

JESSE C. TRENTADUE



December 19, 2008

*Via Facsimile, E-mail
and United States Mail*

Honorable Patrick Leahy
Chairman, Senate Judiciary Committee
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

Re: Mr. Eric Holder
Nominee for Attorney General

Dear Chairman Leahy:

You need to know that Eric Holder, now nominated to become Attorney General, played a key role in covering up the torture-murder of my brother, Kenneth Michael Trentadue. You also need to know that Mr. Holder did this while serving as Deputy Attorney General and Acting Attorney General from 1997-2001.

This is not just my shocking opinion. It is also the opinion of many Americans. More importantly, it is supported by the Justice Department's records and actions that came to light as a result of my family's efforts to obtain a certain measure of justice for my brother's murder.

Kenneth was killed in Oklahoma City in August of 1995. My family has spent over 13 years investigating my brother's gruesome murder, including bringing a wrongful death lawsuit in federal court in 1997. In that case, the Justice Department hid and destroyed evidence that would have exposed my brother's murders, and we believe that Mr. Holder was directly involved in those acts of obstruction of justice.¹

To this day, however, despite the efforts of my family, numerous journalists, and Congress, the Justice Department has been able to hide this terrible story -- and its culpability in

¹ Despite the destruction of evidence, the court awarded my family a \$1 million judgment. We have used that money to offer a \$250,000 reward for the people who killed Kenney. That offer is posted at: www.kmtreward.com. This site also contains the irrefutable evidence that my brother was murdered, which evidence was kept from us by the Justice Department.

the death of my brother Kenneth. More importantly, then Deputy Attorney General Eric Holder was assigned to be the point man in blocking my family's efforts to bring my brother Kenneth Trentadue's murderers to justice. Now, incredibly, President-elect Barack Obama has nominated Eric Holder to be the new Attorney General.

The paper trail on Mr. Holder's actions is scant. However, e-mails and handwritten notes by those working under Mr. Holder in the Justice Department have surfaced. These documents paint a clear picture of a wide-ranging and cynical scheme, run directly by Mr. Holder, to quash my family's efforts to have my brother's murder investigated, and to deflect congressional oversight and media attention from the shocking circumstances of his death.²

According to these documents, a significant part of this plan involved Mr. Holder convincing Congress not to inquire into my brother's murder. The plan called for Mr. Holder to meet with Senator Hatch on October 9, 1997, just prior to the Justice Department's issuance of a *Press Release* announcing that the federal grand jury supposedly "investigating" my brother's murder had failed to charge anyone with this crime.³

The stated purpose of this meeting between Mr. Holder and Senator Hatch was to defuse Judiciary Committee oversight and media inquiry into the circumstances of my brother's death. In fact, one e-mail states that "**we ain't looking for press on this. Hill takes priority.**"

But that meeting apparently did not go as planned by Mr. Holder, because the next day, October 10, 1997, Senator Hatch gave an exclusive interview to Fox News in which he spoke out against the results of the grand jury and the Justice Department's handling of the case:

I met with the Deputy Attorney General just last night on this. . . . All of this is very, very upsetting to a lot of people, including myself. Now, we haven't had a hearing on this lately because of the ongoing federal investigation. But now that the federal people have completed their analysis of this and their investigation, I think we will hold a hearing between now and the end of the year and just see what we can do to get to the bottom of this. . . .There

² Those e-mails and handwritten notes were produced by the Justice Department in my family's civil suit. They are attached as the "*Trentadue Mission*," which is the name given to the operation by Mr. Holder and his team.

³ What that Justice Department *Press Release* did not say, however, was that the grand jury had secretly concluded in August 1997, and that Mr. Holder had immediately thereafter put in place a "**roll out plan**" to control Congress and the media once the grand jury results became public. Mr. Holder's team reported to him that the "**Trentadue mission**" was "**like coordinating the invasion of Normandy.**" Those e-mails also refer to "**meeting with the deputy to discuss trentadue-does**" and "**trentadon't.**"

is a lot wrong with this case and I hope somebody will get to the bottom of it. But apparently the federal government hasn't been able to do so. . . . Yep, it has the aroma of coverup. . . . And like I say, it does look bad. Somebody has not told the truth here and some-body is, in my opinion, covering up.⁴

Now, these are not my words or spin on what the Senator said. These are direct quotes from the then Chairman of the Senate Judiciary Committee.

Senator Hatch was obviously unpersuaded by Mr. Holder's entreaties not to inquire into the circumstances of my brother's death and/or how that crime was investigated by the FBI. I say this not only because of the Senator's comments in the FOX News interview but also because later that same day, October 10, 1997, Senator Hatch issued a *Press Release* announcing his intention to schedule a hearing before the end of the year to **"examine the facts surrounding the death of Mr. Trentadue and the Department's handling of the matter to date."**

That Judiciary Committee hearing never happened. It did not take place because following Senator Hatch's public announcement, at the apparent urging of Mr. Holder, a delegation from the FBI approached Oklahoma Senator Don Nickles to ask for his assurances that there would be no Senate oversight.

There were two such secret meetings between Senator Nickles and FBI representatives, the first on December 4, 1997, and the second on January 23, 1998. We found out about these meetings as a result of documents produced in my family's lawsuit against the Justice Department. Those documents reveal that both meetings had been approved by FBI Headquarters and the Justice Department.

The first meeting lasted one hour and 45 minutes. Senator Nickles was not even a member of the Judiciary Committee. Yet, he is reported to have promised the FBI delegation **"that it would be his decision whether a Senate inquiry into this matter would be conducted . . . [and] he was not inclined to initiate such a review."**⁵

The foregoing record is troubling and raises many questions about the mind set and actions of the Justice Department when Mr. Holder was Deputy Attorney General and Acting Attorney General, including the maturity of those at the helm. Obviously, therefore, you and the


⁴ We have what is believed to be the only surviving copy of that videotaped interview, which has apparently never been aired.

⁵ The official FBI reports of those two visits to Senator Nickles are attached as "*Senator Nickles Documents.*"

Honorable Patrick Leahy
December 19, 2008
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other members of the Judiciary Committee should inquire into these matters during Mr. Holder's upcoming confirmation hearing.

No one could be less suitable to uphold the principles of justice in America than Eric Holder. And I would like the opportunity to appear before the Judiciary Committee to testify to that fact.


Jesse C. Trentadue

JCT/da
cc: Judiciary Committee Members
Media

Judiciary Letter.wpd

TRENTADUE MISSION

Date: Saturday, September 13, 1997 3:37 pm
From: SMO01(MARGOLIS)
Subject: query

eileen:i note on monday's calendar that you are meeting with the deputy to discuss trentadue-does that involve the plaintiff's motion to disqualify the u.s. atty and the civil division from defending the u.s. in the civil suit? if so i got a draft of civil's response which they say they have to file on monday.

USA010 0252

(2)

Sept. 23, 1947

Montadell #107

not by family and en. Hatch
 press release
 not by local D.A. of closing (thru USAF)
 would then release b/c to D.A.
 " " non b/c to OIG

I. Facts of case

II. Interest around country; on Hill ^{length of visit.}

III. GJ status

IV. How release fact of no true bill

- order for (le) to go to DA; • war (le) to Hill;
- general stat of completion - refusal to DA; • briefing of Hill staff; • try to hold ^{destination} ~~the~~ memo.

V. Collateral issues

- who investigate

- motion to raise Civil Division (memo)

Date: 10/01/1997 07:41 pm (Wednesday)
From: Juliette N. Kayyem
To: orange.of21.SMO01!WINSTON
Subject: Trentadue mission

This is like coordinating the invasion of Normandy. We are on for Monday; the declination memo is done. Is this ok with Eric's schedule (I can call whoever does that.) I talked to Faith and she is going to think about the best way to approach Hatch, and possibly Dorgan, and I will get back to you. Also, we will be contacting the FBI and Jesse Trentadue at the same time (about 2 hours before the press release.) Thanks, jnk

USA010 0244

Date: Monday, October 6, 1997 9:39 am
From: SMO02(HARKINSA)
Subject: Trentadue -Reply

We rec'd a similar call from the Bureau on Friday nite. We are coordinating with them, and may need help from you, John H, on that front.

Andy, too, has been talking to Sen. Dorgan for months.

As of Friday, we hadn't seen the draft press release -- tho I gather it's been circulated far and wide.

It will be very important to pull this thing together with cover memo; talking points; Q&A given that Sens. Hatch and Dorgan at are VERY up to speed on this and should be expected to probe; plan for calling other Senators; plan for calling staff; possible letter to other Members who've written in; agreed upon timetable that takes into account any after action expected ant the fact that there are no votes in Senate until tomorrow which means Senators won't be around; possible House votes tonight.

USA010 0266

Date: 10/07/1997 03:40 pm (Tuesday)
Subject: Trentadue and the USAO

Bill -

Al has informed the USAO about the roll-out plans. He has also asked the USAO to contact the DA 1) to get the DA's request for our GJ material in writing (so we can attach it to our motion) , and 2) to let the DA weigh in on our plan to disclose non-6(e) material to Hatch. NB: We just learned that our FOIA shop often declines to disclose when we assert that disclosure could impair a state criminal investigation even after our investigation is closed.

Ricky

cc: Al, Kevin, Sheryl

USA010 0264

Date: Wednesday, October 8, 1997 11:25 am
From: SMO01(MAYEREIL)
Subject: Trentadue

Faith: we've decided to wait to call CRT on the meeting this afternoon until we can send along to them your list of issues that need addressing. I want to give them a chance to see it and be in a position to respond at the meeting. So the sooner you can get it up to me, the better. We've set the meeting for 2:30 in your conference room. Thanks, Eileen

USA010 0273

Date: Thursday, October 9, 1997 12:30 pm
From: SMO02(SCOTTFIN)
Subject: Call to Senator Dorgan

Senator Dorgan plans to leave the office tonight around 5 p.m. to go to the Orioles game. He will be home between 5 and 6 p.m. His office has told me that he can be reached by them if we call the main office number between 5:30 and 6 --- 224-2551.

His staff gave me his portable phone # 202-321-3674. However, this is an issue that probably should not be covered in such a call.

If we do not reach him tonight, how do you want to handle the press release?

USA010 0208

Date: Thursday, October 9, 1997 12:50 pm
From: SMO01(MAYEREIL)
Subject: Call to Senator Dorgan -Reply

Nancy: thanks for this information. I agree that we need to decide whether to release this tonight, despite our ability (or lack thereof) to reach Dorgan. I think it's very important that we reach out to the press before or at the same time that we expect Trentadue to do so. That's my two cents worth. Let me know what the people in OLA say. Thanks, Eileen

USA010 0260

Date: Thursday, October 9, 1997 1:22 pm
From: SMO01(MAYEREIL)
Subject: Perhaps final Trentadue release... -Reply

what do you think the last sentence should say? Eileen

USA010 0242

Date: Thursday, October 9, 1997 1:54 pm
From: SMO01(BAILEYRO)
Subject: Phone Message From Tom Kane

Caller: Tom Kane
Of:
Phone:

Telephoned.

No further follow up is required. Our Director is fine where we
are. Sorry he missed you.

USA010 0207

Date: Thursday, October 9, 1997 2:28 pm
From: SMO02 (FOIS)
Subject: Call to Senator Dorgan -Reply

No press release without some kind of communication to Dorgan.
We aint looking for press on this. Hill takes priority.

A.

USA010 0233

Date: Thursday, October 9, 1997 3:08 pm
From: SMO01(MAYEREIL)
Subject: Call to Senator Dorgan -Reply -Forwarded

I get the message. But, does a phone call to his office tonight
after ERic gets back count as "some kind of communication?"

USA010 0235



Department of Justice

FOR IMMEDIATE RELEASE
THURSDAY, OCTOBER 9, 1997

CR
(202) 616-2777
TDD (202) 514-1888

JUSTICE DEPARTMENT CLOSES INVESTIGATION INTO TRENTADUE DEATH

Forwards Findings to Inspector General for Possible Action

WASHINGTON, D.C. -- After an extensive investigation into the death of Kenneth Michael Trentadue at the Federal Transfer Center (FTC) in Oklahoma City, the Justice Department's Civil Rights Division today ended its probe, determining that the evidence does not establish a violation of federal criminal law.

"We followed every lead, and we investigated every allegation about potential misconduct by prison personnel in the death of Kenneth Trentadue," said Isabelle Katz Pinzler, Acting Assistant Attorney General for Civil Rights. "After a lengthy investigation, involving scores of interviews and volumes of documents, we concluded that the evidence does not support a federal prosecution."

The Criminal Section of the Justice Department's Civil Rights Division, drawing upon the resources of the FBI in Oklahoma City, opened an investigation into allegations that Trentadue may have been the victim of a federal civil rights crime.

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages ▶

To	<i>Eileen Mayer</i>	From	
Dept./Agency		Phone #	
Fax #	<i>41-0368</i>	Fax #	

NSN 7540-01-317-7888

5098-101

GENERAL SERVICES ADMINISTRATION

USA010 0239

- 2 -

Trentadue, a federal prisoner, was temporarily housed at the FTC following his arrest for parole violations. On the morning of August 20, 1995, he asked to be moved out of the general population area of the facility and into protective custody in the segregated housing unit. During a scheduled cell count shortly after 3:00 a.m. on August 21, 1995, Trentadue was found hanging in his cell.

Career prosecutors from the Civil Rights Division gathered voluminous documentary evidence and details from witnesses regarding the facts and circumstances surrounding the death. Federal prosecutors worked with a grand jury in Oklahoma in conducting a careful review of the evidence. During the review, experts were consulted at the state and federal levels, and scores of witnesses were interviewed, including prisoners, correctional officers, prison officials, law enforcement investigators, forensic experts and medical personnel.

The investigation into all allegations and potential leads, however, failed to establish credible evidence that any Bureau of Prison personnel violated federal civil rights laws. Nor did it establish evidence that was inconsistent with a conclusion that Trentadue committed suicide.

This matter will now be referred to the Office of Inspector General to determine whether the conduct of any federal employee in connection with the death of Trentadue and its aftermath may have violated administrative rules and procedures. The Justice

(MORE)

USA010 0240

- 3 -

Department will also work cooperatively with state and local officials including the appropriate Oklahoma state district attorney in their efforts to determine whether state criminal laws were violated.

#

97-423

USA010 0241

Date: Thursday, October 9, 1997 9:25 pm
From: SMO02 (MARLINMY)
Subject: Trentadue release is out...

To all:

The Trentadue press release went out Thursday evening at about 6:45 PM, after Hatch, Dorgan and Jesse Trentadue were informed.

I spoke with the regional AP reporter and the Daily Okl. We also faxed out the release to the OK regional media, as well as to our regulars.

I understand that, at this time, Jesse is already doing radio interviews. He's basically saying our inquiry was a sham and that now he'll work with the local D.A.

I will get everyone the final version of the release that went out, and will also circulate any clips we obtain in the morning.

Thanks,

Myron

USA010 0202

Date: Wednesday, December 3, 1997 8:24 pm
From: SMO01(LITTROBE)
Subject: Trentadue, trentadon't

Eileen --

The AG made mention today of a letter that Hatch had written about Trentadue, enclosing the name of a witness, that was routed by Exec Sec to the IG for some reason. She wants to make sure that it gets to the investigators. Can you make sure it does?

Thanks.

Bob

USA010 0271



U.S. Department of Justice
Office of the Deputy Attorney General

Washington, D.C. 20530

Call Tom Kane

46537

Call Mike Bronwich

43435

Call [?]

USA010 0204

***SENATOR NICKLES
DOCUMENTS***

(12/31/1995)

UJCC
@CAO

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/05/1997

To: OPCA

Attn: John E. Collingwood,
Inspector In Charge
Attn: Color of Law Unit,
SSA Denny Burkhead

Criminal Investigative

From: Oklahoma City
Squad 1

Contact: SAC Thomas M. Kuker, 405/290-3601

Approved By: Kuker Thomas M

Drafted By: Mabry John P: kls

Case ID #: [REDACTED] (Pending) - 8

Title: ESTATE OF KENNETH MICHAEL TRENTADUE,
by CARMEN AGUILAR-TRENTADUE,
PERSONAL REPRESENTATIVE;
ET AL VS UNITED STATES OF AMERICA;
UNITED STATES DEPARTMENT OF JUSTICE;
ET AL

Synopsis: Documentation regarding a meeting on December 4, 1997,
between SAC Thomas M. Kuker, SSA John P. Mabry, and SA Tom Moon
Eng Linn, FBI Oklahoma City, and Senator Don Nickles, Republican-
Oklahoma, regarding the 1995 death of inmate Kenneth Michael
Trentadue at the Federal Transfer Center in Oklahoma City,
Oklahoma.

Administrative: Reference SAC Thomas M. Kuker, Oklahoma City
Division, telephone call to IIC John E. Collingwood, OPCA, on
December 3, 1997.

Details: On December 4, 1997, at 8:00 a.m., SAC Thomas M. Kuker,
Oklahoma City Division, accompanied by SSA John P. Mabry and SA
Tom Moon Eng Linn, met with Senator Don Nickles, Republican-
Oklahoma, at the Senator's Oklahoma office located at 409 South
Boston, Tulsa, Oklahoma, 74103. The purpose of the meeting was
to discuss certain issues regarding the death of inmate Kenneth
Michael Trentadue at the Federal Transfer Center in Oklahoma
City, Oklahoma, which occurred on August 21, 1995.

This meeting was approved in advance by FBIHQ, Office
of Public and Congressional Affairs, on December 3, 1997, in
referenced phone call.

For information, Senator Nickles visited the Federal
Transfer Center the previous day, December 3, 1997, accompanied
by Oklahoma City FBI agents and Bureau of Prison personnel.
Agents opened Trentadue's former cell, Cell 709A, for inspection

39733803. JPM

EXHIBIT 6:

USA012 0197

To: OPCA From: Oklahoma City
Re: 197-HQ-121,391, 12/05/1997

by the Senator and his staff. During the inspection, Senator Nickles directed several questions to FBI and BOP personnel. Representatives from both agencies responded they had been instructed by FBIHQ and DOJ not to discuss the case. Incensed by this response, Senator Nickles held a press conference afterwards outside the FTC in which he denounced BOP, FBI and DOJ for their lack of cooperation with his office.

During the December 4, 1997, meeting at Senator Nickles' Oklahoma office, the following issues were discussed:

♦ Senator Nickles advised he had been briefed regarding this case by the following individuals: Oklahoma Medical Examiner Dr. Fred Jordan; former Federal Transfer Center (FTC) Warden Thomas Kindt; Oklahoma County District Attorney Bob Macy; Jesse James Trentadue, brother of the decedent; and Jack Bowen, a television news reporter with Channel 25, FOX, in Oklahoma City (Bowen's reports have emphasized cover-up and incompetency in the investigation, and have relied on information provided by Jesse Trentadue and the Medical Examiner's Office). Senator Nickles advised that these briefings by the aforementioned individuals, as well as photographs provided to him, and his visit to the FTC, had raised serious questions in his mind whether the death of Trentadue was a suicide or homicide.

♦ Senator Nickles was advised by SAC Kuker that the FBI was cooperating with the Oklahoma County District Attorney's Office in their investigation of this matter, and planned to release all materials gathered in this investigation once authority to do so had been obtained. SAC Kuker also advised Senator Nickles that it was his understanding that Chief U.S. District Court Judge David Russell, Western District of Oklahoma, had signed an order authorizing release of federal grand jury materials to Mr. Macy.

♦ SAC Kuker related to Senator Nickles that when he transferred to the Oklahoma City Division and first viewed the Trentadue photographs he also had serious concerns regarding the manner of death. SAC Kuker explained that these questions, in his mind, were answered by the extensive investigation which was undertaken in this case, and that he was now convinced Trentadue's death was a suicide.

♦ SAC Kuker then related to Senator Nickles the depth of the investigation, including numerous

To: OPCA From: Oklahoma City
Re: 197-HQ-121/391, 12/05/1997

interviews of guards and inmates regarding specific issues such as Trentadue's state of mind, the reasons he was moved to the Special Housing Unit (SHU), and his behavior while confined there.


† SAC Kuker and Senator Nickles discussed the results of the autopsy report and the cause of death which was listed as "Traumatic Asphyxia." SAC Kuker also advised Senator Nickles of the results of blood spatter analysis conducted by an expert with the Oklahoma City Police Department. SAC Kuker emphasized that at this stage of the investigation, there was full cooperation amongst the agencies involved in this investigation, which included the FBI, the Medical Examiner's Office, the Oklahoma City Police Department, and outside experts.

† SAC Kuker then reviewed for Senator Nickles the contents of a letter from Oklahoma Medical Examiner Dr. Fred Jordan to United States Attorney Patrick M. Ryan, Western District of Oklahoma, regarding the results of his completed autopsy report in the case of Kenneth Michael Trentadue. This letter was dated on February 26, 1996. In that letter, Dr. Jordan stated that the cause of death was "Traumatic Asphyxia" and the manner was "Unknown." Dr. Jordan referred to the blood spatter expert with the Oklahoma City Police Department as an individual whom he holds in the highest esteem, and indicated this expert's opinion was that there was no evidence to support the presence of any other individual in the cell at the time Trentadue died. The expert concluded that the blood stains present were consistent with movements that could be expected from the inmate inflicting wounds upon himself and then securing the fabric noose on the grill to hang himself. In this same letter, Dr. Jordan commended the recent work of Oklahoma City FBI Special Agent Tom Linn. He noted that SA Linn gathered information previously unavailable to his office, which was instrumental in allowing the Medical Examiner's Office to bring some type of conclusion to the matter.

† SAC Kuker answered a number of specific questions raised by Senator Nickles regarding the death scene, photographs, lacerations and contusions on the body, and characteristics of the ligature. SAC Kuker also explained to Senator Nickles the various items of evidence submitted to the laboratory, and the results of those laboratory tests. This conversation included details regarding the blood evidence, and the fact that

To: OPCA From: Oklahoma City
Re: 197-HQ-121,391, 12/05/1997

the blood found on various items was determined to match Trentadue's. SAC Kuker acknowledged that one item of blood evidence, a sheet, was putrefied due to improper packaging, but the integrity of the other blood items was not affected.

◆

At the conclusion of the meeting, which lasted 1 hour and 45 minutes, Senator Nickles advised that it would be his decision whether a Senate inquiry into this matter would be conducted. He indicated that, at this point in time, he was not inclined to initiate such a review. He stated that he would contact the Oklahoma Medical Examiner's Office and encourage them to meet with the FBI to review all the evidence in the case. He also indicated he looked forward to Oklahoma County District Attorney Bob Macy's review of this matter.

◆
Senator Nickles thanked the FBI for taking the time to meet with him regarding this matter, and he expressed dismay at the Department of Justice's reluctance to allow the FBI to brief him earlier. SAC Kuker emphasized to Senator Nickles that the FBI would be glad to meet with him and/or his constituents in the future to answer any further concerns regarding this investigation.

◆◆
For information of FBIHQ, on December 5, 1997, Oklahoma City Division learned that on or about December 3, 1997, Senator Nickles was also briefed on this case by Joe Heaton, Acting United States Attorney, Western District of Oklahoma. Mr. Heaton's briefing of Senator Nickles was with the approval of DOJ.

12/31/1995

OPCA From: Oklahoma City

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/28/1998

To: OPCA

Attn: John E. Collingwood, Inspector In Charge
Attn: Color of Law Unit, SSA Denny Burkhead

~~Criminal Investigative~~

From: Oklahoma City
Squad 1.

Contact: SAC Thomas M. Kuker, 405/290-3600

Approved By: Kuker Thomas M

Drafted By: Mabry John P:kls

Case ID #: 197-HQ-1217391 (Pending)

Title: ESTATE OF KENNETH MICHAEL TRENTADUE,
by CARMEN AGUILAR-TRENTADUE,
PERSONAL REPRESENTATIVE;
ET AL VS UNITED STATES OF AMERICA;
UNITED STATES DEPARTMENT OF JUSTICE;
ET AL

Synopsis: Documentation regarding a meeting on January 23, 1998, between SAC Thomas M. Kuker, SSA John P. Mabry, CDC Henry C. Gibbons, and SA Tom Moon Eng Linn, FBI Oklahoma City, and Senator Don Nickles, Republican-Oklahoma, regarding the 1995 death of inmate Kenneth Michael Trentadue at the Federal Transfer Center in Oklahoma City, Oklahoma.

Reference: 197-HQ-1217391 Serial 8

Details: On January 23, 1998, at 8:30 a.m., SAC Thomas M. Kuker, Oklahoma City Division, accompanied by SSA John P. Mabry, CDC Henry C. Gibbons, and SA Tom Moon Eng Linn, met with Senator Don Nickles, Republican-Oklahoma, at the Senator's Oklahoma City office located at 100 North Broadway, Oklahoma City, Oklahoma, 73102. The purpose of the meeting was to discuss certain issues regarding the death of inmate Kenneth Michael Trentadue at the Federal Transfer Center in Oklahoma City, Oklahoma, which occurred on August 21, 1995.

This meeting was prompted by a request from Senator Nickles' office for FBI personnel to respond to additional questions which the Senator had. Authorization to meet with Senator Nickles was approved in advance by FBIHQ, Office of Public and Congressional Affairs, on December 3, 1997, during a phone call between SAC Thomas M. Kuker, Oklahoma City Division, and IIC John E. Collingwood. This was the second meeting between FBI personnel and Senator Nickles regarding this case. The last meeting was on December 4, 1997, at Senator Nickles' Tulsa,

USR017 0639

To: OPCA From: Oklahoma City
Re: 197-HQ-1217391; 01/28/1998

Oklahoma, office. Senator Nickles was

During the January 23, 1998, meeting with Senator Nickles in Oklahoma City, the following issues were discussed:

Senator Nickles referred to an article which appeared in the Daily Oklahoman on January 12, 1998, reporting that attorneys for the Trentadue family expected to receive new photographs and a video tape which government officials initially claimed did not exist. Senator Nickles was informed there were no new photographs; the photographs which are being made available through discovery are the same photographs which the Government has possessed and utilized throughout this investigation. He was further advised that BOP officials attempted to videotape Trentadue's cell on the morning of his death, but that the camera malfunctioned. This resulted in a video tape from that camera with only three seconds of video footage showing a wall area in the FTC. The rest of the tape has footage from a previously recorded incident which is also unrelated. Attorneys for the Trentadue family allege that the government claimed that these photographs and video tape did not exist; however, this denial cannot be attributed to any government official.

Senator Nickles inquired as to the FBI's current role in this matter. He was advised the Department of Justice/Civil Rights Division and the Federal Bureau of Investigation have both closed their respective criminal cases. He was informed of the pending civil suit filed by the Trentadue family. He was also advised that an administrative inquiry was being undertaken by the Office of the Inspector General of the Department of Justice, and that the Oklahoma County District Attorney's Office was investigating this matter.

Senator Nickles inquired as to when the FBI was notified by the BOP of Trentadue's death. SA Tom Linn explained the time line for the date of Trentadue's death to Senator Nickles. This time line documents notification of the FBI by BOP, and the pertinent times relevant to investigative activity by the FBI.

Senator Nickles inquired as to why Trentadue was transferred to the Special Housing Unit (SHU) prior to his death. Senator Nickles was informed that witnesses reported Trentadue attempted to instigate fights with other inmates, then verbally, and in writing, requested

To: OPCA From: C. ahoma City
Re: 197-HQ-1217391, 01/28/1998

opposing accounts of the incident.

Senator Nickles inquired regarding inmate Cornell R. Thornton, who allegedly gave one account of Trentadue's behavior the night preceding his death to the FBI, and a different account to Jesse Trentadue, brother of the victim. Senator Nickles was advised the FBI interviewed Thornton in depth and he provided a detailed account of Trentadue's behavior on the night preceding his death. This inmate was later interviewed by Jesse Trentadue, who drafted a statement for the inmate and asked him to sign it. The Trentadue family has publicly stated that these statements are not consistent and have suggested the FBI's version is the result of coercion and cover-up. In response to this, DOJ attorneys conducted their own interview of Thornton with the FBI case agent present. In this second interview, Thornton said that the statement he signed for Jesse Trentadue was drafted by Jesse Trentadue and he (Thornton) recanted portions of the information contained in Jesse Trentadue's version of his statement. Senator Nickles was advised the FBI had contact with Jesse Trentadue and had interviewed him in Utah early in the case regarding his concerns.

Senator Nickles inquired regarding the FBI's relationship with Oklahoma Medical Examiner Dr. Fred Jordan and his investigator, Kevin Rowland. Specifically, Senator Nickles wanted to know if the FBI had provided Dr. Jordan with the results of the investigation. Senator Nickles was advised that during the grand jury investigation into this matter, the FBI was directed by the Department of Justice to provide the Medical Examiner's Office with the grand jury 6E material regarding this case. Dr. Jordan was added to the 6E list for this purpose. When SA Linn tried to give the material to Dr. Jordan, he refused to take it and publicly claimed the federal grand jury subpoena and evidence which was offered to him was for the purpose of "shutting him up." Senator Nickles was told the FBI continues to work other investigative matters with the Medical Examiner's Office and that a new Memorandum of Understanding regarding the Federal Transfer Center had been signed.

Senator Nickles stated he was concerned about the unanswered criticism of the FBI, BOP and Department of Justice regarding their handling of this case. He asked why the explanations which he had received from the FBI in the past two meetings had not been given in

To: OPCA From: Oklahoma City
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to be transferred to the SHU. Senator Nickles was informed a written transfer request signed by Trentadue is part of the evidence in this case. It was emphasized that Trentadue was not placed in the SHU based on misconduct by Trentadue directed at guards or other inmates.

Senator Nickles inquired regarding a statement by an inmate that he observed bloody guard uniforms being washed on or around the date of Trentadue's death. Senator Nickles was advised the FBI interviewed this inmate and attempted to corroborate this information. The investigation revealed there was a separate incident at a different time in which guards forcibly removed an inmate from a cell to another location. That inmate covered himself with feces and urine prior to the guards forced movement of him to another cell. It is believed the uniforms described by the inmate may have been the ones worn by guards involved in this forced cell movement. The inmate who made this claim refused to take a polygraph on the matter.

Senator Nickles inquired regarding the Emergency Medical Technicians' (EMTs) response to the Federal Transfer Center, and reports that they were turned away. SA Linn explained that officials at the FTC did call for EMTs to respond to the Federal Transfer Center. In the meantime, the FTC Physician's Assistant determined that Trentadue was deceased. When the EMTs arrived, they were informed the inmate was dead. The EMTs then departed the scene. Later, they were called again under the mistaken belief they would transport the body from the FTC. When they arrived, they advised they do not transport deceased individuals and the FTC should notify the Medical Examiner's office. The EMTs again left the FTC. The confusion regarding the EMTs apparently resulted from a misunderstanding among BOP personnel of internal policy and EMT services.

Senator Nickles asked about reports indicating a Medical Examiner's investigator was not allowed access to Trentadue's cell. Senator Nickles was informed that both the Medical Examiner's investigator and personnel at the FTC were interviewed regarding this incident. The Medical Examiner's investigator stated that she was allowed to view the scene through the closed door of the cell. Personnel at the FTC claim they offered to open the door for the Medical Examiner investigator, but she said it was not necessary. Senator Nickles understood the FBI's investigation yielded separate and

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response to public criticism. SAC Kuker showed Senator Nickles a copy of a press release drafted by Oklahoma City Division for this purpose. Senator Nickles was advised that Oklahoma City FBI was precluded from issuing this press release by the Department of Justice and FBIHQ based on the fact additional inquiries were pending. Senator Nickles was then shown a copy of an amended press release which FBIHQ wanted Oklahoma City to release. Senator Nickles agreed that the amended version was not suitable for the intended purpose. Senator Nickles was of the opinion that had these explanations been made public much of the criticism could have been diffused.

At the conclusion of the meeting, Senator Nickles thanked the FBI representatives for their time and candidness regarding his questions. He also intimated that he had a significant role in determining whether this matter would require Congressional review, and that such action would most likely not be necessary.