforcement in a planned and organized manner at the gun shows on certain targeted individuals to modify their beliefs and feed the hate. I personally believe that the government should not be in the business of paying people (agents) to brainwash American citizens into committing crimes for either arrest or empire building purposes. These techniques have been applied to me on and off for about two years and I have recently responded by telling the brain screw agents they send in that the only conspiracy going on at the gun shows is the use of agents to talk people into believing in conspiracies and basically (and politely) to buzz off.

## Postscript 2

On 22 Oct, 1999 I drove to Minneapolis, Minn. I had bought a CD duplicator to mass produce the CD's I am selling (and you are reading). The duplicator would not duplicate any of the CD's and I wanted to find out why. It took about 30 minutes to realize that I had written the CD's in a form called packet data. The reason I had done this is that the East CD Creator program that had come with my Hewlett Packard CD Writer would not let me write the discs in the normal fashion. This occurred on all three of my computers so I used direct CD to bypass this problem. The technician at the company selling the CD duplicator began a series of tests to find out what was going on.

The first test showed that the easy CD Creator would not write any of my CD's files to a CD at all. I had originally believed this to be something called "buffer underrun". The technician advised that this was not the case. We ran a second test. This

time we used files that were not my own STIP CD's but were other data files on the computer. This test was successful every time. The CD Writer had no problem in taking other data and making it into duplicatable CD's.

We decided to run one last test. If the computer could not copy my own data then there was a problem with the way I was writing my data. The technician installed the same Easy CD Creator software on my computer but carefully placed in a different directory. This time we tried to create "normal" master CD's on my computer. This time it worked. I then told the tech that my other computers were exactly like the first and could he please install the same software on my other machines. The look I received from him was very funny.

For those readers who are unfamiliar with computers, I will enlighten you.

1. When a person such as myself goes to the store and buys a CD writer, he receives a software package that lets the user write CD's in what is called a standard format. This is done with every writer and computer sold in the world without difficulty. In all three cases of my 3 computers and 3 writers this was not the case. None of them would write a properly formatted CD. I ended up using a method that would write what is called packet data. This method leaves the front end formatting data off the CD making it physically impossible for anyone to copy my CD's in a CD duplicator but would still allow anyone with a computer to read the data. The net effect of this would be to prevent anyone with a CD duplicator from buying my CD's and mass producing them by the thousands.

2. In my computers case, it would copy all the other data on my computer except for my own STIP files (on all three computers).

3. When we installed the same software to tell the CD writer how to write the CD's in a different directory, it would then copy my own files correctly which means that it was not a problem with my file types.

The reader can make their own conclusions from this story with the following anecdotes.

- A) At the Belleville show I had been warned that Clinton had signed an executive order and that "they" were going to put a stop to my book crap.
- B) At the Hamburg New York show, I was distracted by a customer and turned away from my computers. A girl working the booth across from me with her father came over and asked if she could play on my computer like the other woman was. As I turned around, the woman on my computer bolted in one direction while the man distracting me bolted the other direction. I didn't try to stop them because I didn't know what they had done. From this moment on, my computer would not write CD's anymore. What had happened is that they had changed the read speed on the computer from 24X to 2X so that when it would proofread at the end of the writing, it would take about an hour instead of 2-3 minutes and appeared that the machine had stopped.

The US Government is obviously paying its agents to covertly interfere with the free press (STIP) thereby subverting the 1<sup>st</sup> amendment that they clearly don't believe in. I just thought you the reader would like to know.

Tim Tobiason

Postscript 3

7 March 2000

I am including several new observations of the undercover agents activity around me and my interpretation of it.

1. During this winter I traveled to Portland Oregon for a 1400 table gun show. While in the parking lot of a gas station south of Portland I was "burning" sets of CD's three at a time in preparation for the show. The CD duplicator reliably kicked out three CD's at a time from my master. Several agents pulled into the parking lot (from the gun shows). Almost immediately, the duplicator would quit and start beeping indicating that all the CD's were bad. Prior to this my failure rate was about 1%. After consulting with the manufacturer, they told me that the data stream to the CD's had to be interrupted in order for all three to go bad. I moved away from the agents to another parking lot without agents parked next to me and the CD's were produced perfectly using the same master and the same spindle of blanks.

At the Little Rock show a few weeks later (New Years Weekend) I was producing CD's before the other dealers came in. I commented to one setting up next to me who I knew was undercover and trying hard to warm up that my CD's were running OK and at least no one was destroying them. Almost from that moment on and until Saturday night, every CD I attempted to make was bad. The agents, whose purchases and entry fees to the shows account for most of the commerce at the shows bought almost no product leaving me with a tiny fraction of my normal sales. By Saturday at 4 PM I had decided to leave the show without finishing on Sunday. Shortly after telling the show promoter I was planning to leave, another agent showed up and told me that since I was having such a tough time at the shows that maybe he could find a job for me locally, perhaps working at a lab. I told him no. Then he asked if I would be interested in going to work for the government. I was so angry by now that I told him "after the attempted murder, army outside my house, weekly dirty tricks and the deliberate property damage that I would rather commit suicide and kill a bunch of agents before I would go to work for the government.

2. At the above mentioned Portland show which I went into angry over the damage to my CD's, I went through a 10 hour stretch of no sales.

During this period, I counted 7,000 people walking by and could positively identify over 5,000 of them from gun shows in Nebraska and east. These were people I had personally talked to. I interpreted this as a demonstration by the “Feds” of their ability to control and limit the commerce of any individuals they wished at the shows. If I would tell someone that the government indirectly ran and financed every gun show in America it would scarcely be believable. It is certainly a testable hypothesis and based on these observations I have concluded that gun shows will be preserved in America by law enforcement as a direct means of observing gun sales and anti government individuals that they can then target for arrest, harassment, and psychological operations.

3. As has often happened in the past, my phone conversations have turned up at the gun shows. Before a recent show at Council Bluffs, Iowa, I had a phone conversation at my parents house with the IRS. I owed them a small amount of money in back taxes and had made an agreement to pay them. I even commented to my parents that the undercover agents will probably now work me over on this at the show this weekend. Sure as clockwork, the agents went to work. One pair wanted to do my taxes. Others strongly promoted not paying taxes and others to not even file. In the previous year I had the tax conversation come up perhaps once. I purposely avoided the subject since I knew that it would be broached first by the obvious undercover agents. In one case I even correctly picked out the agent coming up to me as one of the “Brainscrew” operators and I was right on the money.
4. I have seen occasions where then agents have covered for their agent dealers by catching gun thieves before they could leave the show. I have estimated that 15-35% of all the dealers at the shows are working for the government in one capacity or another. There have been some instances where gun have been stolen at the shows without the thief being caught. I have concluded that this is almost impossible given the density and habits of the agents unless they are the ones doing the stealing. This is also easily testable by methods I will not publish here.
5. The following letter was received by me from a reporter in Kansas and is self explanatory. The public defender involved wanted to represent me if was arrested in Kansas. He was evidently hired by the FBI to do this and assist them in arresting and convicting me in court. It is interesting that the FBI is more interested in rewarding their agents who concocted this scheme rather than firing them for obviously encouraging illegal actions. This is consistent with my impression of the government law enforcement arms being para criminal branches of the federal government.

## JOURNAL-WORLD

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GENERAL MANAGER

Scientific and Technical Intelligence Press  
Box 59  
Silver Creek, Nebraska 68663

Feb. 14, 2000

Dear Mr. Tobiason,

My name is Dave Ranney. I'm a reporter with the Lawrence (Kansas) Journal-World.

I'm in the process of writing a story about Dan Rupp, a former investigator with the federal public defender's office in Wichita who was fired, he says, because he cooperated with the FBI in an investigation of your activities. Mr. Rupp and others allege that, in short, you are dangerous.

My story will focus on the lawsuit Mr. Rupp has filed in an effort to get back his job, but I do need and want to give you the opportunity to respond the aforementioned allegation, ie. Are you dangerous? Do your activities pose a threat to the nation's security?

With this mind, please call me at Journal-World 1-800-578-8748 during normal business hours. I'm at extension 7222. I'm usually there until about 7 p.m. If I'm not at my desk, please leave a message.

Thank you,



Dave Ranney

*filed at K.L., Ka Rupp v. US Public Defender's office*

To: Whom it may concern

From: Timothy W. Tobiason

PO Box 59

Silver Creek, Nebr 68663

308-773-8278

[www.stipcd@hotmail.com](mailto:www.stipcd@hotmail.com)

I am sending this letter to several news media in the hope that one of you will pick this up and report it. For over two years I have written and sold books that our government has deemed dangerous and I have been targeted to force an end to publication. The enclosed book on "Undercover activities and agents" chronicles my experiences of the last two years.

In early 1998, a man handed me his card at a gun show and indicated he would like to be involved in representing me if I am arrested over the sale of my books. He was an employee of the public defenders office. He was also wearing a wire and working for the FBI. He was fired for doing this and in a subsequent lawsuit the judge ruled in effect that he could not do this and retain his job.

His deposition and those of the FBI agents is enclosed along with the judge's ruling. Many statements were attributed to me at the shows which formed the basis of their actions and, although they sound completely crazy, I will be the first to admit they are completely accurate.... Except for one tiny additional detail that they left out. Prior to writing the books on biological weapons and their undercover activities, I had been warned and threatened at the shows and an attempt was made to blind me with a strobe light and run me off the road. I wrote these books after this incident. At every gun show afterward and including my conversations with Mr. Rupp (the Public Defender' office) I stated this was the reason for my writing the books and making threats regarding the government. I did this in as loud and obnoxious manner that I possibly could.

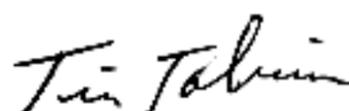
The depositions make no mention of this at all. They even chose to not use the tape recording from the wire as this would have been self incriminating. At a later show I got into an argument with who I presumed to be an FBI supervisor and told him that when we land in court all those tape recordings are going to be subpoenaed and they would have to explain them. He told me that all those tapes can easily disappear to which I replied "that only works if you have the only copies".

I am not a nice person in many peoples eyes. What I do for my living is well explained and legal. We live under a government that does not recognize the laws that we live under and evidently can do whatever it wants to us in the middle of the night and get away with it.

I have enclosed the "Undercover agent" book, a CD containing all the background material on the biological and chemical weapons referred to in court, and copies of the court depositions and judges ruling. This is at the very least a newsworthy story that will undoubtedly eventually make headlines. If you are interested in pursuing this you may contact me at the above address and #.

Thanks

Tim Tobiason



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Paul W. Vick - 8/16/99

Rupp vs. Phillips

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CONDENSED TRANSCRIPT AND CONCORDANCE  
PREPARED BY:

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EXHIBIT A

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

ANIEL RUPP,  
Plaintiff,

Case No. 99-2101-WEA

DAVID J. PHILLIPS, in his  
personal capacity,

Defendant.

VIDEOTAPED DEPOSITION OF PAUL W. VICK, a  
witness, taken on behalf of the Plaintiff, pursuant  
to Subpoena, on the 16th day of August, 1999, at the  
United States Department of Justice, District of  
Kansas, 500 State Avenue, Suite 360, Kansas City,  
Kansas, before

MYLES A. MEGEE,

for AAA Reporting Company, a Registered Professional  
Reporter, Certified in Kansas and Missouri.

APPEARANCES

For the Plaintiff:

MR. LEE J. HOLLIS  
THE HOLLIS LAW FIRM, PA  
5100 West 95th Street, 2nd Floor  
Prairie Village, Kansas 66207

For the Defendant:

MR. DWIGHT DAVID FISCHER  
HUSCH & EPPENBERGER, LLC  
301 North Main, Suite 250  
Wichita, Kansas 67202

APPEARANCES  
(Continued)

For the witness:

MS. JANICE MILLER KARLIN  
ASSISTANT UNITED STATES ATTORNEY  
UNITED STATES DEPARTMENT OF JUSTICE  
500 State Avenue, Suite 360  
Kansas City, Kansas 66101

Also present:

Mr. Dan Rupp  
Mr. Kevin Stack

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EXHIBITS:	MARKED:
1 - Report	3
2 - Letter from Rupp to Tobiasson	3
3 - Reply from Tobiasson to Rupp	3

(The deposition commenced at 10:41  
a.m.)

(Deposition Exhibit Nos. 1 through 3  
were marked for identification.)

MS. KARLIN: For the record, we have  
already indicated on the transcript for the  
deposition of Resident Agent William Seck that  
this deposition is governed by three  
authorization letters which are included as part  
of Deposition Exhibit 4.

PAUL W. VICK,  
a witness, being first duly sworn, testified  
under oath as follows:

EXAMINATION BY MR. HOLLIS:

- Q. Could you please state your name for the record?
- A. Paul W. Vick, V-i-c-k.
- Q. Mr. Vick, you are an FBI agent?
- A. Yes, I am.
- Q. And you currently reside in Wichita?
- A. Yes.
- Q. How long have you worked in the Wichita office?
- A. A little over three years.
- Q. Can you trace your history with the FBI for the  
Court and the jury, please?
- A. Yes. Well, I was a detective on the Wichita

police department, quit in Wichita, Kansas from  
the department in December of '83, and I joined  
the FBI in April of '84 and was hired to go to  
Quantico, Virginia and then I went from there to  
the San Diego division for four years. Then I  
went to New York City for four years, went back  
to California for another four, San Diego  
division. Then I came to Wichita, Kansas and  
I'm working on my 16th year in the bureau.

- Q. All right. And are you currently anticipating  
any career moves coming up?
- A. Yes. In May -- on the 26th of May I took a  
promotion, supervisory special agent position,  
in Washington and I'll be leaving there at the  
end of this week, leaving Wichita to go work in  
the Washington area.
- Q. And what is your exact title or what was it as  
of the summer of 1998?
- A. Special agent.
- Q. How did you come to meet Dan Rupp?
- A. I had the fine occasion of dealing with Mr. Rupp  
on a couple criminal cases where as a FBI agent  
investigating criminal cases in the Wichita  
area, I was -- on occasion had to go to court,  
and on one occasion I took two defendants to

1 trial in Wichita, and during the course of that  
 2 case, Mr. Rupp was assisting federal defenders  
 3 and I got to know him that way either before the  
 4 trial or during the trial, and then for a period  
 5 of time after that on occasion his office -- he  
 6 in particular would deal with our office on  
 7 certain cases in the normal course of their  
 8 office defending people that we were  
 9 investigating.

10 Q. What would his involvement be in the normal  
 11 course of defending cases, Mr. Rupp's?  
 12 A. I didn't deal necessarily directly with Dan, but  
 13 I think -- in trying to set a background on how  
 14 I met Dan, and I don't remember the exact day.  
 15 It was a particular trial. But after meeting  
 16 Dan -- we're in the same Epic Center building at  
 17 301 North Main, and I would see Dan coming and  
 18 going from the parking lot on the fourth floor  
 19 where our office is. So just coming and going,  
 20 I would see Dan on a personal basis. But aside  
 21 from that, I don't remember any specific cases  
 22 where our office had to deal with their office,  
 23 but I think that there were a few.

24 Q. Okay. Just can't remember the specifics?  
 25 A. Yeah.

1 MS. KARLIN: We'd be -- also be happy  
 2 to make you a copy.  
 3 MR. FISCHER: That would be fine if  
 4 that's okay.  
 5 MR. HOLLIS: Okay. Let's go off the  
 6 record.  
 7 (Discussion off the record.)  
 8 Q. (By Mr. Hollis) Okay. We're back on the  
 9 record. Now, was Exhibit 1 a report that you  
 10 prepared at or near the time of the subjects  
 11 that you wrote about?  
 12 A. Yes. If I could just --  
 13 Q. Okay.  
 14 A. -- finish answering your first question as far  
 15 as that this document documents my conversations  
 16 with Mr. Rupp. Sometimes we in the FBI get  
 17 accused of being a one-way street, but this does  
 18 not reflect my conversations with Dan Rupp. It  
 19 reflects information that he gave me with --  
 20 Q. Okay.  
 21 A. -- regards to his contact with someone that we  
 22 had an interest in.  
 23 Q. Okay.  
 24 A. So I just want to clarify that because --  
 25 Q. Okay.

1 Q. When do you first recall meeting or discussing  
 2 with Mr. Rupp the Timothy Tobiason situation?  
 3 A. June the 8th of 1998.  
 4 Q. Okay. And as part of your job as an FBI special  
 5 agent, did you compile reports of your  
 6 activities?  
 7 A. Yes.  
 8 Q. And I'm going to show you what's been marked as  
 9 Exhibit 1 in front of you. Is that the report  
 10 that's been -- and your attorney has taken a  
 11 black magic marker and marked out parts of it  
 12 that they don't want to reveal for statutory  
 13 purposes, but other than that, is that your  
 14 report that you made in connection with your  
 15 conversations with Mr. Dan Rupp?  
 16 A. Yes.

17 MR. FISCHER: Lee, do you have  
 18 another copy of those?  
 19 MR. HOLLIS: I don't.  
 20 MR. FISCHER: Okay.  
 21 MR. HOLLIS: I mean, I've got one  
 22 copy, but I need to refer to it.  
 23 MR. FISCHER: Okay.  
 24 If I could just take a look at it  
 25 before he starts to ask questions.

1 A. -- it doesn't document any verbal things that I  
 2 told Dan.  
 3 Q. All right.  
 4 A. So I'll --  
 5 Q. Okay.  
 6 A. -- try my best today to remember if you ask me  
 7 questions about --  
 8 Q. Okay.  
 9 A. -- conversations.  
 10 Q. Going back to Exhibit 1, when you wrote the  
 11 report, you were writing about conversations you  
 12 had with Dan Rupp and that's what's in the  
 13 report; correct?  
 14 A. Yes.  
 15 Q. And it was the regular practice of you as an FBI  
 16 special agent to maintain reports like that of  
 17 sources that you talked with?  
 18 A. Yes.  
 19 Q. And it was in the course of the regularly  
 20 conducted FBI activity that you kept it?  
 21 A. Yes.  
 22 Q. And were you the custodian of that document?  
 23 A. Of the original?  
 24 Q. Or of -- yes.  
 25 A. No, the original goes in an informant file that

we have in our office in Kansas City.  
But you were the person who wrote it?  
Yes, sir.  
Okay.

MR. HOLLIS: Move for admission of Exhibit 1 as a business record. Do you have no objection?

MR. FISCHER: No objection.

Q. (By Mr. Hollis) How did you come to talk with Dan Rupp on June the 8th? And tell me what you recall was said.

A. I don't keep notes with regards to exactly what I say to people that give us information. If I can recall, Dan came down to our office on the fourth floor to give information to me with regards to a concern that he had with regards to someone that he met for the second time at a gun show in Wichita on June the 6th. It was the second meeting that he had with this individual, having met this person a year before that. And I'm not -- I can't tell you whether or not Dan would have provided the same information to any other agent in our office. All I know is -- I don't know why Dan came to me other than we had kind of a cordial relationship passing in the

hallways over a period of time. Anyway, if I remember right, he had some information and I invited him in the office and we discussed the information he provided me on that date.

Q. Okay. And what information did Mr. Rupp provide you on June the -- what day was it?

A. June the 8th.

Q. 8th.

A. Do you want me to basically read the document that he -- I mean, how do you want me to -- just in general?

Q. Well, did Mr. Rupp tell you that he attended a gun show?

A. Yes.

Q. And what did he tell you about who he met at the gun show and what he found out?

A. He told me that he met an individual at the gun show who had a lot of documents for sale that had to do with chemical and biological weapons. He spoke with this individual and -- Dan did -- and the individual made comments that he had a surprise for federal agents that were -- if they tried to arrest him or search his property, he had a -- it seemed that he had a hostility towards federal agents that he thought were

following him. And because of the threat issue with regards to the federal agents maybe getting hurt or killed and because of some of the chemical and biological information that this gentleman had in verbal conversations with Dan Rupp and also in writing, Dan felt that it was a real concern to the public that he disseminate this information to us on that date. So --

Q. And what was your feeling about that?

A. I appreciated getting the information. I didn't have really any feelings other than documenting the information that he gave me and I was appreciative of the information that he gave. With me also knowing the kind of job that he had with the federal defender's office, we did not want to put him at risk with regard to his job. We did discuss options on how he could be of further help to us. I do believe we discussed the option of being a cooperating witness where -- that's a term that we use where a person can be used to testify later. That person may volunteer to be wired up and discuss things with a person that we have an interest in. And that would then necessitate the person eventually having to testify. Dan, if I

remember right, told me on the day that he provided the information to us that he did tell his boss or bosses about the fact that he was coming to our office with this information, and at the time I don't believe that his office had a concern with regards to him initially disseminating this information to us, but they did ask him not to become further involved with regards to having to testify because it would be a conflict of interest. So we -- our office honored that request. We have a lot of people that provide information to us in the private and business sector, and we open people up as a confidential source to document information such as Dan provided us and we had the intention of using additional information that he would provide to us on a confidential basis and it would be written up in such a way that he would not be identified and that he would not have to testify in court. And so we felt comfortable with that information or at least that relationship, that if he had any additional information of a real serious threat with regards to this same individual, that we would appreciate his continuing to provide that kind

1 of information to us.

2 Q. What's the difference between a cooperating

3 witness and a confidential source?

4 A. A confidential source is someone, like I said,

5 that just -- that provides us information and

6 their identity is protected. That person is

7 given protection by our office from disclosure.

8 A cooperating witness is someone that may be a

9 person that has come to us that is in trouble

10 criminally and has information about an

11 associate and for whatever motivation reasons,

12 the cooperating witness will go further to help

13 us than a criminal informant or cooperat -- I

14 use the words interchangeably. A confidential

15 source and a criminal informant are pretty much

16 the same. A cooperating witness is a person

17 then that would agree to testify in court and

18 would not object to wearing a body wire and

19 taking a further -- more overt acts which would

20 cause that person to have to testify later on in

21 court.

22 Q. When you met on June 6th, what did Mr. Rupp say

23 about Tobiason's experiments?

24 A. On June 8 you mean?

25 Q. June 8th.

1 A. Yeah. With regards to his experiments?

2 Q. Right.

3 A. He was told -- Mr. Rupp was told that this

4 individual was using toxic biological chemicals,

5 and he specifically mentioned some kind of a

6 Jell-O which he would grow in a medium-like

7 toxic material. He also discussed using

8 malathion or parathion, using ultraviolet lights

9 to switch the ionic charges in the chemicals to

10 turn the substance into a nerve gas and he

11 discussed some other things.

12 Q. And did Mr. -- did he say what Mr. Tobiason said

13 about what would happen if any agents came after

14 him?

15 A. He mentioned that he was going to have a

16 surprise for the agents. He also made some

17 comments about that it's not going to be

18 pretty. It seemed to -- by the way Dan was

19 telling the story to me of his conversation with

20 this individual, that the person had intentions

21 of harming federal agents or, in addition to

22 that, killing civilians as a result of whatever

23 he was working on.

24 Q. And did Mr. Rupp talk about what Tobiason had

25 said about how to get anthrax and the history of

1 anthrax?

2 A. Yes.

3 Q. What is anthrax, by the way?

4 A. Well, I personally am not a chemist. I think

5 anthrax, the chemical name is b-a-c-i-l-l-u-s

6 anthracis, a-n-t-h-r-a-c-e-s. It's -- they're

7 ingredients from nature which can be used to

8 form bacteria that can be real bad. It's very

9 toxic to humans and it can kill people if it's

10 inhaled or ingested.

11 Q. Was there another gun show then scheduled for

12 the weekend of June the 13th?

13 A. I believe so, yes.

14 Q. And was there some indication that Mr. Tobiason

15 might be there?

16 A. Yes.

17 Q. And did you later learn whether or not he showed

18 up?

19 A. I believe that Dan told me that he did not see

20 him on that day at the gun show in Wichita.

21 Q. And then did you at some point either on or

22 after June the 8th ask Mr. Rupp to write a

23 letter to Mr. Tobiason?

24 A. I'm not real sure with -- my recollection is --

25 how that conversation came up. All I can

1 remember is that there was a relationship

2 established between Mr. Rupp and Tobiason, and

3 because of that relationship, I did encourage

4 Dan to continue the dialogue with Mr. Tobiason,

5 and if he wasn't showing up at a gun show, I

6 thought that by his -- I'm trying to get to the

7 question as to -- I'm not sure if I told him to

8 write it or if we just discussed it and Dan

9 didn't have a problem with it or if it was Dan's

10 idea. I'm not sure exactly how that -- the --

11 that came up, but, nonetheless, I did encourage

12 him, yes, to send a letter to Mr. Tobiason.

13 Q. And what was your understanding of Mr. Rupp's

14 background with Mr. Tobiason in terms of when he

15 had first met him and what they had discussed at

16 that time?

17 A. I'm not sure that Dan had a close relationship

18 with this person, but I know that a year before

19 at a gun show Dan had met this individual and

20 had conversations with him and was a little

21 concerned I think at that time a year ago, a

22 year previous to that June of '98, that this

23 individual had some similar interests with

24 regards to just weapons and general chemistry

25 conversations. And so when he met him then

again in June of '98, he renewed the -- I don't know, the relationship that he briefly developed the year before, so...

And Mr. Seck, your supervisor, testified that he believed that a public safety issue was involved here. Do you agree with that?

A. Yes.

Q. Why?

A. Just from the information that Dan gave me that came from the lips of this individual and from some of the written materials that the individual had which were later provided to me by Dan, and any comments about the fact that we're following him or that -- and that he's hostile towards federal agents and he intends to have -- he has a surprise for them and in the same context he's talked about how many people could die if -- if he followed through with these ideas of chemical and biological agents that he was experimenting with, that there was a possibility that people could die, federal agents could get hurt or killed, and so I did think it was a safety issue.

Q. Did you have him under surveillance otherwise?

MS. KARLIN: Objection. This is

outside the scope of his authorization.

Q. (By Mr. Hollis) Your lawyer won't let you answer that question then?

A. I'd feel uncomfortable answering that question at this time.

Q. Because it's outside the scope of --

A. Yes.

Q. -- what you're allowed to testify to?

A. Yes.

Q. So there was a discussion of -- well, Mr. Tobiason failed to show up for the June 13th gun show and then you discussed with Dan how to reach him. Did he have a telephone number?

A. This individual deals with an address. His literature has an address, like a PO box in Nebraska -- well, in the United States, and I don't believe that there was a phone number associated with -- with this individual. There may have been, but I think that we only discussed the possibility of Dan sending a letter to the PO box.

And why did you want -- why were you encouraging that that be done?

A. I was hoping that this individual would continue to provide Mr. Rupp with, if not his intentions,

if people were going to get harmed, I was hoping to find out any additional information that this person might be -- might have that he would be providing Mr. Rupp, and also perhaps the schedule that -- of the gun shows that he's going to attend in the future, and also the -- I know that Dan had a real concern about that this gentleman may carry out these threats, and so Dan wanted to basically tell the guy not to follow through with any of these threats. So he was actually trying to, in my opinion, diffuse the situation by encouraging this guy not to carry through with some of the threats that he had heard him make.

Q. And is Exhibit No. 2 a copy of the letter that Dan Rupp wrote to Mr. Tobiason?

A. Yes.

Q. And the note at the bottom, that was something that Mr. Rupp included. Was that at your suggestion or his idea or do you remember?

A. I don't recall whose idea it was, to be honest with you. The comment about please advise when you may be at this town again and please do not act until we talk, I believe that Dan came up with that idea as far as his concerns that this

guy not act. So that -- that may have been Dan's.

Q. Okay. And then is Exhibit 3 a copy of the response and the accompanying envelope that came back to Mr. Rupp?

A. Yes.

Q. And can you read what Mr. Tobiason wrote at the bottom of Exhibit 3?

A. "Dan, I have already decided an effective and quite appropriate solution to both the justice system and government's actions. Thanks anyway."

Q. And below that?

A. "Be at Wichita 13" -- "11 to 13 September" -- "Be at Wichita show 11-13 September?"

Q. Okay. And can you tell -- tell us when you talked with Dan about this response letter, Exhibit No. 3, and what you recall of those conversations? In fact, if you can just tell us what you recall of any conversation that you had with Mr. Rupp from June the 8th onward. I know you told us about the first conversation on June the 8th. Then you had another conversation with him sometime after June the 13th where you talked about writing a letter; correct?

- 1 A. Yes.
- 2 Q. Were there any conversations in between June the  
3 8th and June the 13th or June the 14th?
- 4 A. I do know that on the 29th -- are you asking  
5 between that time frame?
- 6 Q. We'll get to the 29th. But first of all, just  
7 to make sure we haven't missed anything, were  
8 there any conversations that you had with  
9 Mr. Rupp after June the 8th and --
- 10 A. I don't recall.
- 11 Q. -- and before the letter was written other than  
12 what you've told us?
- 13 A. I don't recall.
- 14 Q. Okay. And after the letter was written, what  
15 conversations do you remember having with  
16 Mr. Rupp?
- 17 A. I did make a -- document a conversation I had  
18 with Mr. Rupp on the 29th of June with regards  
19 to the letter, and I believe the letter was sent  
20 out on or about the 16th of June. And then he  
21 received a response back from this individual on  
22 the 29th of June. And it was postmarked I  
23 believe the 25th of June.
- 24 Q. And with respect to the note "Be at Wichita  
25 show 11-13 September?" at that point did you ask

- 1 A. If I could just make a comment. One of -- I  
2 noted later that one of the reports that you  
3 have, on the bottom it gives the date of the  
4 investigation, and this is a report that starts  
5 out saying that Mr. Rupp was contacted on  
6 September the 12th. At the bottom I've got  
7 7/11 -- or 7/12 of '98. That's a typo. That  
8 should be 9/12 of '98, September.
- 9 Q. Okay. When you talked with Mr. Rupp on June the  
10 29th, are you saying you can't recall any  
11 conversations between June the 29th and  
12 September the 12th with Mr. Rupp?
- 13 A. I don't recall speaking with him, but if you  
14 have some information that you could help me  
15 with with regards to refreshing my memory, I'd  
16 be happy to -- I don't recall the specific  
17 dates.
- 18 Q. Did you ever go to the public defender office to  
19 talk with Mr. Rupp on this subject?
- 20 A. I believe that I did go up to their office on at  
21 least one occasion to communicate with him, yes.
- 22 Q. Which occasion was that? Do you recall?
- 23 A. I don't remember.
- 24 Q. Was there more than one occasion when you went  
25 to the public defender office to talk with

- 1 Dan to go to the show and check on -- see what  
2 else he was up to?
- 3 A. I don't recall directing Dan to go to the  
4 shows. Knowing the job that he had, I do know  
5 that he -- Dan has an interest in firearms and I  
6 think he was a private investigator previously  
7 and he on his own as a civilian has an interest  
8 in doing whatever he likes to do, attending  
9 these gun shows or whatever. I just asked Dan  
10 that if he did have an occasion to go to these  
11 shows and if he saw this individual and had  
12 conversations with him, I would of course be  
13 very happy to know what this individual told  
14 him. And so, anyway, I didn't direct him to go  
15 to the show. Dan I believe went on his own.
- 16 Q. Did you have any conversations with Mr. Rupp  
17 between June the 29th and the middle of --  
18 and -- well, after June the 29th, what  
19 conversations can you recall having with  
20 Mr. Rupp?
- 21 A. I believe I had conversations with Mr. Rupp on  
22 the 12th and the 13th of September.
- 23 Q. And --
- 24 A. And --
- 25 Q. Go ahead.

- 1 Mr. Rupp about this subject of Mr. Tobiason?
- 2 A. I don't believe so. I -- I'm not trying to be  
3 evasive. I'm just trying to recall. In fact,  
4 I don't even know if I ever went up there to  
5 have him contact me. Usually when we develop a  
6 relationship with someone that's providing us  
7 information, we try to -- I know that I told Dan  
8 to keep it quiet that we were helping him -- I  
9 mean that he was providing us information just  
10 because we like to protect anybody that's  
11 providing us information. So because I've had  
12 dealings with their office before, it's not  
13 unusual for me to go up there and just say,  
14 "Hey, could you have Dan contact me?" But  
15 generally, these meetings were set up -- I'd  
16 either get a phone call from Dan or he'd just  
17 stop in the office if he had information. So I  
18 honestly can't remember if I went up there  
19 specifically with regards to this issue.
- 20 Q. But you asked Mr. Rupp to keep confidential your  
21 dealings with him?
- 22 A. Yes. This is after the first day that he  
23 provided us the information on the 8th of June.
- 24 Q. And after the September -- what did you talk  
25 with Mr. Rupp about in September?

On the 12th of September, Dan had another meeting with this individual and there was a conversation that I was -- I mean, Dan Rupp told me that the source told him that he, the source -- I mean -- excuse me. The source was surprised to -- there was a quote, surprised to see you, and this individual responded, I'm not dead yet or in jail. That was one comment. And in the same meeting on the 12th of September, that individual stated that federal agents were still messing with me, bothering him, following him, and wanting to talk to him. The government was sending people in to get close to him, but that individual knew that they were agents. These were conversations that he had with Dan Rupp.

Q. And did Dan Rupp say that Mr. Tobiason had a story to tell about his complaints with respect to his problems with the government?

A. Yes.

Q. And what did Mr. Rupp say Tobiason said about getting his story out?

A. I can't remember if it was that day or the following day when the individual said that -- what do I have to do, kill a million people, or

change his mind. So it seemed pretty ominous, the information that was coming out from this individual.

Q. And what did Mr. Tobiason say about his delivery methods?

A. He seemed to talk as though he had some expertise or experience in this area and he said -- he stated that he can send the plague virus around in the mail or I don't even have to use the mail. I can put ethyl -- ethylene oxide, which was a gas, through the pipes into any building, even into the White House. He didn't personally threaten the life of the President, but he used the security of the White House as an example of how he could get -- could target locations. He did not mention using explosives or nerve gases -- nerve agents or biological agents at that time, but he talked about putting this gas or interjecting gas into the White House.

Q. What did he say about viruses?

MR. FISCHER: I'm just going to object here. This is getting into some hearsay because you're asking him what Tobiason said as opposed to what Rupp told him Tobiason said.

I forget the number of people that he was talking about killing to get attention to his cause. Oh, I see. It was on the 12th of September, referring to this report. "I'm not afraid to die. I'm ready to fight. What do I have to do, kill a million people, to get them to print my story?"

Q. Then did you talk with Mr. Rupp again on September the 13th?

A. Yes.

Q. And what did Mr. Rupp say that Mr. Tobiason said when Rupp asked, "See you" -- or said, "See you next year"?

A. Mr. Rupp heard -- well, this individual told Mr. Rupp, quote, I'm not going to be around afterwards to deal with any consequences. The government has gone too far and someone needs to stop them and I'm going to stop them. He made some other comments such as, "It's too late for that." When -- when Dan I think was trying to diffuse the situation, initially the gentleman told Dan, "You won't see me next year. You're going to read about it in the news. They've gone too far and it's too late for that," with regards to Mr. Rupp trying to get this guy to

Q. (By Mr. Hollis) What did Rupp say Tobiason said about viruses?

A. I'm not sure.

Q. I think it's 7/13, page 2, or 9/13.

A. Oh, Mr. Rupp was told that this individual was making viruses. That was something that Dan Rupp was convinced of just from the way that he talked and he indicated that he may even have some of these viruses in his van out in the parking lot.

Q. And what did he say in conclusion, Mr. Rupp say that Mr. Tobiason said in conclusion?

A. He stated that sometime in the past, government agents whom he assumed were National Security Agent agents spoke with him and asked him what he wanted in order to -- to get this person to stop putting out this type of material. And this is the written materials that he disseminates all over the place when he goes to these conferences. The individual was telling Dan that he wanted the patent laws changed to make it more fair for individuals like himself to obtain patents. He acted like he had come up with some ideas or patents that weren't getting approved and he seemed to be real disgruntled

1 over that issue. He concluded on that  
 2 particular meeting that Mr. Rupp would not be  
 3 seeing him again and that the book business  
 4 wasn't working out financially and he ended up  
 5 by saying that he was going to, quote, fight  
 6 them. Someone has to and I'm going to do it.  
 7 Q. And these notes are taken in connection with  
 8 your investigation of Mr. Tobiason?

9 MS. KARLIN: Objection. I think  
 10 that's outside the scope of the authorization.  
 11 Q. (By Mr. Hollis) Your lawyer won't let you  
 12 answer that?

13 A. Yes.  
 14 Q. Was the situation with Mr. Tobiason an apparent  
 15 emergency?

16 MS. KARLIN: Objection. The  
 17 authorization letter talks about conversations  
 18 between Mr. Rupp and this agent. I have allowed  
 19 him to go a little bit just by way of  
 20 background, but I'm not going to let him talk  
 21 about whether the FBI felt it was an imminent  
 22 threat, a natural disaster. I think he's gone  
 23 as far as we really should allow.

24 MR. HOLLIS: Okay. Well --  
 25 MR. FISCHER: I also want to object

1 both. If a person just develops a virus or  
 2 something that's harmful, if it's not coupled  
 3 with a threat or an actual act or an attempt --  
 4 you know, some kind of a threat or an action,  
 5 it's not against the law.

6 Q. Was Dan Rupp ever employed by the FBI?

7 A. No, he was not.

8 Q. Did he ever work undercover?

9 A. No, he did not.

10 Q. Was Mr. Tobiason considered dangerous?

11 MS. KARLIN: Objection. It's outside  
 12 the scope of the authorization and he is not to  
 13 testify.

14 Q. (By Mr. Hollis) Did you have any other  
 15 activities planned for Dan Rupp or was the  
 16 September gun show the last thing that you had  
 17 in mind for him to do?

18 MS. KARLIN: Objection, outside the  
 19 scope of the authorization. I instruct him not  
 20 to testify.

21 MR. HOLLIS: I think I have no further  
 22 questions at this time.

23 EXAMINATION BY MR. FISCHER:

24 Q. Agent Vick, my name's Dwight Fischer. I'm here  
 25 on behalf of Dave Phillips, federal public

1 that it calls for speculation.

2 MR. HOLLIS: I'm just going to ask a  
 3 few questions and if you want to instruct him  
 4 not to answer, that's fine.

5 Q. (By Mr. Hollis) Did the FBI have anyone in a  
 6 better position to do what Dan was doing in  
 7 terms of contacting him than Dan?

8 MS. KARLIN: Objection, outside the  
 9 scope of the authorization.

10 MR. HOLLIS: Instructing him not to  
 11 answer?

12 MS. KARLIN: I am.

13 Q. (By Mr. Hollis) Was there other information  
 14 about activities that Tobiason had been involved  
 15 in that you had possession of other than what  
 16 Dan Rupp had told you about?

17 MS. KARLIN: Objection, it's outside  
 18 the scope of the authorization and I instruct  
 19 him not to testify.

20 Q. (By Mr. Hollis) Is it a federal crime to  
 21 develop and threaten the use of weapons of mass  
 22 destruction?

23 A. It's a federal crime to generate biological  
 24 agents and then use them to threaten or kill or  
 25 harm people. It has to be a combination of

1 defender, who's the defendant in this case. Is  
 2 it your understanding from your conversations  
 3 with Mr. Rupp that Mr. Tobiason displayed these  
 4 manuals that he produced, that he displayed them  
 5 in public at these gun shows?

6 A. Yes.

7 Q. And that he discussed them in public?

8 A. Yes.

9 Q. And that they were for sale in public places?

10 A. Yes.

11 Q. And that he even went so far as to market these  
 12 materials; correct?

13 A. Materials that did not talk about threatening  
 14 federal agents and killing people, but materials  
 15 that told people how to make these various types  
 16 of chemical or biological agents, yes.

17 Q. And materials that would be cause for concern?

18 A. They're scientific materials which caused  
 19 concern when I looked at them, but they're -- if  
 20 you're in the scientific industry or -- it's  
 21 kind of how-to type books. Selling them at a  
 22 gun show to people that just come there, normal  
 23 citizens, I would think a normal citizen would  
 24 be concerned about those materials and there  
 25 were concerns. There...

So you had no reason to think that he was producing these manuals in secret; he was public about these manuals --

Yes.

Q. -- correct?

A. Yes.

Q. Based on what you said before, Mr. Rupp served as a confidential source; is that what you referred to him as? Is that correct?

A. Yes.

Q. And that's something that you use from time to time in the FBI; correct? He wasn't the first one you've ever had?

A. Correct.

Q. You also discussed how there's a distinction between a cooperat -- or a confidential source and a cooperative witness; correct?

A. Yes.

Q. Is there any time that a confidential source becomes a witness without being cooperative?

A. Repeat the question. Is there a time -- if I understand it right --

Q. Let me rephrase it. Is it always up to the confidential source whether or not they will be used as a witness?

A. I didn't specifically say who he should not talk about, but I just told him that if he was going to provide us information, it would be best -- we tell all of our sources to keep it confidential from everyone that they're providing information to us.

Q. And everyone would include his employer; correct?

A. Yes.

Q. Did Mr. Rupp -- you can finish taking your notes. Did Mr. Rupp -- and you discussed this before. I just want to clarify. Was it your understanding that before he came and spoke with you, Mr. Rupp had told his employer that he was going to be providing this information to you?

A. I can't remember if -- if he told his employer after he provided the information, just to give them a heads up, that he received some real serious information that he thought was serious that he did turn over to us, and I believe that -- I can't remember if he got -- if he told his employer right before or right after. I believe it was right after, at which time then his employer gave him some parameters on not becoming involved any further to where he would

A. No, it's not. And I'll just give you a brief example. If --

Q. I don't need a brief example. That's fine.

A. Okay.

Q. Did Mr. Rupp ever ask you to be compensated for the information he was providing you?

A. Absolutely not. The only compensation, if I remember, was two instances where I reimbursed Mr. Rupp either 20 or \$30 for the purchase of these manuals. I felt that we needed to reimburse him for that.

Q. At times informants are compensated though; correct?

A. Yes.

Q. With a confidential source such as Mr. Rupp -- well, let's just talk about Mr. Rupp specifically. You directed him to keep the information that you shared between the two of you confidential; correct?

A. Yes.

Q. From whom was he supposed to keep that confidential?

A. I asked him to keep it confidential from anybody.

Q. Including his employer?

have to become a witness and some other things like that.

Q. Who discussed those conversations with you? Did Mr. Rupp tell you that he told his employer this and that his employer gave him the parameters?

A. Yes.

Q. You never discussed this with his employer?

A. No.

Q. Did Mr. Rupp ever talk to you over the telephone or in person during regular business hours?

A. I believe so, yes.

Q. Meaning Monday through Friday?

A. Not always. If something came up where he had -- where he met with Mr. Tobiason, he would get in touch with me on the weekend. If he received some information, he would disseminate that to me fairly quickly. So I'm not sure exactly what day of the week these contacts were on, but I think some of the contacts were during business hours.

Q. Meaning Monday through Friday, approximately eight to five, there may have been times when you met with him --

A. There may have been, yes.

Q. -- or spoke with him during those times;

1 correct?

2 A. Yes.

3 Q. Mr. Rupp told you that Mr. Tobiason had said

4 that he thought he had been contacted by agents

5 of the National Security Agency previously?

6 A. That's what he told Mr. Rupp.

7 Q. So based on what Mr. Rupp told you, Mr. Rupp had

8 reason to believe that government agents had

9 previously contacted Mr. Tobiason; correct?

10 A. All I can tell you is what Dan told me, and with

11 regards to this individual telling Dan that he

12 had been contacted, he was a very paranoid

13 individual and thought that he had been

14 contacted by undercover agents or people with

15 National Security. Whether that happened or

16 not, I'm not in a position to say at this point.

17 Q. Through the time of your September 12th and 13

18 meetings, 1998 meetings with Mr. Rupp, during

19 those meetings or at any time beforehand, did

20 you discuss with him additional contacts you

21 would like to have him made with Mr. Tobiason?

22 Did you ever discuss the possibility of this

23 continuing in the future?

24 A. Yes.

25 Q. Did you discuss any specifics with him in terms

1 Mr. Rupp again in the future or was it just left

2 open generally, let me know what you hear?

3 A. I think that it was left open with regards to

4 him contacting me if he came across positive

5 information. That could have been a year from

6 now if he bumped into this gentleman again.

7 Q. But it was your understanding that there was the

8 likelihood that you would have additional

9 contact with Mr. Rupp regarding Mr. Tobiason;

10 correct?

11 A. Well, not after the last conversations that

12 Mr. Rupp had with this individual. It seemed

13 that something horrendous or something was going

14 to happen which was going to cause him not to be

15 around much longer. So it was kind of up in the

16 air.

17 Q. But it was your understanding that if contact

18 did occur, that Mr. Rupp would be letting you

19 know about it; correct?

20 A. Well, I encouraged him to disseminate

21 information back to us if he had positive

22 information.

23 Q. You previously discussed the fact that you had

24 met Mr. Rupp at some criminal trials or a

25 criminal trial; is that correct?

1 of specific contacts you wanted him to have with

2 Mr. Tobiason in the future?

3 A. No, I think that each time I met with him or

4 that he gave me information, I just thanked him

5 for the information and encouraged him to

6 continue the contact with this individual.

7 Q. Did you ever give him specific directions of

8 contact to make?

9 A. Other than discussing this letter to see what

10 kind of a response it would generate back, I

11 don't remember telling him anything other than

12 what he was going to do really in his private

13 time on weekends going to these gun shows as a

14 private citizen, not on company time, you might

15 say, and if he came across more information that

16 we'd be interested in, I encouraged him to

17 continue to provide us with that information.

18 Q. And in terms of the letter, you said before you

19 couldn't recall whether it was your idea or

20 whether it was Mr. Rupp's idea to generate the

21 letter; correct?

22 A. I can't remember at this point.

23 Q. When you met with him or spoke with him in

24 September the 12th and 13th of 1998, had there

25 been any arrangements made for you to meet with

1 A. Yes.

2 Q. What was your role in that trial?

3 A. I was the case agent.

4 Q. Meaning that you investigated the individual

5 that was on trial?

6 A. Yes, individuals.

7 Q. And for whom were those investigations

8 conducted?

9 A. What do you mean, for whom?

10 Q. They were on behalf of the U.S. attorney?

11 A. Yes.

12 Q. And you're aware that Mr. Rupp is an

13 investigator; correct?

14 A. Yes.

15 Q. Are you aware of who he investigated for?

16 A. Yes.

17 Q. And who did he do investigations for?

18 A. Are you talking specifically on this one trial

19 or --

20 Q. As an employment -- during the time you had this

21 relationship with him or this contact with him.

22 A. For the federal -- federal public defenders.

23 Q. Are you familiar with what the role of the

24 federal public defender is?

25 A. Yes.

What is it, in your understanding?

They provide legal assistance to defendants that are charged that can't otherwise afford a private attorney.

Q. And these are individuals oftentimes who the FBI has investigated on behalf of the U.S. attorney?

A. Yes.

Q. And the U.S. attorney is prosecuting these individuals; correct?

A. Yes.

Q. And the federal public defender is charged with defending the individuals; correct?

A. Yes.

Q. So oftentimes or generally you're on opposing sides from the federal --

A. Yes.

Q. -- public defender; correct?

A. Yes.

Q. Did it ever cross your mind that Mr. Tobiason may at some point be defended by the federal public defender?

A. I'm not real sure if I gave it much thought, to be honest with you. I'm not sure how to answer that.

Q. Is Mr. Tobiason the type of person that the

1 agreement, if you want to call it that -- and  
2 keep in mind that the whole time that Dan was  
3 providing this information to me and to our  
4 agency, I was very, very mindful of the fact  
5 that -- of who he worked for. And because of  
6 that, we tried to stay within the parameters of  
7 not compromising his employment.

8 Q. Okay. I don't mean to interrupt, but I'm right,  
9 now questioning you about things that have  
10 occurred since he was no longer employed.

11 A. I was trying to get to the point of the fact  
12 that more than likely it was just Dan reporting  
13 to me by phone or whatever that he had another  
14 contact with this individual or that he went to  
15 a gun show and didn't see that individual at a  
16 gun show.

17 Q. Okay.

18 A. That would be pretty much the other follow-up  
19 with regards to this particular criminal case.

20 Q. Okay. I'd just like to move to strike that as  
21 nonresponsive and just ask you, have -- are you  
22 saying that he's just given you follow-up  
23 telephone conversations since he's been  
24 terminated by the federal public -- since he --  
25 let me strike that. Since he's no longer been

1 federal public defender defends?

2 MR. HOLLIS: Objection, calls for  
3 speculation.

4 Q. (By Mr. Fischer) Is Mr. Rupp continuing  
5 assisting you in investigations in any way at  
6 the present time?

7 MS. KARLIN: Objection. I'm not going  
8 to object if the question is as to the  
9 individual that he was previously -- who has  
10 been previously identified as Tobiason, but  
11 because the question is broader than that, it is  
12 outside the scope of the authorization.

13 Q. (By Mr. Fischer) Is Mr. Rupp continuing to  
14 assist you in your investigation with  
15 Mr. Tobiason?

16 A. Since Mr. Rupp's employment was terminated with  
17 the federal public defender, I think that there  
18 have been a contact or two with regards to some  
19 follow-up with regards to this individual.

20 Q. Can you tell me about those conversations?  
21 I don't recall specifically what -- what they  
22 were about.

23 Q. Were they conversations that you initiated or  
24 that Mr. Rupp --

25 A. I don't think that -- that I initiated -- the

1 employed by the federal public defender's  
2 office, it's your testimony that he has  
3 contacted you in regard to Mr. Tobiason?

4 A. Yes. That's not the only thing that we would  
5 discuss, however, in these subsequent meetings.

6 Q. Well, what else would you discuss?  
7 (Discussion off the record.)

8 A. It mostly had to do with the demise, his demise  
9 you might call it, with regards to your office  
10 and proceeding with plans that he had to I  
11 believe try to get his job back. And so they  
12 had to do with dealing with a lawyer or lawyers  
13 and information that he was trying to get from  
14 us that may be helpful in his case.

15 Q. (By Mr. Hollis) And what information was that  
16 that he was attempting to get from you?

17 A. I believe reports that would document at least  
18 the contacts that he had with our office,  
19 something that could be helpful to him later on.

20 Q. And those are the reports that have been used --  
21 A. Yes.

22 Q. -- as exhibits today --

23 A. Yes.

24 Q. -- correct? Have you done any investigation of  
25 Mr. Tobiason that did not involve Mr. Rupp?

- 1 MS. KARLIN: Objection, outside the  
2 scope of the authorization.
- 3 Q. (By Mr. Fischer) And so you're not going to  
4 answer because of the instructions of your  
5 attorney; correct?
- 6 A. Yes.
- 7 Q. Do you feel the FBI was capable of investigating  
8 Mr. Tobiason without the assistance of Mr. Rupp?
- 9 MS. KARLIN: Objection. It's outside  
10 the scope, instruct him not to testify.
- 11 A. Prefer not to answer that.
- 12 Q. (By Mr. Fischer) The FBI is a government  
13 agency; correct?
- 14 A. Yes.
- 15 Q. And you have offices throughout the United  
16 States; correct?
- 17 A. Yes.
- 18 Q. Approximately how many full-time employees does  
19 the FBI have? Do you know?
- 20 A. 27,000, I think.
- 21 Q. And offices throughout the United States?
- 22 A. Around the world, yes.
- 23 Q. Around the world. Do you have any idea what the  
24 FBI's annual budget is?
- 25 A. I would not want to make a guess, but it's in

- 1 the billions.
- 2 Q. And going back to your discussion of Mr. Rupp  
3 being a -- what did the CS stand for?
- 4 Confidential --
- 5 A. -- source.
- 6 Q. Confidential source. He's not the only  
7 confidential source you've ever used; correct?
- 8 A. No.
- 9 Q. During your first conversation with Mr. Rupp,  
10 you testified previously that you discussed the  
11 possibility of there being problems with his  
12 employer regarding his role in assisting you;  
13 correct?
- 14 A. I don't think that we used it in the context of  
15 problems, but I do know that Dan spoke with me  
16 with regards to the federal public defender's  
17 concerns that Dan not be a witness and that  
18 there may be a conflict of interest, and so we  
19 were real careful about not receiving any  
20 information from him on any -- anything that  
21 your office was doing other than him reporting  
22 these pretty minimal contacts with this  
23 individual that we had an interest in.
- 24 Q. So at the beginning of this contact with  
25 Mr. Rupp, you were aware that his employer

- 1 potentially had concerns about his involvement  
2 with you?
- 3 A. At the end of the first day that he provided the  
4 information to us, yes, I did know.
- 5 Q. And based on that, you still instructed him to  
6 keep any information he had confidential from  
7 his employer; correct?
- 8 A. Only within the parameters of your office, the  
9 federal public defender's office, not wanting  
10 him to ever be a witness. And we -- the whole  
11 case that we had with regards to Dan providing  
12 us information was kept in that context. He  
13 would never have been a witness.
- 14 Q. Okay. I'm just going to move to strike that as  
15 nonresponsive. Let me rephrase my question.  
16 Knowing that you did that his employer  
17 potentially had concerns about his involvement  
18 in this investigation, even knowing that, you  
19 told him to keep his involvement confidential  
20 from everyone; correct?
- 21 A. Yes.
- 22 Q. And as you've said before, everyone would  
23 include his employer; correct?
- 24 A. Yes.
- 25 MR. FISCHER: I have no further

- 1 questions.
- 2 REEXAMINATION BY MR. HOLLIS:
- 3 Q. I have just a few follow-up questions. First of  
4 all, was it possible in your mind that Mr. Rupp  
5 would become a witness in the Tobiason case?
- 6 MR. FISCHER: I'm going to object.  
7 That calls for speculation.
- 8 Q. (By Mr. Hollis) You can go ahead. And I'm just  
9 asking the question that Mr. -- you answered a  
10 few moments ago that Mr. Fischer asked to be  
11 stricken from the record. What was your thought  
12 about the likelihood of Mr. Rupp becoming a  
13 witness in the Tobiason case?
- 14 A. Zero.
- 15 Q. In all of the conversations that you had with  
16 Mr. Rupp through the summer and fall of 1998  
17 about Mr. Tobiason, did Mr. Rupp ever talk about  
18 any other cases that the federal public defender  
19 was working on?
- 20 A. No.
- 21 Q. Did you ever ask him about any other cases that  
22 the federal public defender was working on?
- 23 A. No.
- 24 Q. Were you working on a murder case called the  
25 Lisa Dunn case where someone named Lisa Dunn was

charged with murder?

MS. KARLIN: Objection. I'm not going to allow him to testify what other cases he was working on.

Q. (By Mr. Hollis) Well, let me ask you this: I think this is within the scope of the parameter. During any time that you talked with Mr. Rupp, did he ever talk to you about anything with respect to the Lisa Dunn murder case?

A. No.

MR. HOLLIS: Thank you. No further questions.

REEXAMINATION BY MR. FISCHER:

Q. I just have a couple follow-up questions. Why do you say that there was zero chance that Mr. Rupp would be a witness regarding Mr. Tobiason?

A. Because that's the framework in which the agreement that we made on the first day he provided us the information was set up. I've had cases in the past where you just make a decision early on to honor commitments or desires. And the whole time that I was dealing with Mr. Rupp, knowing his position and the fact that he was doing this on his own private time

on the weekends or whatever, it really didn't concern your office with regards to the information he was providing. And so I did not want to create a conflict by having to testify and so we were honoring that and at no time did I from probably the first day on intend to use him as a witness. The first day, I will say though, before we found out about these parameters and the comments from your office, the federal public defender's office, I had -- I mean, the first thing that an investigator wants would be, hey, shoot, let's wire them up. Let's see what we can get on tape. But once we found out that your office had a problem with any kind of witness information, we decided to honor that and I feel that we did do that.

Q. Was that information relayed to the federal public defender?

A. My boss attempted to sit down with Mr. Phillips and explain the difference if he had a question as the difference between a cooperating witness and a confidential source, and it's my understanding that Mr. Phillips declined to meet with my boss on that matter.

Q. Are you aware that that proposed meeting

occurred approximately 3 1/2 months after your contact with Mr. Rupp initiated?

MR. HOLLIS: Go ahead.

A. Yes.

Q. (By Mr. Fischer) So at no time in the intervening time between June 8th and September 23rd did anyone from your office attempt to explain that to the federal public defender; is that correct?

A. No, because we didn't have a need to do that.

Q. From the FBI's perspective, you had no need to do that; correct?

A. Yes.

Q. So based on your involvement with Mr. Rupp in this investigation -- let me strike that. Based on the arrangement that you made with Mr. Rupp at the beginning of his involvement with this investigation, you were proceeding under the assumption that you would be able to continue with any investigation and potential prosecution of Mr. Tobiason without the assistance of Mr. Rupp?

A. Yes.

Q. Therefore, he wasn't vital to the prosecution of Mr. Tobiason?

A. By -- I'm struggling with --

Q. I'll withdraw the question.

A. -- with the vital part.

Q. I'll withdraw the question.

MR. FISCHER: Nothing further.

MR. HOLLIS: Nothing further.

(The deposition concluded at 11:50 a.m.)

Page Line	Correction	Reason
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Paul W. Vick

MAM

CERTIFICATE

I, Myles A. Megee, a Certified Shorthand Reporter of the State of Kansas, do hereby certify:

That prior to being examined, the witness was first duly sworn;

That said testimony was taken down by me in shorthand at the time and place hereinbefore stated and was thereafter reduced to typewriting under my direction;

That the foregoing transcript is a true record of the testimony given by said witness;

That I am not a relative or employee or attorney or counsel of any of the parties or a relative or employee of such attorney or counsel or financially interested in the action.

Witness my hand and seal this 24th day of August, 1999.

Myles A. Megee  
Certified Shorthand Reporter  
State of Kansas

IN RE: Rupp vs. Phillips

I certify that I have read my testimony and request that NO changes be made.

I certify that I have read my testimony and request that the above changes be made.

Paul W. Vick

Subscribed and sworn to before me this \_\_\_ day of \_\_\_, 19\_\_

Notary Public

State of \_\_\_\_\_

County of \_\_\_\_\_

My commission expires \_\_\_\_\_

MAM

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**William R. Seck - 8/16/99**

**Rupp vs. Phillips**

**Page 1 to Page 12**

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**CONDENSED TRANSCRIPT AND CONCORDANCE  
PREPARED BY:**

**AAA REPORTING COMPANY  
101 West 11th Street, Suite 1010  
Kansas City, MO 64105  
Phone: (816) 471-2766  
FAX: (816) 471-4995**

**EXHIBIT C**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

DANIEL RUPP,  
Plaintiff,

Case No. 99-2101-WEA

DAVID J. PHILLIPS, in his  
personal capacity,  
Defendant.

VIDEOTAPED DEPOSITION OF WILLIAM R. SECK, a

witness, taken on behalf of the Plaintiff, pursuant  
to Subpoena, on the 16th day of August, 1999, at the  
United States Department of Justice, District of  
Kansas, 500 State Avenue, Suite 360, Kansas City,  
Kansas, before

MYLES A. HEGGEE,

for AAA Reporting Company, a Registered Professional  
Reporter, Certified in Kansas and Missouri.

APPEARANCES

For the Plaintiff:

MR. LEE J. HOLLIS  
THE HOLLIS LAW FIRM, PA  
5100 West 95th Street, 2nd Floor  
Prairie Village, Kansas 66207

For the Defendant:

MR. DWIGHT DAVID FISCHER  
HUSCH & EPPENBERGER, LLC  
301 North Main, Suite 250  
Wichita, Kansas 67202

(The deposition commenced at 10:29  
a.m.)  
(Deposition Exhibit No. 4 was marked  
for identification.)

WILLIAM R. SECK,  
a witness, being first duly sworn, testified  
under oath as follows:

EXAMINATION BY MR. HOLLIS:  
Q. Could you please state your name for the record?

Oh, I'm sorry, your attorney wants to  
say something first.

MS. KARLIN: Do you want me to be on  
the camera or just -- I don't care how it works,  
but --

MR. HOLLIS: I think it's just on the  
witness.

MS. KARLIN: Janice Miller Karlin  
appears on behalf of the witness, Supervisory  
Senior Resident Agent William Seck. This  
deposition is being conducted pursuant to an  
authorization for testimony that has been given  
by the Department of Justice under the  
provisions of 28 CFR Section 16.22(a). Marked  
as Deposition Exhibit 4 to this deposition and  
to the deposition of Special Agent Paul Vick are

APPEARANCES  
(Continued)

For the witness:

MS. JANICE MILLER KARLIN  
ASSISTANT UNITED STATES ATTORNEY  
UNITED STATES DEPARTMENT OF JUSTICE  
500 State Avenue, Suite 360  
Kansas City, Kansas 66101

Also present:

Mr. Dan Rupp  
Mr. Kevin Steck

INDEX

WITNESS: WILLIAM R. SECK PAGE:  
Examination by Mr. Hollis 3  
Examination by Mr. Fischer 8

EXHIBITS: MARKED:

4 - 6/18/99 and 7/19/99 letters from Metzger to  
Hollis and 8/16/99 letter from Williams to  
Hollis 3

three authorization letters. The first letter  
is dated June 18, 1998 for -- I'm sorry, '99,  
for Special Agent Vick, the second is a letter  
authorizing the limited testimony of Agent Seck,  
and the third is a letter dated today's date  
which supplements or is an addendum to the prior  
two authorization letters. And this witness and  
Agent Vick will be allowed only to testify in  
accordance with the authorization and not  
outside of that authorization.

Q. (By Mr. Hollis) Okay. Could you please state  
your name for the record?

A. It's William, middle initial's R, last name  
Seck, S-e-c-k.

Q. And you are an FBI agent?

A. That is correct.

Q. You office out of Wichita?

A. Yes, sir.

Q. And what's your relationship with Agent Vick?

A. I am his immediate supervisor.

Q. Okay. Did you work with Agent Vick in the  
summer of 1998?

A. Yes, I did.

Q. And you were familiar with his investigation  
which involved communicating with Dan Rupp?

1 A. Yes, sir.  
 2 Q. And did you have occasion to talk with David  
 3 Phillips at any point in time with respect to  
 4 Mr. Rupp?  
 5 A. Yes, sir, I did.  
 6 Q. And how many conversations did you have?  
 7 A. One, as I recall.  
 8 Q. Can you tell me what you recall that you said  
 9 and he said in that conversation and what was --  
 10 who called who?  
 11 A. I called him.  
 12 Q. And what was the purpose of the call?  
 13 A. The purpose of the call was to -- in an effort  
 14 to have a face-to-face meeting with him when it  
 15 became apparent to me that there was some maybe  
 16 perceived difficulties, the fact that Mr. Rupp I  
 17 guess had run into problems with his -- with his  
 18 own agency because of his cooperation with the  
 19 FBI, and I just thought it would be appropriate  
 20 to broach him and see if he would like to meet  
 21 face-to-face.  
 22 Q. Can you tell us, the Court and the jury, what  
 23 you recall Mr. -- you said and Mr. Phillips said  
 24 when you talked with him when you called him?  
 25 And when was the conversation?

1 about the conversation. It was apparent that  
 2 Mr. Phillips really didn't want to discuss it  
 3 over the phone and really wasn't interested in  
 4 meeting me in person. He was very cordial. He  
 5 was very professional. He listened patiently  
 6 and I probably repeated my story maybe one more  
 7 time and it was thanks, but no thanks, and the  
 8 conversation ended.  
 9 Q. And what had Dan Rupp done with respect to the  
 10 investigation of Mr. Tobiason that you refer to  
 11 that you felt implicated a public safety issue?  
 12 A. Well, I don't know if I'm comfortable answering  
 13 that. Because of the scope of my conversation  
 14 with Mr. Phillips over the phone, it was my  
 15 understanding this is what I would be talking  
 16 about here this morning.  
 17 MS. KARLIN: For the record, the  
 18 authorization only allows Mr. Seck to testify  
 19 about the information that he provided to  
 20 Defendant Phillips and the information that  
 21 Mr. Phillips provided back to him.  
 22 MR. HOLLIS: Okay. Well, with that  
 23 restriction in mind, I have no further  
 24 questions.  
 25 And if you want to ask some questions,

1 A. My recollection was September 23rd of 1998.  
 2 Q. Okay. Can you tell the Court and the jury what  
 3 was said by you and by him?  
 4 A. I called him. I identified myself. I don't  
 5 think I had met him previously. I identified  
 6 myself, told him that the reason I was calling  
 7 was because the word had got to me as a  
 8 supervisor that there were some -- there may be  
 9 some problems because of Mr. Rupp's cooperation  
 10 in our investigation. I recall telling him  
 11 that -- that we believe the information was  
 12 important, that we were appreciative of Mr. Rupp  
 13 coming forward with that information.  
 14 Q. What information?  
 15 A. Just the information he was providing regarding  
 16 Mr. Tobiason, you know, could have a public  
 17 safety issue involved, that we were concerned,  
 18 and that if he was concerned that Mr. Rupp would  
 19 be acting in capacity of doing something  
 20 operational, that being wearing a wire or some  
 21 kind of body recorder, was not an issue because  
 22 we had only opened him up as a cooperating  
 23 source or informant and such in that capacity we  
 24 would not be asking him to do those things, only  
 25 provide information. That's really all I recall

1 I can let you come over here.  
 2 MR. FISCHER: I can probably do it  
 3 from here.  
 4 MR. HOLLIS: Okay.  
 5 THE WITNESS: Okay.  
 6 EXAMINATION BY MR. FISCHER:  
 7 Q. I just have one question --  
 8 A. Yes, sir.  
 9 Q. -- one or two.  
 10 A. Yes, sir.  
 11 Q. What -- I don't know exactly how to word this.  
 12 What is the purpose of the FBI or does the FBI  
 13 have a mission statement or something of that  
 14 sort like a lot of organizations do?  
 15 A. Well, gosh, I don't know about a mission  
 16 statement. I mean, primarily we're hired to do  
 17 two things and that's to collect facts and  
 18 evidence, and we do those on a very broad  
 19 spectrum of investigations that are dictated by  
 20 laws that are on the books and we enforce  
 21 those. We take those facts and evidence to the  
 22 United States Attorney's office for prosecutive  
 23 opinion in most cases and that's what -- that's  
 24 what our mission is.  
 25 Q. Okay. And so the FBI is a government agency;

correct?

A. That is correct.

And as a government agency, your purpose is to serve as law enforcement; correct?

A. That's correct.

MR. FISCHER: I have nothing further.

THE WITNESS: Okay.

MR. HOLLIS: Nothing further.

THE WITNESS: Okay.

(The deposition concluded at 10:36

a.m.)

IN RE: Rupp vs. Phillips

I certify that I have read my testimony and request that NO changes be made.

I certify that I have read my testimony and request that the above changes be made.

William R. Seck

Subscribed and sworn to before me this \_\_\_ day of \_\_\_\_\_, 19\_\_

Notary Public

State of \_\_\_\_\_

County of \_\_\_\_\_

My commission expires \_\_\_\_\_

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Page	Line	Correction	Reason
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William R. Seck

MAM

CERTIFICATE

I, Myles A. Megee, a Certified Shorthand Reporter of the State of Kansas, do hereby certify: That prior to being examined, the witness was first duly sworn;

That said testimony was taken down by me in shorthand at the time and place hereinbefore stated and was thereafter reduced to typewriting under my direction;

That the foregoing transcript is a true record of the testimony given by said witness;

That I am not a relative or employee or attorney or counsel of any of the parties or a relative or employee of such attorney or counsel or financially interested in the action.

Witness my hand and seal this 24th day of August, 1999.

Myles A. Megee  
Certified Shorthand Reporter  
State of Kansas

# Harmless 'loner' or terrorist?



MELISSA LACEY/JOURNAL-WORLD PHOTO

**Timothy Tobiason**, a gun-show vendor from Nebraska who publishes manuals on how to make nerve gas, posts his opinions — in a variety of bumper stickers — for all to see on the back of his minivan.

## Resident loses job for betting on the latter

● **For telling the FBI** about the man he considers "the next Unabomber," a Lawrence man lost his job as a federal public defender.

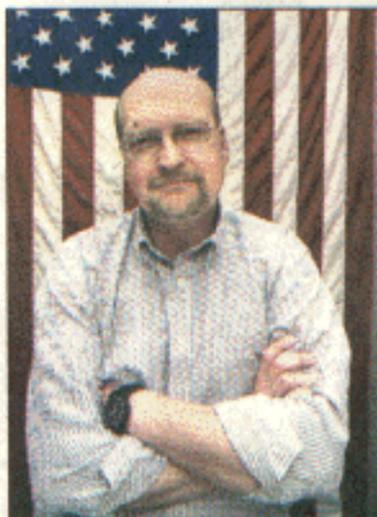
BY DAVE RANNEY  
JOURNAL-WORLD WRITER

Timothy Tobiason is a large, intense man with bad knees and a sense of humor that scares some people. He lives alone in a mobile home in Silver Creek, Neb., a tiny town (population 500) on the Platte River about 100 miles west of Omaha.

City officials there say he's "a loner" who's "very intelligent" and "no trouble."

But Dan Rupp is convinced Tobiason is a terrorist in waiting, a dangerous nut who's an inch away from wreaking mass destruction.

"He's the next Unabomber," Rupp said. "But instead of sending bombs in the mail, he'll do it with something like anthrax, bubonic plague or some other form of biological weapon."



— Dan Rupp, who lost his job for reporting Timothy Tobiason to the FBI

Rupp, a 10-year investigator with the federal public defenders office, is so convinced Tobiason is a menace that he risked — and lost — his \$55,000-a-year job.

"I got caught in a place where I had to choose between myself and saving the lives

*"I got caught in a place where I had to choose between myself and saving the lives of a thousand people. I did what I had to do."*

of a thousand people," Rupp said. "I did what I had to do."

Tobiason, a self-taught chemist, has published manuals on how to make nerve gas out of over-the-counter pesticides, cultivate anthrax bacteria at home and identify police undercover agents. He sells the sinister information on the national gun show circuit.

### 'Do it myself'

Rupp said he was at Tobiason's booth at a gun show in Wichita when Tobiason started talking about "wiping out entire cities" and doing something that would make Oklahoma City look like "a mosquito bite."

"He was despondent," Rupp said, recalling the June 13, 1998, conversation. "He said he was tired of government agents messing with him. He said 'Nothing is happening so I guess I'll have to do it myself.'"

"He said, 'It ain't going to be pretty and

See Resident's, page 3B

# Resident's report costs job

Continued from page 1B

it's coming real soon."

Rupp, who'd helped prepare Terry Nichols' defense in the wake of the Oklahoma City bombing, believed Tobiason.

"There wasn't a doubt in my mind," he recalled. "I'd read his manuals, I knew what he was capable of — and here he was, telling me he was at the end of his rope and something really big was going to happen."

Rupp went to the FBI.

"I wasn't going to be the next Michael Fortier," he said, referring to Timothy McVeigh's Army buddy who was sentenced to 12 years in prison for not alerting authorities to McVeigh and Nichols' plans.

## Unwelcome information

But Rupp's bosses didn't want him talking to the FBI. A public defender, they said, shouldn't be sharing information with the police. It didn't look good.

Under ordinary circumstances, that's true, Rupp said. But Tobiason was talking about killing thousands of people. This was an emergency.

Besides, he figured his employer couldn't stop him from talking to someone at a gun show. And if that person happened to be Tobiason, so be it.

And as long as the FBI structured its investigation in a way that didn't make Rupp a witness, what difference would it make? Who would know?

Rupp chatted with Tobiason at another Wichita gun show on Sept. 13, 1998, a Sunday.

On Monday, he called the FBI. That afternoon, he was fired.

Rupp sued the public defenders office, hoping to save his job. He lost.

He's filed an appeal, which is pending before the federal 10th Circuit Court of Appeals in Denver.

Neither the public defenders office in Wichita, where Rupp worked, nor the district office in Kansas City responded to Journal-World requests for comment.

## 'Conflict of interest'

Wichita employment law attorney Alan Rupe represented the public defenders office. He says Rupp's firing was justified.

"Our position is that it was a conflict of interest for Mr. Rupp to interact with the FBI, and

"He respected me for that," Rupp said, "and he knew I took him very seriously."

## Shared concern

Ray Zilinskas, a nationally recognized expert on biological warfare, takes Tobiason seriously, too.

"I've read the stuff he publishes, and some of it is the most exacting type of instructions on making biological weapons that I have seen in the public domain," said Zilinskas, an instructor at the Center for Nonproliferation Studies in Monterey, Calif.

"Some of it's pretty crude and some of it's mistaken, but there are parts — the part about making anthrax, for example — that are described in enough detail to be used in an airborne attack."

Zilinskas, who took part in two United Nations-led inspections of Iraqi biological research and production facilities in 1994, said there's little to stop someone like Tobiason from "...using his knowledge for evil purposes."

En route to a gun show in Memphis, Tenn., last week, Tobiason stopped in Lawrence. He said Rupp's account of their conversations was half-accurate.

"Did I say I was going to do all those things? Yeah, I did, sure," he said.

"But that's not the whole equation. You have to know the context in which those statements were made."

## Tobiason's 'context'

That "context," he said, is simple: If the government is going to harass him — as it clearly has, he said — then he's free to harass the government.

And what better way to rattle the government than talking about:

- Sending anthrax-doused letters to a few thousand offices spread across Washington, D.C.
- Sending members of dissident groups instructions on how to grow and disseminate bubonic plague toxins; each letter would include a starter sample beneath a piece of Scotch tape.
- Pumping toxic gas into gov-

who you guys are. I know what you're up to, now leave me alone or I'm going to come out with another manual and it won't be something you want out."

## Government cheats

The agents harass him, he said, because they know he's mad at the government and they know he'll fight back.

Tobiason talks fast, pausing only to chuckle at having to explain what, to him, seems so obvious.

The government, he said, has cheated him out of millions of dollars by denying him patents on dozens of chemical procedures he's developed.

"If you're a big corporation, they'll give you the patent. If you're just a private individual like me, they won't," he said. "That's what put the burr under my saddle."

He can't prove it, but Tobiason says between one-half and two-thirds of all gun-show shoppers are actually undercover agents. Other agents, he said, read his mail, tap his telephone and vandalize his van.

"I've had four flat tires in five weeks," he said, adding that he has reason to believe the agents secretly sprayed a rubber-weakening solvent on the inside of his tires.

And after a Sioux City, Iowa, gun show in 1998, some agents tried to run him off the road.

"They were trying to kill me," he said. "I never wrote anything about biological weapons until that happened."

FBI spokesman Jeff Lanza declined comment on Tobiason's allegations.

"Anything I would say would be put in the context of Mr. Rupp's case and I cannot do that," Lanza said.

Tobiason said he's not dangerous, as long as the government keeps its distance.

"I don't own a gun," Tobiason said. "There's nothing going on at my place that's illegal. And the only person I've ever experimented on is me."

"Does that make me dangerous? I don't think so."

"But I'm also somebody who believes that anything the government knows to do to its peo-

*"Finally, I just say 'Look, I know who you guys are. I know what you're up to, now leave me alone or I'm going to come out with another manual and it won't be something you want out.'"*

— Timothy Tobiason

tured its investigation in a way that didn't make Rupp a witness, what difference would it make? Who would know?

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On Monday, he called the FBI. That afternoon, he was fired.

Rupp sued the public defenders office, hoping to save his job. He lost.

He's filed an appeal, which is pending before the federal 10th Circuit Court of Appeals in Denver.

Neither the public defenders office in Wichita, where Rupp worked, nor the district office in Kansas City responded to Journal-World requests for comment.

### 'Conflict of interest'

Wichita employment law attorney Alan Rupe represented the public defenders office. He says Rupp's firing was justified.

"Our position is that it was a conflict of interest for Mr. Rupp to interact with the FBI, and when he was told to stop doing what he was doing, he continued," Rupe said.

But what about the danger posed by Tobiason?

"It wasn't up to Mr. Rupp to be the only person who could handle this thing. There were plenty of people at the FBI this could have been turned over to."

Rupp, who now lives in Lawrence and works for the state public defenders office in Olathe, said that's not true. FBI agents had tried and failed to get close to Tobiason.

"He's too suspicious," Rupp said. "Read his stuff, he thinks everybody's an FBI or an ATF agent."

Rupp said he and Tobiason got along well because Tobiason knew he'd worked on Nichols' defense.

stopped in Lawrence. He said Rupp's account of their conversations was half-accurate.

"Did I say I was going to do all those things? Yeah, I did, sure," he said.

"But that's not the whole equation. You have to know the context in which those statements were made."

### Tobiason's 'context'

That "context," he said, is simple: If the government is going to harass him — as it clearly has, he said — then he's free to harass the government.

And what better way to rattle the government than talking about:

- Sending anthrax-doused letters to a few thousand offices spread across Washington, D.C.

- Sending members of dissident groups instructions on how to grow and disseminate bubonic plague toxins; each letter would include a starter sample beneath a piece of Scotch tape.

- Pumping toxic gas into government buildings through the sewer system.

"Everything I do has to be viewed in the context of (undercover agents) coming up and messing with me," he said. "It goes on all the time."

At each gun show, he said, he's approached by a steady flow of undercover agents who try to coax him into doing something illegal.

"They really try to wear you down," he said. "All day long, they're coming up and saying all kinds of crazy things about overthrowing the government."

"Finally, I just say 'Look, I know

weeks," he said, adding that he has reason to believe the agents secretly sprayed a rubber-weakening solvent on the inside of his tires.

And after a Sioux City, Iowa, gun show in 1998, some agents tried to run him off the road.

"They were trying to kill me," he said. "I never wrote anything about biological weapons until that happened."

FBI spokesman Jeff Lanza declined comment on Tobiason's allegations.

"Anything I would say would be put in the context of Mr. Rupp's case and I cannot do that," Lanza said.

Tobiason said he's not dangerous, as long as the government keeps its distance.

"I don't own a gun," Tobiason said. "There's nothing going on at my place that's illegal. And the only person I've ever experimented on is me."

"Does that make me dangerous? I don't think so."

"But I'm also somebody who believes that anything the government knows to do to its people, the people ought to know to do to the government."

"Does that make me dangerous? It depends on who you're talking to."

— Dave Ranney's phone message number is 832-7222. His e-mail address is [djranney@jworld.com](mailto:djranney@jworld.com).

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## **Postscript #4 Jan-July 2000**

After letting time pass I decided to add new comments & observations from the last six months.

After doing the show in Portland Oregon, I became fed up with the electronic arson (damage to my CD's) so on the way to the Las Vegas show I stopped at Fallon, Nevada. This area is covered with several square miles of soil with Anthrax spores under the surface. The soil is tinged white due to the soda that saturates the soil and permits formation of spores. When I got out of my car I was observed from the road. I had pulled up along a dried up streambed and went to the bed and took a soil sample. I waved to the agents along the road and left the digging tool in the spot where I obtained the sample.

Two days later at the parking lot of the Wal-Mart in Las Vegas I was sleeping in my van. I left the windows cracked about 5 inches. At two in the morning a van marked Acculab pulled next to my van in the empty lot to within 4 inches of my door. I immediately smelled the distinct odor of culture media used to grow organisms. I wasn't sure if they were picking up or dropping off. Since it was a populated area I surmised they were only taking air samples from my van. I considered getting out and kicking a dent in the side of their vehicle and forcing a record to be made of their continuous and daily intrusions into my life but I didn't.. At the gun show that weekend I told the agents that if I were actually growing Anthrax in my van I would have grown it inside of liquid plastic so that when it hardened it would seal in the spores and make them harmless to myself and others, even if their were an accident. That way I could carry around a miniature atomic bomb without worrying about hurting myself or others until I wanted to. When ready for use you only add the correct solvent to dissolve the plastic and liberate the spores. This is also a handy way of preventing the government from finding this material because you can store it as almost any type of solid as part of toys, pens, concrete, car wax, furniture, hair shampoo and so on. This was so they would not waste the "acculab" operators time or my own.

The agents continued to damage my CD duplications. I finally accidentally repeated what they were doing with my wireless phone at home. I was getting out of bed and had the phone in my left hand. I was leaning with this hand on the duplicator for support while getting up and turned on the phone. The 3 CD's I was burning instantly were bad. The machine began beeping telling me at that instant that the data stream had been interrupted and the CD's did not read back correctly. I had to be within a few inches of the duplicator with my phone in order to repeat the effect. It was obvious that Uncle Sam was using hi power equipment to do the damage in parking lots and at the gun shows to my product.

At the show in Denver, agents came up on Sunday and tried to talk me into swapping pirated software for my own CD's. I told them no because the FBI was recording every word we were saying and that I didn't need any of the software they had. I always bought the programs I needed at the store so I would get good originals. They had a new version of adobe acrobat reader on their CD and since this was free and legal I

wanted to be polite I thought I could check this out so I began to load it into my computer. One of the two agents in front of me had a funny look on his face and took off when I began to install it. Soon the other one left. They evidently did not expect me to actually do this at the show. The new reader destroyed the programs on my C drive so I could scarcely even boot my computer. I had to spend several hours reloading all my software to get it up and running again. They did this in front of many witnesses.

I told a public defender lawyer at Kansas City about this on the phone the following Monday and during our conversation a beeper came on which implied that the government was investigating this (as if they actually would). The “funny” things that were happening to my computer, CD duplicator, car, and house did stop for a few weeks but has recently started again and intensified. The appearance of legal restraint was only intended as an illusion. One of the agents at this same time also came up to me at a show and told me that the cover for my gas cap on my van can be “jimmy’d” open with a screw driver and sugar can be added to my tank. I told him that sugar doesn’t damage the engine because it is an alcohol and burns with the gas. He told me yes but if you add enough the gas will not dissolve it all and it will plug the carburetor so you have to add lots of carburetor cleaner to the tank to get it dissolve enough so that it would run. This had gone on for several months each week but this also ended right after our conversation. It started again during the Civil War show trip I made in June.

This trip was a total undercover operation to the government. The first show was a Harrisburg, Penn. And was billed as an enormous event. The show hall I was located in was not air-conditioned and it was hot out. The dealers next to me and even the concession stand personnel were all undercover (many were agents I recognized from previous contact). I was in the farthest corner from the main body of the show that you could get and my sales were only a small fraction of what I expected. Over half the crowd of 2,500 that passed my booth was undercover and accounted for nearly all my sales which was disturbing to me. An interesting footnote to this show was a man who identified himself as a navy lawyer came up to talk to me. He evidently did not like what I had to say but the interesting thing I noticed is that he was under surveillance as he approached me, and the undercover agents did a small “swarm” to hear our conversation and then followed him as he walked away. These agents were also being watched by a separate party that I “felt” was not the same group.

My next show was a reenactment at Hinton, West Virginia. I set up outside and my first contact was a local called “Red” for his red hair. He and his friends immediately went to work to try and establish anti-government credibility with me. The problems were that there was no reason to bring up the anti government crap when all I was doing was sitting there working on scanning in civil war books for my CD’s. It also did not help for me to recognize him personally from several gun shows in the mid-west. I was still trying to finish up a book for the show the next day at about midnight on Friday when a man “Sean” came up to me and told me that the government wanted a truce. I nearly broke out laughing. In the context of everything the government had done and continued to do this was only a sham although he may have believed it because someone told him to. I told him no. He was at the show to ostensibly videotape the governor and the next

day he did that. A woman set up near me by herself and during the setup I felt she would be making the approach. I also had the feeling that she was working with Sean and sure enough, on Saturday afternoon, an approach was made by her to form an association with me and afterwards she talked to Sean (shades of Sioux City). The undercover community keeps repeating the same techniques and practices over and over to the point where I have them all memorized and find them quite boring after three years.

My sales were poor at this show. I went to Gettysburg next. I was warned before I went that no one would be there to buy my CD's and I should consider another show. Since I had already paid and had tried hard to keep my word I decided to go to this last Civil War show anyway. It could have been named the FBI show since those were the only people there. I worked on finishing the last book for my CD and mostly tried to ignore the agents. As soon as I took a break and tried to play a video game (since the show averaged only five people in the building as customers at a time and I knew them all) the FBI began to use the swarming technique.

This is a common practice used by them for the past three years. When you cannot interrogate or harass someone who ignores you, you wait until they do things like taking a break, eating lunch, sleeping, or in this case playing a game. You send in a steady stream of agents to keep the target occupied and engaged so they cannot do what they want to relax, enjoy and so on. The effect is meant to disturb, interfere, irritate, and disorient and has been used by the military and police organizations as a mild form of psychological operations or brainwashing. After this standout incident (six agents quickly added to the five so called customers in the building-and all in front of my table) I informed them that one of the ways I could reliably tell they were agents was the use of the swarm. All I had to do the last three years was go get a hot dog in a slow stretch and could depend on taking at least 45 minutes talking to agents I already knew plus new ones I had not yet met. This allowed me to correctly identify them with 100% accuracy since this certainly is not consumer behavior. [Especially when they do not buy anything]. I also reminded them in my phone conversation home with my dad that a videotape of the FBI agents up close and personal doing this, plus a copy of the FBI and military training manuals and internal documents teaching and ordering this combined with some footage of the Oklahoma City bombing aired on CBS "60 Minutes" should set off the light bulb's in more than just a few peoples brains.

I also overheard two of the dealers comment out of earshot that they would be able to have a normal gun show the next week without me there (since this one was staged). My sales were a disaster and since it was clear that every normal activity I would engage in would become the focus of more dirty undercover operations by the government it was pointless to try and make a normal living. I decided to go back to writing weapons books and doing gun shows which is what the government wanted anyway. These agencies have been awarded \$20 Billion to try and stop the things I have published. Even in the aftermath of Oklahoma City, all these agencies have seen is sympathy, more money, more power and employees to order around. This has certainly been intoxicating to them and they no doubt want more and have actually told me so in

person. They also let me know about the task force attached to me with the “special assignment” military personnel.

I followed the disaster at Gettysburg with a gun show at Lansing Michigan with the “same old, same old” except that on Saturday night they used a loudspeaker from the park next to the fairgrounds where I was trying to sleep, to keep me awake. About every 20 minutes they would turn on the speaker and emit obnoxious noise for a few seconds, just enough to wake me up. Then they would turn it off. I was amazed someone didn’t call the police. About one in the morning I had had enough. Since they have my van bugged, I told them that if they do that one more time, I will get up and drive my van around to the park and drive into them at high speed and let a Michigan jury decide who is assaulting whom (and I meant it). The loudspeaker noise ended.

I thought I would end this PS with several more basic methods of correctly identifying agents.

1. Behavior

- a) Swarming activity at shows (Bomb book buyers, Breaks, etc)
- b) Use of Signals
- c) Fake interest designed to form relationships rather than interest in commerce
- d) Team or Zone movement of agents at public events
- e) Looking at the clock or watch to see when their shift ends
- f) Oddly matched groups or pairs working together

2. Conversation

This involves a counting system best described by example. When the agents talk to the undercover dealer next to you and asks who much is this (this counts as 0), or how does it work, will they take less, and so on. These are commerce questions that are normal at a show (I worked large trade shows in my regular business before gun shows which gave me a standard for comparison)

When the following statements are made they each count as 1.

1. What is your name
2. Where are you from
3. Did you make these CD’s yourself (no one asks the Wal-Mart clerk this)
4. Are you anti government like me
5. What do you think of\_\_\_\_\_. (Weird belief system)
6. How about overthrowing the government with me (so I can arrest you once I talked you into it)

Just add up the number of non product interest/buying questions and when you reach 5 the probability of an agent is 50%, at 10 it is 100%.