

JUNE 7, 1993

AFTERNOON SESSION

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(Whereupon, opening statements were made.)

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TRACY STONE-MANNING, PLAINTIFF'S WITNESS, SWORN

THE CLERK OF THE COURT: Please state your full name for the Court and the jury and spell your last name.

THE WITNESS: Tracy Stone-Manning,
S-T-O-N-E hyphen M-A-N-N-I-N-G.

THE CLERK OF THE COURT: Thank you.

DIRECT EXAMINATION

BY MR. BREITSAMETER:

Q Where do you live?

A In Lolo, Montana.

Q How long have you lived in the Missoula, Montana, area?

A Since 1988.

Q And where did you move from before you came to

1 Montana?

2 A Silver Spring, Maryland.

3 Q And your education?

4 A Undergraduate degree in radio, television and film
5 and a degree in environmental studies.

6 Q Where did you get your graduate degree in
7 environmental studies?

8 A At the University of Montana in Missoula.

9 Q Approximately what year was that?

10 A I finished a year ago.

11 Q When you came to Montana, where did you get your
12 undergraduate degree?

13 A University of Maryland.

14 Q And so when did you start your Masters program at
15 the University of Montana?

16 A September of 1988.

17 Q Where did you -- In September of '88, did you move
18 to a particular location?

19 A When I first came to town, I stayed a couple weeks
20 at a place called the Sherwood House -- it's a house on
21 Sherwood Street -- and then I moved into an apartment in
22 town.

23 Q Did you meet John Blount or Jeffrey Fairchild?

24 A Yes, I did at the Sherwood House.

25 Q Approximately when was that?

1 A The end of August '88.

2 Q And maybe you could just explain how it is that you
3 met them at the Sherwood House at that time.

4 A Well, I was new to town, and several people who
5 lived at the Sherwood House were students in the same
6 program I was, so they offered me a place to stay while
7 I looked for an apartment; and those two often stayed
8 there as well because they were new to town, too.

9 Q How about Mr. La Crosse; do you know a
10 Dan La Crosse?

11 A I do.

12 Q When did you first meet Mr. La Crosse?

13 A In the Fall sometime in 1988.

14 Q How is it that you met Mr. La Crosse?

15 A We traveled in the same circle of friends basically.

16 MR. BREITSAMETER: If the witness could be
17 handed this Exhibit No. 19, please. I'm sorry, Exhibit 20
18 as well.

19 Q (By Mr. Breitsameter) Do you recognize Exhibit 19?

20 A I do.

21 Q How do you recognize Exhibit 19?

22 A It's a letter that I typed and mailed to the Forest
23 Service.

24 Q Okay, and Exhibit 20, do you recognize that?

25 A I do.

1 Q And how do you recognize Exhibit 20?

2 A It's the envelope that I mailed the letter in.

3 MR. BREITSAMETER: At this time we would move
4 for admission of Exhibits 19 and 20.

5 MR. MAILE: No objection.

6 THE COURT: Hearing no objection, 19 and 20 are
7 admitted.

8 (Whereupon, Plaintiff's Exhibits Nos. 19 and 20 were
9 admitted into evidence.)

10 THE COURT: Speak right up, counsel, if you
11 have an objection. I'm sure you will.

12 MR. MITCHELL: We will, Your Honor.

13 Q (By Mr. Breitsameter) What caused you to send
14 Exhibit No. 19, the letter, to the Forest Service?

15 MR. MITCHELL: Your Honor, I'm going to object
16 to that. Her state of mind is not in issue here. It's
17 not relevant.

18 THE COURT: I'm not sure the question asked for
19 the state of mind. You might rephrase it.

20 MR. BREITSAMETER: I'll rephrase it.

21 Q (By Mr. Breitsameter) Were you contacted by
22 Defendant John Blount and Jeffrey Fairchild concerning
23 that letter, Exhibit 19?

24 MR. MITCHELL: Objection, leading.

25 THE COURT: It is foundational. Overruled.

1 THE WITNESS: I was.

2 Q (By Mr. Breitsameter) Approximately when and where
3 were you so contacted?

4 A It was in the Spring of 1989, approximately the end
5 of April on the steps of Rankin Hall. That's the
6 building where the Environmental Studies program is at
7 the university.

8 Q And who was present at that time?

9 A Jeff Fairchild and John Blount -- I knew him as
10 "Spicer" -- and several people coming and going on the
11 steps.

12 Q And did someone request that you do something?

13 A Yes, Spicer asked --

14 MR. CHASTAIN: Your Honor, I would object. I
15 would like my client referred to by his name.

16 THE COURT: Yes.

17 THE WITNESS: Mr. Blount asked me -- handed me
18 a letter and asked me to read it, which I did; and then
19 he asked me if I would mail it to the Forest Service.

20 MR. MITCHELL: Your Honor, I'm going to object
21 to this testimony being admitted as to my client because
22 there is no showing whatever of the underpinnings.

23 THE COURT: I'm sure the jury will segregate
24 the testimony.

25 I'll be instructing you, members of the jury,

1 in your final instructions that you are to consider the
2 testimony against each individual defendant separately.
3 You determine the guilt or innocence of each defendant
4 on each charge separately.

5 All right. Go ahead.

6 Q (By Mr. Breitsameter) What did you do when you were
7 first handed that? Excuse me. That was not the actual
8 letter then that you were handed, Exhibit 19?

9 A No. It was -- it was also a typed letter with some
10 handwritten slogans on the bottom of it.

11 Q Okay. Who actually handed that typewritten letter
12 to you?

13 A Mr. Blount.

14 Q And what did do you then after it was handed to you?

15 A I read it.

16 Q And did you make a comment to Mr. Blount or
17 Fairchild at that time?

18 A I did. I can't remember word-for-word what I said,
19 but I was somewhat shocked. I hadn't known this had
20 happened. This was news to me.

21 Q And did Mr. Blount or Fairchild indicate anything at
22 that time concerning the particular letter?

23 A I don't think I understand your question.

24 Q What did they say to you then?

25 A Well, they asked me -- or Mr. Blount asked me to

1 mail it.

2 Q And what -- Did you agree to do so?

3 A I said I won't, and then he said -- he was being
4 pretty facetious and he said something like, "I don't
5 have a stamp."

6 Q So what did you then do?

7 A I took the letter and I thought about it overnight,
8 and then I decided to mail it, but I decided to retype
9 it first.

10 Q First, maybe you could explain why you decided to
11 retype it.

12 A Because my fingerprints --

13 MR. MITCHELL: Object, Your Honor. It's not
14 relevant why she decided to retype it.

15 THE COURT: No, I agree; just what she did.

16 Q (By Mr. Breitsameter) In terms of retyping, maybe
17 you could just explain what you did in that regard.

18 A Within the next couple of days after I received the
19 letter, I went to the university library, rented a
20 typewriter, and I typed the letter and then I mailed it.

21 Q And did you make any changes to the letter --

22 A I changed some spelling errors.

23 Q -- or the wording or anything in the letter?

24 A No, I typed it pretty much word-for-word.

25 Q How about the decision then to mail it? Was there

1 any particular reason why you decided to mail the
2 letter?

3 MR. MITCHELL: Your Honor, again --

4 THE COURT: I'll allow it. Overruled.

5 THE WITNESS: Because I wanted people to know
6 those trees were spiked. I didn't want anybody getting
7 hurt as a result of trees being spiked.

8 Q (By Mr. Breitsameter) Did you have contact with
9 Dan La Crosse later on concerning this particular
10 letter?

11 A I did.

12 Q And where did that occur?

13 A In the Environmental Studies Department.

14 Q That's at the university?

15 A At the university.

16 Q And who was present at that time?

17 A As far as I recall, it was just me and him.

18 Q Approximately what time period?

19 A Oh, it would have been sometime in May.

20 Q Of 1989?

21 A Of 1989.

22 Q And did Mr. La Crosse say something to you at that
23 time?

24 A He said to me that --

25 Q I think that's just a "yes" or "no."

1 A Yes.

2 Q Okay. What did he say?

3 MR. MITCHELL: To which I object, Your Honor.
4 This is clearly outside the time frame of any claimed
5 conspiracy, which is the only thing my client faces.

6 THE COURT: Well, I assume it's some type of an
7 alleged admission. I'll allow it. Overruled.

8 THE WITNESS: He said to me that Blount was
9 angry that the letter had been postmarked "Missoula."

10 Q (By Mr. Breitsameter) And what do you mean that the
11 letter had been postmarked "Missoula"?

12 MR. MITCHELL: Object, Your Honor. He's now
13 asking her to speculate.

14 THE COURT: Yes, I agree. Sustained, what was
15 said between the parties, of course.

16 Q (By Mr. Breitsameter) Did you say anything in
17 response to that?

18 A I think I probably said, "That's too bad."

19 Q Did Mr. La Crosse say anything further to you at
20 that time?

21 A No.

22 Q How did Mr. Blount or Mr. La Crosse know that the
23 letter had been postmarked in Missoula?

24 MR. MITCHELL: Your Honor, I object.

25 MR. BREITSAMETER: I'll withdraw the question

1 and rephrase it.

2 Q (By Mr. Breitsameter) Had there been some publicity
3 concerning this matter after the Forest Service received
4 the letter that you mailed?

5 A Yes, there were some articles in The Missoulian,
6 which is the local paper in Missoula, as a result of an
7 investigation of the Sherwood House.

8 Q And did those articles, news articles reference
9 where the letters had been postmarked?

10 A It was pretty much always the lead, postmarked --
11 "In a letter postmarked 'Missoula,' foresters learned
12 that" blah, blah, blah.

13 Q Did Mr. La Crosse indicate how he knew that Spicer
14 was angry --

15 MR. MITCHELL: I object.

16 MR. CHASTAIN: Your Honor, I would object.

17 Q (By Mr. Breitsameter) -- Mr. Blount? Excuse me.

18 MR. MITCHELL: Now I am --

19 THE COURT: Go ahead and rephrase the question.

20 Q (By Mr. Breitsameter) Did Mr. La Crosse in that
21 conversation then in May of '89 indicate how he knew
22 that Mr. Blount was angry?

23 MR. MITCHELL: Object, Your Honor. She's
24 already testified to everything that they said between
25 the two.

1 THE COURT: No, I'll allow it. Overruled.

2 THE WITNESS: No, he didn't.

3 Q (By Mr. Breitsameter) I'd like to go back to the
4 Sherwood House that you mentioned. At that time then in
5 1988 and 1989, were you affiliated with a group, Earth
6 First group?

7 A Yes.

8 Q What was your responsibility in that group?

9 A It's not a group per se, but --

10 Q Maybe you could explain, please.

11 A There are many people in Missoula who chose to be
12 environmental activists under the name of Earth
13 Firsters, and the terminology comes from the belief that
14 you put the earth first in all of your actions. So,
15 often we would do street theater, for example, in front
16 of the federal building or hold placards, et cetera, and
17 I just partook.

18 Q Did you have any particular responsibilities that
19 you handled with the group?

20 A No.

21 Q Editing, typing?

22 A Oh, there is a newsletter called the Wild Rockies
23 Review that sometimes I would edit, and
24 "responsibilities" is somewhat of a loose term. Each
25 different activity we did, people took responsibility,

1 but it varied from time to time.

2 Q Did Mr. Blount and Fairchild, did they participate
3 in some of those activities?

4 A Sometimes.

5 Q Mr. La Crosse?

6 A Sometimes.

7 Q Do you recall a particular activity in April of '89
8 in front of the federal building in Missoula, Montana?

9 A Yes.

10 Q What was the nature of that particular activity?

11 MR. CHASTAIN: Your Honor, I'm going to object
12 at this particular point. It's outside the scope of the
13 charged acts that my client is involved in, and I don't
14 see where it's leading to.

15 MR. MITCHELL: I'll join in that.

16 MR. BREITSAMETER: It's April '89, the same
17 time period in question in this case. It relates to --
18 I believe this testimony from this witness will tie in
19 with some other testimony.

20 THE COURT: Well, just so the jury understands,
21 the freedom of expression is classically protected by
22 the First Amendment, and there is nothing wrong with
23 people expressing their views in front of the Federal
24 Courthouse, be it Missoula or here in Spokane.

25 MR. BREITSAMETER: We also agree, Your Honor.

1 THE COURT: Go ahead, I'll allow it.

2 MR. BREITSAMETER: I just want it identified.

3 Q (By Mr. Breitsameter) Do you recall that particular
4 activity?

5 A I do.

6 Q Maybe you could explain that.

7 A It was a play or a skit called "Eco Rangers." It
8 was a take-off of the Lone Ranger, and the audience was
9 asked if they would, you know, take an oath -- it was
10 all very satirical -- take an oath about protecting the
11 earth and going to protests and appealing timber sales,
12 and it was on Earth Day.

13 Q And did people wear costumes?

14 A Yes.

15 Q Do you recall a particular costume that John Blount
16 wore during an festival at the University of Montana?

17 MR. MITCHELL: Your Honor, I'm going to object.

18 THE COURT: Is there going to be some
19 connection?

20 MR. BREITSAMETER: Yes, there is; it's the
21 connection between two of the defendants.

22 MR. MITCHELL: I'm going to object until
23 further foundation is laid about what time we're even
24 talking about, Your Honor; basics.

25 THE COURT: Is this going to be connected up

1 with some of the alleged activities? If not, I'll
2 sustain the objection on relevancy.

3 MR. BREITSAMETER: Your Honor, I'll ask no
4 further questions.

5 THE COURT: All right.

6 Q (By Mr. Breitsameter) Concerning the handling of
7 monies or funds by Earth First, did you have any role or
8 responsibility with regard to that particular
9 organization in Missoula or other entity?

10 A No, other than, you know, out of pocket expenses for
11 poster board and things like that.

12 Q When you knew Mr. Blount in the Fall of '88 and
13 Spring of '89, did he have any resources, to your
14 knowledge?

15 A No.

16 Q Let me ask about just a couple other individuals.
17 Did you know Arvid Hartley?

18 A Vaguely.

19 Q Maybe you could explain how you knew Arvid Hartley.

20 A As I recall, he was a freshman in the undergraduate
21 school at the time, and sometimes he, too, would come to
22 some of these meetings and come to protests.

23 Q What protests are you referring to, just so it's
24 clear, or what activities are you referring to?

25 A If I remember right, he partook in some rainforest

1 activities that we were working on.

2 Q And Neil McLain, did you know Mr. McLain?

3 A No.

4 MR. BREITSAMETER: We have nothing further.

5 Thank you.

6 THE COURT: Go right ahead.

7
8 CROSS-EXAMINATION
9

10 BY MR. MAILE:

11 Q Is it Miss Stone or Mrs.?

12 A Miss, yes.

13 Q Thank you. Miss Stone-Manning, your testimony is
14 today that you moved into the Sherman -- is it Sherman?

15 A Sherwood.

16 Q And that was the fall of '88?

17 A August.

18 Q And were Mr. Fairchild and Mr. Blount residing at
19 that home at that time, at that particular address when
20 you moved in?

21 A Like, I was residing. I mean, all three of us were
22 new to town and just sleeping there.

23 Q Was my client, Mr. Fairchild, there when you resided
24 there, or stayed there?

25 A Yes.

1 Q Was he there prior to your arrival?

2 A I don't recall.

3 Q Did you have any classes in college with
4 Jeff Fairchild at the University of Montana in the Fall
5 of '88, college courses in common?

6 A Not that I recall, although I know he was a student.

7 Q Was he a full-time academic student at the
8 University of Montana in the Fall of '88?

9 A I believe so.

10 Q Likewise, in the Spring of '89, do you know his
11 academic status, Mr. Fairchild's status?

12 A I believe he was a full-time student.

13 Q Was that the graduate or undergraduate department?

14 A I think undergraduate, but I'm not certain.

15 Q Do you know where Mr. Fairchild moved to after you
16 left the Sherwood residence?

17 A No.

18 Q Do you know if he continued to stay there?

19 A Except for a couple weeks, no, I don't after that.

20 Q So you only knew him to stay there for a two-week
21 period approximately?

22 A Yeah.

23 Q What kind of contact did you have with
24 Jeff Fairchild after your move to the Sherwood
25 residence?

1 A We had the same -- many of the same friends, so
2 often we would see each other in bars, do beers, for
3 example.

4 Q How often would that be? For example, I know it's
5 been four years ago, and it's been quite sometime,
6 but --

7 A Maybe every couple weeks.

8 Q And these would just be social occurrences?

9 A Right.

10 Q An hour or two you would see Mr. Fairchild?

11 A (Nods affirmatively.)

12 Q Would you ever see Mr. Fairchild when he wasn't in
13 the presence of Mr. Blount?

14 A Yes, on campus.

15 Q How about socially?

16 A I don't know if I can answer that question. I don't
17 recall.

18 Q Okay. How about, did you see Mr. Fairchild
19 frequently with Mr. La Crosse during this period of time
20 from the Fall of 1988 to the Spring of '89?

21 A I wouldn't say frequently.

22 Q How many times in that interim of time did you see
23 La Crosse and Fairchild together?

24 A I couldn't put a number to it, if any.

25 Q How much contact do you recall that you had with

1 Mr. Fairchild and Mr. Blount from the period of time of
2 the Fall of 1988 through the Spring of 1989?

3 A I would have called him in my main circle of
4 friends. You know how you have a circle of friends, I
5 would say they were probably the next circle out, if you
6 will; couple three times, four times a month maybe.

7 Q You would see them together?

8 A Oh, together?

9 Q Yes.

10 A I can't answer that. I can't recall.

11 Q Did you ever, at any period of time, see
12 Mr. Blount in the company of other men or other
13 individuals other than Mr. Fairchild?

14 A Yes, but I couldn't tell you names.

15 Q Did you see Mr. Blount more than you saw
16 Mr. Fairchild during the Spring of 1989?

17 A This I would probably speculate it was probably the
18 same amount, and if I saw Mr. Fairchild more it would
19 have been because of me running into him on campus.

20 Q Now, you've testified that Mr. Fairchild was with
21 Mr. Blount when this letter was handed to you?

22 A Yes.

23 Q And you are clear in your recollection on that?

24 A I'm clear.

25 Q And where was that location?

1 A That was on the steps of Rankin Hall.

2 Q Could it have been someone else other than
3 Mr. Fairchild and Mr. Blount?

4 A No.

5 Q Did Mr. Fairchild engage you in any conversation
6 during that time?

7 A No. Mostly I talked to Mr. Blount.

8 Q So is it your testimony that Mr. Fairchild was
9 present, but he didn't say much during this
10 conversation?

11 A That's correct.

12 Q Now, the letter that you received from Mr. Blount,
13 you retyped the letter in Exhibit 19. The terms and the
14 provisions of the letter that was handed to you by
15 Mr. Blount were retyped in Exhibit No. 19?

16 A I retyped the letter that he gave me, yes.

17 Q Right. Mr. Blount gave you a letter, you retyped
18 it, and what you retyped is Exhibit 19; is that correct?

19 A That's correct.

20 Q Was that retyped word-for-word?

21 A I think I remember taking out some of the profanity.

22 Q But as far as, for example, Exhibit 19, that you
23 have in front of you --

24 A I do.

25 Q -- third paragraph, second -- third sentence says,

1 "The sales were marked so that no workers would be
2 injured," do you recall seeing that in Mr. Blount's
3 letter, that phrase, third paragraph, third sentence?

4 A Yeah, I typed it word-for-word. I mean, I recall
5 typing it word-for-word, but I couldn't --

6 Q Now, why is it that you rented a typewriter?

7 A Because I only had a computer at my disposal and I
8 didn't want it on my personal computer.

9 Q You indicated on direct examination that you weren't
10 aware of any spiking that took place at Plum Creek prior
11 to meeting Mr. Blount and Mr. Fairchild?

12 A Correct.

13 Q Were you aware of any other spiking in the Northwest
14 prior --

15 A No.

16 Q -- prior to that?

17 MR. MAILE: That's all I have, thank you.

18
19 CROSS-EXAMINATION
20

21 BY MR. CHASTAIN:

22 Q Ma'am, I just want to be clear in what you've told
23 the jury in terms of the receipt of the letter from my
24 client, which was essentially the whole scenario that
25 occurred on the steps of those buildings.

1 A Uh-huh.

2 Q So we're clear, John asked you to send it to the
3 Forest Service?

4 A Yes, he did.

5 Q And did you do that after you retyped it?

6 A Yes.

7 Q And the original has been thrown away or otherwise
8 disposed of since that time?

9 A Correct.

10 Q So he didn't request you to leave town and mail it,
11 did he?

12 A No.

13 Q And so anything that you may have heard about John
14 allegedly being angry came through a secondary source.
15 You never talked to John about how he felt about it, did
16 you?

17 A No.

18 MR. CHASTAIN: That's all I've got.

19

20 CROSS-EXAMINATION

21

22 BY MR. MITCHELL

23 Q Aren't you the young lady whose home was featured in
24 a special part of the Spokesman-Review about two or
25 three weeks ago?

1 A Yes.

2 Q I thought I recognized you. When did you first
3 arrive in Missoula and take up staying at the Sherwood
4 House?

5 A The end of August in 1988.

6 Q And about how long did you room there, if you will?

7 A About three-and-a-half weeks.

8 Q At that time then, La Crosse wasn't staying there,
9 was he?

10 A No.

11 Q Okay. Then La Crosse, as far as you know, since
12 you've arrived in Missoula, hasn't been a student there,
13 has he?

14 A Not as far as I know.

15 Q In fact, you knew that he had a job as a route
16 driver for a bakery?

17 A Yes.

18 Q Okay, and you've placed some of these other people
19 in second-tier groups of friends. Would it be fair to
20 say that Dan La Crosse, didn't he get into the first
21 couple of tiers of friends?

22 A I believe that he was friends with some of my
23 friends, but he and I didn't socialize together.

24 Q He and you didn't really socialize?

25 A Right.

1 Q Okay, and he knew some people that you knew?

2 A Right.

3 Q Okay, and among the people that you knew, would that
4 be a Jake Kreilick?

5 A Yes.

6 Q Okay, and a Mr. Funsch?

7 A Yes.

8 Q And John Lilburn?

9 A Yes.

10 Q Okay. What about his niece, Guenevere Lilburn, was
11 she in your inner group?

12 A I wouldn't say so.

13 Q Okay. The others you would consider were in your
14 inner group?

15 MR. BREITSAMETER: Objection to "others," Your
16 Honor.

17 Q (By Mr. Mitchell) The "others" --

18 THE COURT: I'll allow it. Overruled.

19 THE WITNESS: Yes.

20 Q (By Mr. Mitchell) Okay.

21 MR. MITCHELL: That's all I have, Your Honor.

22

23

24

25 ///

1 REDIRECT EXAMINATION
2
3

4 BY MR. BREITSAMETER:

5 Q Just to understand the last questions here, how did
6 you and Jake meet?

7 A I met Jack in Washington D.C. We were each interns
8 at the National Wildlife Federation.

9 Q How did you know he was in Missoula?

10 A He was my contact in Missoula. When I came to
11 contact the university, I stayed with him and then I
12 just became friends with him and his friends.

13 Q And Dan Funsch?

14 A Dan and Jake are good friends.

15 Q And John Lilburn?

16 A The same, the three of them are friends.

17 Q Did those three individuals also participate in
18 activities at the Sherwood House?

19 A Yes.

20 Q Guenevere, how did you know Guenevere?

21 A I met her through John Lilburn. She's his niece.
22 She came to town, I believe, to go to school.

23 Q Did two stay -- Was she also staying at the
24 Sherwood House when you were there?

25 A Not that I remember.

MR. BREITSAMETER: We have nothing further.

1 THE COURT: All right, anything further? All
2 right, you may step down.

3 May this witness be excused?

4 MR. MITCHELL: Yes, Your Honor.

5 MR. CHASTAIN: Yes, Your Honor.

6 THE COURT: You're excused from further
7 attendance.

8 MR. BREITSAMETER: We would call Pete Deane,
9 Your Honor.

10
11 PETER SHANNON DEANE, PLAINTIFF'S WITNESS, SWORN
12

13 THE CLERK OF THE COURT: Please be seated.
14 Please state your full name for the Court and the jury
15 and spell your last name.

16 THE WITNESS: Peter Shannon Dean, D-E-A-N-E.
17

18 DIRECT EXAMINATION
19

20 BY MR. BREITSAMETER:

21 Q How are you employed, sir? How are you employed?

22 A I'm a law enforcement officer with the United States
23 Forest Service.

24 Q How long have you been employed by the U.S. Forest
25 Service?