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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS  
TOPEKA, KANSAS

2003 FEB 11 P 1:25

UNITED STATES OF AMERICA,  
----- Plaintiff, )

vs. )

Case No.  
) 00-40104-01/02

WILLIAM L. PICKARD and )  
CLYDE APPERSON, )  
----- Defendants. )

TRANSCRIPT OF VOLUME IV OF THE TESTIMONY OF  
GORDON TODD SKINNER  
HAD DURING TRIAL  
BEFORE  
HONORABLE RICHARD D. ROGERS  
and a jury of 12  
on  
February 3, 2003

APPEARANCES:

For the Plaintiff: Mr. Gregory G. Hough  
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Topeka, Kansas 66683

For the Defendant: Mr. William Rork  
(Pickard) Rork Law Office  
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Topeka, Kansas 66612

For the Defendant: Mr. Mark Bennett  
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5605 SW Barrington Court S  
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Court Reporter: Jana L. Willard, CSR, RPR  
Nora Lyon & Associates  
1515 South Topeka Avenue  
Topeka, Kansas 66612

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1 THE COURT: All right. I believe we're all  
2 present. Mr. Hough, you may continue.

3  
4 GORDON TODD SKINNER,  
5 called as a witness on behalf of the  
6 Government, having been previously sworn,  
7 testified as follows:

8  
9 DIRECT EXAMINATION

10 BY MR. HOUGH: (Cont'd)

11 Q. Good morning, Mr. Skinner.

12 A. Good morning.

13 Q. Sir, at the end of the day Thursday you had  
14 testified that on November the 4th of the year  
15 2000, Mr. Apperson and Mr. Pickard arrived at  
16 your residence in Wamego, Kansas?

17 A. Yes.

18 Q. And that those conversations were recorded?

19 A. Yes.

20 Q. And they commenced at approximately 3:04 p.m.?

21 A. Yes.

22 MR. HOUGH: Judge, the tape that he  
23 has just referenced, Exhibit 97, was admitted  
24 last week. We would ask to publish that to the  
25 jury at this time.

1 THE COURT: All right. You may do  
2 so.

3 MR. RORK: Which number is that,  
4 Greg?

5 MR. HOUGH: Government's Exhibit 97;  
6 IE-N-13.

7 MR. RORK: 3:04?

8 MR. HOUGH: 3:04 p.m. on November the  
9 4th. And, Judge, for the Court's benefit it's  
10 approximately two hours and it's in three  
11 segments.

12 MR. RORK: It's in what?

13 MR. HOUGH: It's in three segments so  
14 that we can have a morning recess break.

15 (THEREUPON, the first section  
16 of Government's Exhibit 97 is played).

17 MR. HOUGH: Judge, the second section  
18 of this is like 50 minutes long. Do you want  
19 to go straight into that or take a morning  
20 recess and then go into it or what's the  
21 Court's preference?

22 THE COURT: Let's keep going.

23 MR. HOUGH: Okay.

24 (THEREUPON, the second section of  
25 Government's Exhibit 97 is played)

1 MR. HOUGH: Judge, the remainder of  
2 it is 25 minutes long, I don't know if you want  
3 to do that and go to an early lunch or take a  
4 morning break or what you would prefer.

5 THE COURT: Time sure flies, doesn't  
6 it? Maybe we better take a short break at this  
7 time and then come back and finish up. Ladies  
8 and gentlemen, let's recess for about 15  
9 minutes.

10 (THEREUPON, a short recess was had).

11 THE COURT: All right, Mr. Hough, you  
12 may continue.

13 (THEREUPON, the third section of  
14 Government's Exhibit 97 is played).

15 THE COURT: All right. Does that  
16 complete the entire tape now?

17 MR. HOUGH: Yes, Judge, this tape is  
18 done.

19 THE COURT: All right. Ladies and  
20 gentlemen, let's now take a noon break and  
21 we'll recess until 1:30 and we'll come back at  
22 that time. Mr. Bailiff.

23 (THEREUPON, a luncheon recess was  
24 had).

25 THE COURT: All right. Mr. Hough,

1           you may continue.

2                   MR. HOUGH: Thank you.

3           Q. (BY MR. HOUGH) Mr. Skinner, early on in the  
4           conversation-- the recorded conversation we  
5           just heard you have a conversation with Mr.  
6           Pickard and Mr. Apperson indicating at some  
7           point you want to go back so that they can see  
8           that place, the original place, what are you  
9           talking about?

10          A. That would be Seattle 2 or the Ellsworth Atlas  
11          F base where the lab was actually set up and  
12          operating.

13          Q. Okay. And early on in the same conversation  
14          Mr. Apperson asks, "What's going on, are we  
15          going?" And you say, "Yes, but I got to get  
16          these guys gone." What are you talking about  
17          there?

18          A. That would be Brett Nicholson and his wife and  
19          they were removing generators and some other  
20          heavy equipment from the facility.

21          Q. And who are they in the grand scheme of things?

22          A. Brett had done electrical work from very  
23          early-- from the very early part of the  
24          purchase of the facility.

25          Q. Now, during the course of the conversation that

1 we just heard, the three parts, there was  
2 walking from various places to various places,  
3 can you describe to the jury kind of where the  
4 conversation starts and where you are-- where  
5 you are at the Wamego location?

6 A. Yes. Basically--

7 Q. Let me get the photograph up here. All right.

8 A. Okay. Are you ready to start?

9 Q. Please.

10 A. This is the Lester building, of course, and  
11 there's walking from underneath. Originally  
12 we're in this room here where we're saying his  
13 possessions are strung out, books are on the  
14 floor.

15 Q. And that's underground?

16 A. That's underground in the monitor room where  
17 the computers and the monitor were, monitors  
18 that monitor surveillance. This is the quonset  
19 hut where when they've exhausted opening up  
20 boxes here looking for the two boxes of ET we  
21 walk over there. And many times what you hear  
22 is me walking up this road here and into this  
23 pathway that's inside, which is an underground  
24 tunnel that leads to this room. So it's quite  
25 a bit of walking. Even though it's walking all

1           these directions here, sometimes we'd walk up  
2           and around. And then while we were moving  
3           equipment they were getting it stuck on this  
4           side and this side, the forklift would get  
5           stuck. And then we had some generators up here  
6           that were being loaded and we were trying to  
7           get things out of these gates, this gate here.

8           Q. Was this movement independent of Mr. Apperson  
9           and Mr. Pickard being there or related to it?

10          A. You mean moving the generators?

11          Q. Yes.

12          A. No, the generators had nothing to do with them.

13          Q. Early on in this conversation you also  
14           indicated to Mr. Pickard that you've misplaced  
15           one of his tubs, what are you talking about?

16          A. His personal possessions. They were either in  
17           a plastic tub or a green tub and they would  
18           have been personal possessions and records of  
19           his and I believe they were in a green tub, it  
20           was misplaced.

21          Q. You indicated to both Mr. Apperson and Mr.  
22           Pickard here's some keys for you guys, there  
23           you go, keep them, don't lose them. What are  
24           these keys to?

25          A. To the Lester building and also I think there



1           was some keys to the gate that's on further  
2           down, if you keep going that-a-way, down there.  
3           I'm not for sure whether I handed them-- at  
4           that time that I gave them the whole set, but  
5           definitely the keys to the Lester building. I  
6           didn't have a backup set, so that's why I said  
7           be careful with them.

8           Q.   What was the purpose of giving them those keys?

9           A.   So they could get inside the Lester building  
10          and lock it up and handle it completely and  
11          take control of whatever they needed to move  
12          and break down and tear down and whatever they  
13          needed to do.

14          Q.   Now, on November the 4th when you are at the  
15          Wamego site with the defendants, were you aware  
16          that previously, on October the 31st, pursuant  
17          to a search warrant agents had removed the ET  
18          from your property?

19          A.   No, they didn't tell me that one, that was a  
20          surprise.

21          Q.   And during the course of the conversation where  
22          both Mr. Apperson and Mr. Pickard are heard  
23          asking where their ET is, did that have  
24          anything to do with your answers?

25          A.   Yes. I mean, I was confused. I thought that

1 eventually we'd find at least a box of it up  
2 there, so-- or cans, I thought we'd find cans.

3 Q. Why?

4 A. Well, because there were cans that came out of  
5 the inner sanctum of the lab so I figured there  
6 would at least be some cans and nothing was  
7 found.

8 Q. And during the conversation the phone rings and  
9 you say, "Hello, hey, mom, how are you doing,"  
10 can you describe what that's about?

11 A. That was a prearranged way for me to talk to  
12 Carl Nichols or anyone else that I could  
13 identify their voice as an agent to guide me  
14 through if problems existed.

15 Q. So you would refer to the agents as mom?

16 A. Yes.

17 Q. Your mother didn't call you while this was  
18 going on?

19 A. No, my mother didn't call me.

20 Q. And shortly after your conversation with Agent  
21 Nichols the first time Mr. Pickard makes the  
22 comment that he wants to go to the other place  
23 or we want to go to the other place and see the  
24 equipment, can you describe for us what that is  
25 about?

1 A. They think because of this fictitious story I  
2 told them that there's another facility, not  
3 Wamego, that has all the equipment for the lab  
4 setting there.

5 Q. You talk about there being halon extinguishers  
6 so that you'll be safe, what's that about?

7 A. That's for-- there's two types of halon that's  
8 normally available, that's for chemical fires  
9 and for flash fires in case something is  
10 ignited with volt or volitis (spelled  
11 phonetically).

12 Q. Now, during your conversation with Mr. Apperson  
13 and Mr. Pickard, prior to their arrival on  
14 November 4th at Wamego, had you given them any  
15 indication that the lab and everything would be  
16 at your Wamego site?

17 A. No.

18 Q. Had it ever been there before?

19 A. No.

20 Q. Why not?

21 A. It had never been there before it was moved  
22 from the Atlas F.

23 Q. Correct.

24 A. Because they felt that the Wamego site was  
25 going to be the decoy site and if a search

1 warrant was slapped on me or the land trust  
2 that it would hit-- if something came to me,  
3 heat, police, government activity that I would  
4 be the striking rod at Wamego and so Wamego was  
5 a decoy.

6 Q. It being a decoy, then was it good, bad,  
7 indifferent for the lab to be there?

8 A. It wasn't a good place for it to be, especially  
9 with all the background situation.

10 Q. And what was that?

11 A. The fact that I had been, you know, indicted  
12 and had pled out to a misdemeanor. And the  
13 fact that there was a bust of-- a seizure of  
14 money, but no arrest made at the Kansas City  
15 airport. There could be a link between Natasha  
16 and myself. And the fact that-- you know, that  
17 our names, quote, were married in the giant  
18 computer in the sky.

19 Q. Our names being whose names?

20 A. Leonard Pickard and myself, Gordon Todd  
21 Skinner, and potentially Clyde Apperson.

22 Q. Now, Mr. Pickard later in this conversation  
23 asks specifically where the two boxes are, what  
24 specifically did you believe he was talking  
25 about?

1 A. He was looking for the two boxes that had ET in  
2 them, cans of ET.

3 Q. Mr. Pickard says you're getting to the place  
4 where it could get real serious, what did that  
5 mean to you?

6 A. That was an unusual statement for him. In all  
7 my dealings with him he had never made a  
8 statement like that to me, so it seemed like a  
9 valid threat and it was actually surprising. I  
10 was surprised to hear him escalate like that.

11 Q. And during the course of the conversation on  
12 tape you are heard being very loud. Do you  
13 recall hearing that?

14 A. Oh, yes.

15 Q. Describe to the jury what's going on there?

16 A. Well, the DEA agents, three or four of them,  
17 we'd come up with a code word in case  
18 everything went to-- into a serious problem to  
19 where physical violence or something was going  
20 on that was out of control. And there was  
21 going to be a code word given, but we ended up  
22 in a part of the missile base that didn't have  
23 recording, this didn't have recording over here  
24 and so I had-- I had taken the phone off the  
25 hook and it was in the Liebert room and I had

1 to shout real loud to be able to let Carl--  
2 Carl said I want a-- to continually be able to  
3 hear your voice. So I had to keep shouting to  
4 make sure he could hear my voice because I kept  
5 getting moved back further and further from the  
6 phone.

7 Q. During the course of the conversation where it  
8 gets loud can you describe for the jury the  
9 demeanor of Mr. Apperson and Mr. Pickard?

10 A. Mr. Apperson was not making threatening moves,  
11 but he was trying to move away from the  
12 situation. While Leonard was very atypical in  
13 his behavior as far as being very aggressive  
14 and very irate and his-- just the motions and  
15 how he moved in the room were unusual.

16 Q. And how did you interpret that?

17 A. That he was really mad. I mean, very unusual  
18 behavior.

19 Q. Mr. Pickard, during this conversation,  
20 indicates "I'm serious about my safety, my  
21 family's safety." And you asked, "Did someone  
22 get busted?" And he says, "No, it's a lot  
23 worse than that, man." Can you describe for  
24 us, in the context of the conversation, what  
25 that meant?

1 MR. RORK: Your Honor, again, at this  
2 time I would interpose that the Court-- the  
3 Court previously advised the jury that the tape  
4 was the evidence and that any inference or  
5 discrepancies that came up they should consider  
6 the tape. And the questions that Mr. Hough  
7 asks, and it looks like he's reading from a  
8 transcript or some type of document, again are  
9 just questions, but they're not evidence in  
10 this matter. And the questions that are being  
11 asked are his understanding of what may have  
12 been said. And I would just ask that the Court  
13 at this time just reaffirm to the jury that the  
14 questions are again one person's understanding  
15 as to what the tape may have said versus Mr.  
16 Hough's statements are exactly what was said.

17 MR. BENNETT: Judge, could we  
18 approach the bench?

19 THE COURT: Yes, you may.

20 (THEREUPON, the following  
21 proceedings were had at the bench out of the  
22 hearing of the jury panel).

23 MR. BENNETT: Judge along the lines  
24 of what Mr. Rork is raising-- and I'm not sure  
25 I understood what the Court's earlier ruling

1 was so far as whether or not when I objected to  
2 the admission of both the tape and the  
3 transcript if it was your intention to allow  
4 the transcript to go to the jury. I've heard  
5 on this tape that's being discussed now at  
6 least three occasions when the border margin  
7 indication indicates Mr. Apperson made a  
8 comment and that was not Mr. Apperson that made  
9 the comment. Particularly page 38 of the  
10 transcript it reads, CS: "You know, L." And  
11 then-- that's what CS says, "You know, L." And  
12 then Pickard says, "So what time in the morning  
13 do we get together? "And then it indicates  
14 Apperson, "to get it all." But that's not what  
15 the tape says. The tape is one person who  
16 says, "So what time in the morning do we get  
17 together to get it all. "And this reference in  
18 this transcript to Mr. Apperson participating  
19 in that conversation is false, misleading. And  
20 I don't know where Mr. Hough is going to go  
21 with these questions, but that's not Mr.  
22 Apperson talking. And I call the Court's  
23 attention to that and we strongly object to the  
24 transcripts being quoted from or the  
25 transcripts going to the jury because it's-- it



1 gives an improper picture of who is saying  
2 what. That's the concern I've had all along.  
3 And there's three or four other instances in  
4 this tape where the same thing is happening or  
5 where there's-- there's conversation that take  
6 place and everybody is talking at once and  
7 they've put it in such a context that it looks  
8 like some of the answers or some of the remarks  
9 being made by the players, if you will, relate  
10 to one thing when, in fact, they relate to  
11 something totally different. And it's-- I  
12 strongly object to it and would ask that the  
13 Court enter an order, number one, that none of  
14 these transcripts go to the jury because  
15 they're not accurate, and secondly, that the  
16 Court prohibit Mr. Hough from referring to the  
17 transcripts and asking questions about them  
18 when, in fact, they're not accurate.

19 MR. HOUGH: Judge, first off, the  
20 Court read the cautionary instruction when we  
21 started playing this, so that base is covered.  
22 Second of all, the parties are entitled to ask  
23 questions of the witness that was a party to  
24 the conversation after playing the tapes so  
25 that clarification can be made of points that

1 would be unclear to someone who was not a party  
2 to the conversation, which is what I'm doing  
3 now.

4 I'm not-- I haven't said, well, the tapes  
5 said this or I haven't said the transcript--  
6 the way that I've couched these questions is  
7 appropriate in that I have said, now, during  
8 the course of the conversation Mr. Apperson  
9 said this, Mr. Pickard said this. The only  
10 record of evidence here about this is Mr.  
11 Skinner has testified that he has heard all of  
12 these tapes and he has compared them all to the  
13 transcripts and he believes that they're true  
14 and accurate to the best that can be done. And  
15 so at this point our position would be that the  
16 line of questioning is appropriate, that the  
17 Court has already given the prophylactic  
18 instruction. So at this point, as a matter of  
19 law, we're fine and that the objection should  
20 be overruled.

21 MR. RORK: And, Judge, the nature of  
22 my objection goes to the way he's stating the  
23 questions. Early in the conversation do you  
24 recall this, later on in the conversation do  
25 you recall this. And, again, he's saying

1 precise words and reviewing something like it's  
2 the-- God's word. And I just wanted the jury  
3 again to be informed that the questions of  
4 counsel aren't evidence and, like your  
5 admonition, that the recollection is the tape,  
6 not counsel's recollection. That's all.

7 MR. HOUGH: Judge, we've already done  
8 that.

9 THE COURT: Well, the only way I see  
10 to go ahead with this would be for me to  
11 perhaps give the instruction again and then  
12 have-- when you people cross examine you'll  
13 just have to come in and say this was-- this  
14 was incorrect, Mr. Apperson didn't say this and  
15 so forth.

16 MR. BENNETT: Well, Judge, if the  
17 tape-- or if the transcript is in or going to  
18 be in I don't think that we ought to have to do  
19 that on cross examination. The tape is just--  
20 or the transcript is just plain wrong and it  
21 identifies Clyde Apperson as saying things that  
22 he did not say. And if you're listening to the  
23 tape you can tell that, particularly at this  
24 page 38 that I'm talking about. And it sounds  
25 like-- when you read the transcript, it sounds

1           like that Mr. Apperson is participating in that  
2           conversation and he's not, but the impression  
3           is there because-- and it's clear as a bell  
4           when-- what Pickard says is, "So what time in  
5           the morning do we get together to get it all."  
6           But the way this reads it's, "So what time in  
7           the morning do we get together? "And then it  
8           shows Apperson saying, "to get it all." That's  
9           just not what it says. I mean, it's all one  
10          sentence, you can hear it. The same person  
11          says the entire thing. And to let it go to the  
12          jury in any form is highly prejudicial and is  
13          false. I don't care what Mr. Skinner said, if  
14          he listened to them or if he didn't listen to  
15          them. If he listened to them and he says this  
16          is correct, it's just not correct, Your Honor.

17                           THE COURT: Well--

18                           MR. HOUGH: Ultimately, the jury will  
19          be the arbitrator of what is said on the tapes  
20          and whether it's correct or not. The Court has  
21          already given the prophylactic instruction that  
22          it is the tape, not the transcripts, that are  
23          the evidence. And if the jury finds a  
24          discrepancy, it is the tape, not the transcript  
25          that is evidence.

1 MR. BENNETT: Judge, I'm not sure  
2 what your ruling was before. Was your ruling  
3 earlier that the tapes and the transcript would  
4 go to the jury or just the tapes?

5 THE COURT: Just the tapes.

6 MR. BENNETT: Okay. Well, that  
7 solves part of the problem, but--

8 THE COURT: I don't think the  
9 transcripts are going to be in, just the tapes  
10 are going to be in there.

11 MR. RORK: It's just the nature of  
12 the questions, Judge, the way he's asking it  
13 where it looks like he's reading from the  
14 transcript.

15 MR. BENNETT: Plus the transcript was  
16 shown-- what's purported to be the transcript  
17 was shown to the jury and it's just not-- it's  
18 false.

19 MR. HOUGH: Well, whether or not it's  
20 false ultimately will be a question for the  
21 jury to resolve.

22 THE COURT: You say it's false. It's  
23 whatever is on the tape and if there is  
24 question we'll have to play the tape again. I  
25 don't believe I can change this now, so I'm

1 going to overrule your objection and let's move  
2 ahead.

3 MR. HOUGH: Thank you.

4 (THEREUPON, the following  
5 proceedings were had before the jury panel).

6 (THEREUPON, the court reporter read  
7 back the following question:

8 "Q. Mr. Pickard, during this conversation,  
9 indicates "I'm serious about my safety, my  
10 family's safety." And you asked, "Did someone  
11 get busted?" And he says, "No, it's a lot  
12 worse than that, man." Can you describe for  
13 us, in the context of the conversation, what  
14 that meant?"

15 A. If it's going to be worse than getting busted  
16 it means that someone is either threatened to  
17 kill him. Clyde-- him being Leonard, Clyde,  
18 myself, all of us. And based upon the three  
19 years of continual talk about killing this  
20 informant and trying to track this informant  
21 down and the amount of money that was pushed  
22 out to kill this informant, I took this to be a  
23 deviation from-- you know, that there was some  
24 serious problem that I didn't know where it was  
25 coming from.

- 1 Q. (BY MR. HOUGH) During the course of the  
2 conversation there was a reference to someone  
3 in Chicago and not actually owning the ET. Do  
4 you recall that?
- 5 A. Yes. Leonard always-- William Leonard Pickard  
6 always claimed that the lysergamide source was  
7 someone that was from Chicago and had Mafia  
8 ties, but they were no longer living in  
9 Chicago, they were living on the west coast.  
10 And at this point I referred to him as the ET  
11 man and he was supposed to be in Europe, he was  
12 supposed to have left the United States due to  
13 all of the legal problems that he had.
- 14 Q. During the conversation Mr. Apperson indicates  
15 that things aren't totally the way they're  
16 supposed to be by the book. What, in the  
17 context of the conversation, did that mean?
- 18 A. This lab was not supposed to be in Wamego.  
19 This lab was supposed to be better contained.  
20 That everything was supposed to be secured and  
21 there was a mess of things due to it was a  
22 mess, so--
- 23 Q. Mr. Pickard indicated that it was, quote, an  
24 extreme exposure in my experience, end quote.  
25 In the context of the conversation, what did

1           that mean?

2           A.   Bringing this lab and all the chemicals with  
3           William Leonard Pickard there, with Clyde  
4           there, and myself there was just way too much  
5           exposure because this was a known spot of mine  
6           and with all of the background information this  
7           was probably the most exposed and threatened  
8           he'd ever felt, other than being arrested and  
9           his lab being found in Mountain View,  
10          California.

11          Q.   Did you have any idea, during the course of  
12          this conversation, where the ET was?

13          A.   I knew where some of the ET was, but I didn't  
14          know-- it wasn't until at some point someone on  
15          the other end of that phone tells me, oh, the  
16          ET is not up in the Lester building or the  
17          quonset hut.  In other words, there is a point  
18          where they inform me-- you couldn't hear it  
19          because you can't hear their conversations,  
20          that I am told there's not any nor-- there is  
21          not any, we can't get it over to you.

22          Q.   And how did that affect what happened from your  
23          end of the conversation from that point  
24          forward?

25          A.   I start-- basically I had to ad hoc or fly by



1 the seat of my pants on what to do. And what I  
2 did was I came up with this story, you know,  
3 that it was in a protected place. I just  
4 hadn't figured out what that story was going to  
5 be, but I did do it.

6 Q. Now, at the conclusion or towards the end of  
7 the recording that we just heard, was that the  
8 end of the conversations on the 4th or did you  
9 have to replace a tape and were there more  
10 conversations?

11 A. I changed tapes and there's some more  
12 conversations, I think.

13 MR. HOUGH: Your Honor, previously we  
14 admitted Government's Exhibit 98, which is  
15 IE-N-14, we'd ask to publish that to the jury  
16 now.

17 MR. BENNETT: Judge, I would  
18 reiterate the objections that we made on  
19 previous occasions and also the objection that  
20 I took up with the Court at the bench for the  
21 same reasons.

22 MR. RORK: And, Judge, other than  
23 previous indications and rulings you've made,  
24 we have no other objection.

25 THE COURT: I'll overrule the

1 objection. You may go ahead.

2 MR. HOUGH: Thank you.

3 (THEREUPON, Government's Exhibit 98  
4 is played).

5 MR. HOUGH: May I continue?

6 THE COURT: You may go ahead.

7 MR. HOUGH: Thank you.

8 Q. (BY MR. HOUGH) Mr. Skinner, during this  
9 conversation you made the comment that you were  
10 a powerful person, you didn't fear the people  
11 in Chicago, you also made that comment in the  
12 prior recording. Can you describe to the jury  
13 why you would make such a comment in the  
14 context of this conversation?

15 A. I was trying to get him to talk more about who  
16 actually killed-- I wanted to know more the  
17 lineage of the ET source and I wanted to know  
18 more of the story on who was involved in the--  
19 what I thought was a murder of the informant or  
20 informants.

21 Q. You talked about having latex gloves, big ones,  
22 what was the necessity of those?

23 A. If Leonard or Clyde could have worn the latex  
24 gloves it would have been one extra layer of  
25 protection against the absorption of the

1 different lysergamide, i.e., LSD, that would be  
2 heavily present from this extremely  
3 contaminated lab and lab equipment.

4 Q. Mr. Pickard indicated that they were going to  
5 rent a truck or had rented a truck and you  
6 indicated to get one with Kansas plates, why?

7 A. It was always our standard to-- I wanted to act  
8 like things were normal mood and that was our  
9 standard. We know that within a state the  
10 chances of getting pulled over if you have a  
11 truck that's rented with that plate is less  
12 than if it's coming from like California and  
13 you're found in Illinois. So I was trying to  
14 just act like standard behavior and my standard  
15 concern of making sure things-- I had to act  
16 like everything was normal as far as protocol.

17 Q. Mr. Pickard indicated that he had told someone  
18 that he had shut down the American thing, but  
19 that he had a second group that was working  
20 that was intimately trustworthy. Can you  
21 please tell us, in the context of the  
22 conversation, what that meant to you?

23 A. There was potentially some sort of a Canadian  
24 operation. I don't know enough about it to  
25 talk about it. There was potentially a

1 Canadian operation and it had a different code  
2 name.

3 Q. Were you part of that?

4 A. No.

5 Q. Towards the end of the conversation--

6 A. Also-- I'm sorry.

7 Q. Go ahead.

8 A. It could have been another operation that could  
9 have been brought on-line in Northern  
10 California. This is only over three years of  
11 observations. I don't know.

12 Q. During the course of the tape that we just  
13 listened to did you call Agent Nichols on the  
14 phone, did he call you, is there a conversation  
15 in there involving you and Agent Nichols?

16 A. Yes. What I would do is I would go into a room  
17 that had microphones in it and say please call  
18 me and then a call would come back.

19 Q. Now--

20 A. And I also had a phone number to call him by.

21 Q. The conversation that just concluded, Mr.  
22 Pickard indicated that they would be back in an  
23 hour or so. Did they, in fact, return that  
24 day?

25 A. Yes.

1 Q. And did you have an additional conversation  
2 then with you wearing a body recording device  
3 on November the 4th?

4 A. Yes, at the gate where both of their vehicles  
5 were coming in and I was leaving.

6 Q. And subsequently there were two telephone calls  
7 as well on that date?

8 A. Yes.

9 Q. Those were recorded?

10 A. Yes.

11 Q. And you've heard the recording?

12 A. Yes.

13 Q. And you've compared a transcript against the  
14 recording?

15 A. Yes.

16 Q. Did the recording truly and accurately  
17 represent the conversation?

18 A. As best as could be done, yes.

19 Q. And the transcript, was it a true and accurate  
20 transcription?

21 A. Yes.

22 MR. HOUGH: Judge, we would offer  
23 Exhibit 99, which is the remainder of the  
24 November 4, 2000, conversations.

25 MR. RORK: Judge, with respect to Mr.

1 Pickard I would just adopt the same statements  
2 made before and understand your same ruling  
3 would be in effect.

4 MR. BENNETT: We would take the same  
5 position we've taken before and at the bench,  
6 Your Honor.

7 THE COURT: All right. 99 will be  
8 admitted.

9 MR. HOUGH: We would ask to publish  
10 that to the jury, Judge.

11 THE COURT: You may do so.

12 (THEREUPON, Government Exhibit 99 is  
13 played)..

14 THE COURT: Mr. Hough, why don't we  
15 take a break at this time. Is there anything  
16 you could finish up very shortly or would that  
17 be any problem?

18 MR. HOUGH: Judge, that's fine.

19 THE COURT: All right. Ladies and  
20 gentlemen, let's take a 15-minute break at this  
21 time and we'll see you back in just a little  
22 bit.

23 (THEREUPON, a short recess was  
24 had).

25 THE COURT: All right. Mr. Hough,

1           you may continue.

2           Q.   (BY MR. HOUGH) Mr. Skinner, in the  
3                   conversations that we just heard there's  
4                   reference to you providing three Valiums for  
5                   each of the two defendants, Mr. Pickard and Mr.  
6                   Apperson. Do you recall that?

7           A.   Yes.

8           Q.   And can you describe for us why that was  
9                   appropriate under these circumstances?

10          A.   This was standard protocol. It was to keep  
11               them from-- if they accidentally got a heavy  
12               exposure from going into seizures or some sort  
13               of situation like this and this was standard  
14               when they were tearing down or putting a  
15               facility together, building a lab, or if they  
16               were even doing a cooking process they would  
17               ask me for different things, depranil and both  
18               a Valium.

19          Q.   There was also a question that you asked Mr.  
20               Apperson about having extra walkie-talkies. Do  
21               you recall that?

22          A.   Yes.

23          Q.   Can you describe for us, was that protocol,  
24               too, or why even ask about walkie-talkies?

25          A.   Well, in case there was an emergency I wanted

1 to know if I could have another unit to  
2 communicate with them, would they leave some  
3 sort of communication unit on so I could call  
4 them to see if there was a problem or if they  
5 had an emergency they could call me. And this  
6 was an area where reception was good and bad up  
7 in that area.

8 Q. In your prior testimony you talked about the  
9 use of cell phones and calling cards?

10 A. Uh-huh.

11 Q. Were walkie-talkies also something that was  
12 routinely used?

13 A. Yes. When we used-- when we were doing a  
14 caravan or a controlled movement of something  
15 that was very precious we used multiple  
16 walkie-talkies.

17 MR. HOUGH: Judge, the courtroom  
18 appears to be locked. I know that we're in  
19 open court so I will wait until that's  
20 unlocked.

21 THE COURT: Okay. I'm surprised it  
22 was locked, but-- you may proceed.

23 Q. (BY MR. HOUGH) Also when you called the motel  
24 room you asked for James Maxwell's room, but  
25 the non 337 room?



1 A. Yes.

2 Q. And who's James Maxwell?

3 A. There's many James Maxwells, but this was a  
4 famous physicist and Leonard liked to use his  
5 name as an alias.

6 Q. And how did you know that he was using that  
7 name at the motel in Manhattan in November of  
8 2000?

9 A. Because I went through a whole list of names  
10 until I found it.

11 Q. Okay. And how did you know that it was not the  
12 337 room?

13 A. Because during one phone call I got Clyde and I  
14 said what's your room number and he said 337  
15 and so I then realized that I had to find out--  
16 and I didn't know Leonard's room number. All I  
17 knew was that there was two James Maxwell rooms  
18 and I knew what the non confirmation number  
19 was.

20 Q. And you indicated during one of the phone calls  
21 that they can pick up the treadmill and Mr.  
22 Apperson indicated that they needed to get into  
23 that room. Do you recall that?

24 A. Yes.

25 Q. What's the deal with the treadmill?

1 A. Well, first of all, let me explain the room and  
2 then I'll back up. The last time they saw the  
3 treadmill was that it was down the stairs  
4 inside of the-- the room next to the missile  
5 bay and they knew they couldn't get into that  
6 easily because it was locked up and I would  
7 always lock it up when I'd leave. Why they  
8 wanted the treadmill so bad, I have no idea. I  
9 searched that thing with a fine-tooth comb to  
10 figure out what value it has because it was a  
11 low value item. I guess it was just they liked  
12 to have their possessions. I have no idea.

13 Q. Then November the 4th, that night ended how?

14 A. The last time I spoke to them, that I remember,  
15 was in person at the gate of-- the main  
16 entrance gate that had the non-automatic part  
17 as I was leaving Columbian and Say Road. And I  
18 saw both of their vehicles as they were coming  
19 in and that's the last time I remember talking  
20 to them that night.

21 Q. And both of their vehicles being what?

22 A. One was a truck and one was just some sort of,  
23 you know, midsized luxury car.

24 Q. And the truck, how would you further describe  
25 it?

1 A. It was like-- you know, it would be like a  
2 U-haul or a Ryder truck, a box truck.

3 Q. Early in your testimony when it commenced I  
4 showed you a photograph of a Ryder truck, do  
5 you recall that?

6 A. Yes.

7 Q. And is that the one you're talking about?

8 A. Yes.

9 Q. Subsequently then on November 5th and November  
10 6th prior to the highway patrol stopping the  
11 two vehicles, did you have additional recorded  
12 conversations with Mr. Apperson and Mr.  
13 Pickard?

14 A. Yes.

15 Q. And as with the other ones, have you listened  
16 to those recordings?

17 A. Yes.

18 Q. Did they truly and accurately record the  
19 conversations?

20 A. Yes.

21 Q. Have you viewed the transcripts of those tapes?

22 A. Yes.

23 Q. And were they true and accurate transcriptions?

24 A. Yes.

25 MR. HOUGH: Your Honor, we would for

1 the record now offer Government's Exhibit 100  
2 through and including 103.

3 A. I'd like to-- the last one that I remember  
4 there was a mechanical failure, I would like to  
5 make that note.

6 Q. (BY MR. HOUGH) Thank you.

7 MR. RORK: Judge, Mr. Pickard would  
8 again offer the previous-- have no objection  
9 based upon the Court's previous rulings.

10 MR. BENNETT: We'd make the same  
11 objections as previously made, Your Honor, both  
12 before today and today.

13 THE COURT: All right. Those will be  
14 admitted.

15 MR. HOUGH: Judge, we'd ask to  
16 publish the conversations in chronological  
17 order.

18 THE COURT: You may do that.

19 MR. HOUGH: Thank you.

20 (THEREUPON, Government's Exhibits 100  
21 through and including 103 are played).

22 MR. RORK: Judge, there's two more  
23 pages of conversation between Mr. Nichols and  
24 Mr. Skinner I'd like to have played with this  
25 exhibit that they've offered and introduced.

1 (THEREUPON, the tape is continued to  
2 be played).

3 THE COURT: You may proceed.

4 Q. (BY MR. HOUGH) Mr. Skinner, in that last  
5 conversation it was one-sided on the tape, do  
6 you have any explanation of that; was there, in  
7 fact, someone on the other end of that call?

8 A. Yes. The explanation is that we'd been up for  
9 five nights, I hadn't gotten any sleep and I  
10 could have put it to the wrong ear and more  
11 likely we flipped the microphone around in my  
12 ear the wrong way. We were pretty fatigued,  
13 being Carl Nichols and the other agents and  
14 myself.

15 Q. An who was it that you were, in fact, talking  
16 to?

17 A. William Leonard Pickard.

18 Q. And in the conversation prior to that there is  
19 a conversation between you and Mr. Apperson  
20 about going to leave the records on the  
21 treadmill, do you recall that?

22 A. Yes, that refers to the ET boxes.

23 Q. During that same conversation Mr. Pickard  
24 indicates that he thinks that you're under  
25 surveillance, do you recall that?

1 A. Yes.

2 Q. Prior to him mentioning that, had you had any  
3 reason to believe or conversation with either  
4 Mr. Apperson or Mr. Pickard that would have led  
5 you to believe that they were thinking such  
6 things?

7 A. Well, I had a suspicion from the tone of their  
8 voice and the way that they were refusing to  
9 come back to the base. There was a noticeable  
10 change in Leonard's breathing pattern. There  
11 were many indications that something was very  
12 wrong with him before he mentioned that phrase  
13 to me.

14 Q. And during this conversation on the 6th Mr.  
15 Pickard is asking you to meet for lunch for a  
16 hamburger. Are you familiar with his diet?

17 A. He's a vegetarian.

18 Q. Did it strike you as odd that he would ask you  
19 to meet him--

20 A. He had no intention of eating a hamburger. It  
21 was a meeting with me to discuss a problem.  
22 Never seen him eat meat in my life, that he  
23 knew about.

24 Q. Do you recall having conversations with the  
25 agents about going and meeting at the food

1 court?

2 A. Yes.

3 Q. There were, in fact, some heated discussions?

4 A. Yes.

5 Q. And ultimately you did not meet Mr. Apperson  
6 and Mr. Pickard at the food court?

7 A. That's correct.

8 Q. Why?

9 A. I felt that they had given up-- given a number  
10 of signatures.

11 Q. They being who?

12 A. The DEA and whatever, other support staff they  
13 had in Wamego. Let's kind of say it was like a  
14 bull in a china closet with them being in  
15 Wamego and that I felt they had given up-- it  
16 was obvious that there was people all over the  
17 place.

18 Q. Did you feel comfortable meeting Mr. Apperson  
19 and Mr. Pickard in the food court?

20 A. No.

21 Q. Why?

22 A. I didn't want to be around if they had thought  
23 I had given them up.

24 Q. Why?

25 A. It could be a dangerous situation, plus I

1           didn't feel this was the best way to handle  
2           this situation.

3           Q.   And during the conversation prior to that Mr.  
4           Pickard indicated that we have a protocol.  Do  
5           you recall that?

6           A.   Yes.

7           Q.   Can you describe-- and you asked what's the  
8           protocol.  What is that conversation about?

9           A.   There's ways for handling situations and when  
10          you get certain red flags you start behaving in  
11          a certain way and they were getting red flag  
12          triggers.

13          Q.   Did they indicate to you in the course of the  
14          conversation what that was?

15          A.   I was under surveillance and they wanted that  
16          dealt with.  I mean, there was-- I could pick  
17          up from the tone of their voice and everything  
18          that there was a serious problem in their mind.

19          Q.   Their minds being who?

20          A.   Clyde Apperson and William Leonard Pickard,  
21          Junior.

22          Q.   Now, between November the 5th and November the  
23          6th do you recall what you were doing, what  
24          happened?

25          A.   Basically.



1 Q. Can you describe that for us?

2 A. I was staying at the-- Ameri Suites, I believe,  
3 was the hotel I was staying at at night and I  
4 was basically working with the-- the agents  
5 that were locked in within the missile base  
6 underground and we were trying to effect them  
7 to come and get this laboratory and take it  
8 away.

9 Q. Sir, earlier in your testimony you talked about  
10 going through the lab as it was packed up and  
11 moved from the location near Salina, Cairnero,  
12 Kansas and moved back over to your location at  
13 the Atlas E in Wamego. Do you recall that?

14 A. Yes.

15 Q. And you indicated in that testimony that the  
16 condition of the lab, things were filthy,  
17 dangerously filthy. Do you recall that?

18 A. Yes.

19 Q. Earlier in the trial photographs were offered  
20 into evidence and identified as being parts of  
21 the lab that was taken from the Ryder truck.  
22 Let me show you this series of photographs and  
23 have you just look at them for a minute. Go  
24 through them one after another quietly and see  
25 if you recognize those photographs.

1 A. (Witness complies). Basically I remember the  
2 photos, with the exception of the blue suits.

3 MR. BENNETT: Excuse me. For the  
4 record can we have the number of the exhibits,  
5 please?

6 THE COURT: Yes.

7 MR. HOUGH: I'll do that now, Judge.  
8 For the record the witness was shown Exhibits  
9 388, 463, 453, 443, 439, 417, 415, 407, 360,  
10 358, 356, 354, 352, 350, 349, 348, 347, 345,  
11 339, 336, 330, 300, 299, 298, 294, 292, 289,  
12 286, 284, 282, 278, 276, 275, 274, 272, 270,  
13 268, 265, 258, 251, 242, 254, 77, 74, 64, 61,  
14 60, 57, 54, 51, 45, 42, 33, 32, 29, and 26.

15 Q. (BY MR. HOUGH) Now, Mr. Skinner, of those  
16 items, did they represent as you recalled the  
17 items that you had boxed up at Cairnero and  
18 moved to the Atlas E at your location?

19 A. Basically.

20 Q. And let me show you Government Exhibit 60--  
21 excuse me, 57, 60, and 61 specifically that  
22 have been offered into evidence identified as  
23 the ET cans and the boxes containing the cans.  
24 Do you recognize that?

25 A. Yes.

1 Q. And those are what we're talking about-- what  
2 you're talking about?

3 A. Yes. When we refer to records or we refer to  
4 boxes or we refer to ET, it's these two that we  
5 are specifically referring.

6 Q. And those two, for the record, are what?

7 A. Those are boxes that have cans in them.

8 Q. By exhibit number, I'm sorry.

9 A. Oh, I'm sorry, 61 and 60.

10 Q. Okay. And were there certain items that you  
11 had told the agents that would be found in the  
12 lab when they applied for the warrant and went  
13 in October 31st?

14 A. Yes.

15 Q. Do you recall what they were?

16 A. I told them they'd find flasks, beakers, triple  
17 necks, large five neck, measuring scales for  
18 weight Roto Vaporator, general Erlenmeyer  
19 flasks, and so on and so on. Beakers and  
20 standard things.

21 Q. Were there any things from a certain person or  
22 place that you told them to look for?

23 A. Well, I mean, I was trying to describe to them  
24 what I thought was the last process. I'm not  
25 following, I'm sorry.

1 Q. From a certain source, distributor, for  
2 instance?

3 A. Oh, yes. Yes, I had set aside in a specific  
4 military container a label that had been left  
5 that had the name Native Scents on there or  
6 approximately intact on there and Native Scents  
7 was the name of a corporation from Taos, New  
8 Mexico that was a source for some of the  
9 chemicals that were used.

10 Q. And for the record, Exhibit 60, I'm putting on  
11 the overhead, now is that what you-- 60 and 61,  
12 those are the boxes with the cans that you have  
13 indicated for the record you were speaking  
14 about?

15 A. Yes. Or when we were saying ET boxes or ET,  
16 those are what they're looking for.

17 Q. Do you recognize what is shown here in Exhibit  
18 32?

19 A. No. I'd have to see the picture clearer. It  
20 could be a condenser. I'm sorry. This is a  
21 device that I dismantled in the other lab and I  
22 think I made a mess of it when I dismantled it.  
23 It could be a Roto Vap stirrer or something  
24 like that.

25 Q. Okay. Now, during the course of your

1 relationship with Mr. Pickard did you become  
2 familiar with his handwriting?

3 A. Yes, very much so.

4 Q. Part of your job was records keeping?

5 A. Correct.

6 Q. Let me show you what's been admitted into  
7 evidence in this case as Exhibit 435 A. Take a  
8 moment and look at that can with the  
9 handwriting on the top, see if you recognize  
10 that handwriting.

11 A. Yes. The L is very specific to Leonard's L's.

12 MR. RORK: Well, Judge, I'd object to  
13 his testimony unless the government is going to  
14 introduce the handwriting exemplar who is  
15 trained in this area and indicated it was  
16 inclusive. It could have been Mr. Pickard's,  
17 it could have been Mr. Skinner's. So I object  
18 it assumes a fact not in evidence, number one.  
19 I'd object, number two, because he's not the  
20 expert in the handwriting, the expert made an  
21 opinion contrary.

22 MR. BENNETT: We would join in that  
23 objection, Your Honor, lack of foundation.

24 MR. HOUGH: Judge, the witness--  
25 there is foundation for his testimony.

1 THE COURT: I'll overrule the  
2 objection and that will be admitted or it's  
3 already admitted, I guess. So, no, you haven't  
4 admitted that yet, have you?

5 MR. HOUGH: Yes, Judge, I believe it  
6 has been admitted. Let me check with the lady  
7 who knows all.

8 THE CLERK: Yes, it was admitted.

9 MR. HOUGH: Thank you. Judge, would  
10 this be an appropriate time to stop for the  
11 day?

12 THE COURT: Yes, it's agreeable with  
13 the Court. Ladies and gentlemen, let's now  
14 recess until tomorrow morning. We'll meet at  
15 9:30 in the morning and we'll continue with  
16 further testimony. Mr. Bailiff. Remember my  
17 admonition.

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UNITED STATES OF AMERICA )  
 ) ss:  
DISTRICT OF KANSAS )

C E R T I F I C A T E

I, Jana L. Willard, Certified Shorthand Reporter, in and for the State of Kansas, do hereby certify that I was present at and reported in machine shorthand the proceedings had the 3rd day of February, 2003, in the above-mentioned court; that the foregoing transcript is a true, correct, and complete transcript of the requested proceedings.

I further certify that I am not attorney for, nor employed by, nor related to any of the parties or attorneys in this action, nor financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Topeka, Kansas, this 5<sup>th</sup> day of Feb. 2003.

Jana L. Willard

Jana L. Willard  
Certified Shorthand Reporter