

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Action No. 96-CR-68-M

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIMOTHY JAMES McVEIGH and TERRY LYNN NICHOLS,

Defendants.

PROFFER FOR TESTIMONY OF CAROL E. HOWE

Carol E. Howe's compelling testimony will provide information which will greatly mitigate the singular role, and culpability, which has to date been affixed solely to Timothy J. McVeigh. She will confirm, that as stated in the indictment of Mr. McVeigh and his co-defendant, there truly were "others unknown" involved in different aspects of the broader conspiracy which planned, supported and conducted the bombing of the Alfred P. Murrah Federal Building.

She will attach names and faces to some of these "others unknown" and she will do so with credible testimony that is supported by voluminous documentation. Her unique information will reveal that the conspiracy behind this crime is much larger than has been demonstrated by the evidence presented (or even hinted at) in the case against my client.

Carol Howe's testimony is absolutely crucial to presenting to the jury, the federal judicial system and to our nation as a whole, a far more complete, accurate and fair record

of critical events which led up to the tragedy underlying this case. The information which she, and only she, can present is exceptionally well documented in four sets of contemporaneous materials: (1) notes taken by her case officer, BATF Special Agent Angela Finley (and other Federal Law Enforcement officers who were present at several of her debriefings); (2) written reports made by Ms. Howe and notes taken by her of conversations and activities; (3) formal reports of investigation made by Special Agent Finley (and other Federal Law Enforcement officers); and (4) electronic and visual media recordings which are in the possession of Federal Law Enforcement.

One example will suffice to demonstrate the relevance of her testimony. The following quote is taken from an April 22, 1996, ATF document discussing the threats to Ms. Howe from various sources (should they become aware of her contributions to federal law enforcement efforts as a confidential informant for the ATF):

This informant is involved with the Oklahoma City bomb case which is pending prosecution in Denver and was the key in identifying individuals at Elohim City, which is tied to the Oklahoma City Bombing Case.

(Memorandum, Bureau of Alcohol, Tobacco and Firearms, Tulsa Field Office, Tulsa, Oklahoma, dated April 22, 1996, Subject: Threat Assessment for CI-53270-183; Exhibit A, attached hereto.)

SUMMARY OF TESTIMONY

Background

Until early 1994, Carol Howe's personal history was exceptional only because of her numerous achievements as the daughter of a very successful, upper-middle class family whose values she shared and whose goals she pursued.

But in February, 1994, Carol Howe was the victim of a life-altering incident. She was "pushed off a building in Chandler Park [Tulsa, Oklahoma] in February 1994 by three black men." (Federal Bureau of Investigation Report of Investigation FD-302, dated December 13, 1996, #D-17252; Exhibit B, attached hereto.)

Ms. Howe was understandably traumatized by this assault and became vulnerable to the appeal of charlatans whom she had heretofore ignored. In this condition of susceptibility, she contacted the reprehensible spokesman for the White Aryan Resistance (W.A.R.), Dennis Mahon. Ms. Howe made initial contact by calling a "racist hotline" which Mr. Mahon sponsored and operated in Tulsa. Shortly after her initial contact and by May, 1994, she had made the fateful connection to the compound in eastern Oklahoma which was to figure so prominently in her life for the next two years - Elohim City.

The role of the occupants of this bizarre and mysterious compound must be of central interest and relevance to any fair determination of penalty for Mr. McVeigh. Carol Howe can, with the court's permission, present unique testimony, and testimony that is uniquely pertinent to both the mitigation of culpability for my client and to the construction of a more complete and accurate judicial and historical record.

Our offer of proof in the guilt/innocence stage was rejected and Carol Howe was not called.

Testimony

Carol E. Howe will testify that:

She initially became aware of Elohim City by telephone calls in May, 1994, and quickly advanced to more direct contact.

In June, 1994, she "began going to EC..." (Federal Bureau of Investigation Report of Investigation Insert, dated April 21, 1995, #E-427; Exhibit C, attached hereto.) During this same period she became romantically involved with Mr. Mahon and began firearms training at Elohim City.

Mr. Mahon soon demonstrated his basic violent, criminal nature and sexually assaulted Ms. Howe. She chose not to report this rape and distanced herself from Mr. Mahon and his movement.

On August 22, 1994, Carol Howe received threatening phone calls from Mr. Mahon and the next day, August 23, 1994, she applied for an Emergency Protective Order against him in Tulsa County District Court. This application for Emergency Protective Order was filed by the District Court on August 25, 1994, and a hearing date on her application for an Emergency Protective Order against Dennis Mahon was scheduled for September 6, 1994. (Application for Emergency Protective Order, Case No. PO-94-2047, Tulsa County District Court, Tulsa Oklahoma, dated August 23, 1994 and filed August 25, 1994; Exhibit D, attached hereto.)

One of more members of the Tulsa Police Department noticed Carol Howe's application for the protective order and brought it to the attention of Special Agent Angela Finley of the Tulsa office of the Bureau of Alcohol, Tobacco and Firearms (ATF). Subsequent to her filing the application, Carol Howe was contacted by Special Agent Finley and solicited to become a paid, confidential informant (CI) of the ATF. Ms. Howe's efforts as a CI were to focus on two key elements of the White Aryan Resistance, Dennis Mahon and the eastern Oklahoma compound, Elohim City. Special Agent Finley emphasized to Ms. Howe that besides being paid \$120.00 per week for her services, this was an opportunity for retribution against Dennis Mahon for his abusive treatment of Ms. Howe and the ongoing threats he continued to direct against her.

Ms. Howe accepted the ATF solicitation and formalized her relationship with the ATF by signing a contract specifying the conditions of her service. This contract included the specific amount and means of payments to be received. With the contract signed, Special Agent Finley opened a formal investigation file and titled it W.A.R. (White Aryan Resistance).

The ATF was already well acquainted with the precise nature of W.A.R. This investigation, for which Ms. Howe had been recruited to serve as a key undercover operative and confidential informant, was categorized on the ATF form used by Special Agent Finley to file her monthly reports as **"TERRORIST/EXTREMIST."** (Emphasis added.)

When Ms. Finley filed her first Report of Investigation on August 30, 1994, that report stated:

This is an opening report... W.A.R. [the subject of the investigation] is a white supremacist organization that is described briefly as being radical, paramilitary, Neo-nazi (sic), anti-government and violent. W.A.R. has national and international affiliates to include the KKK and a racist following in Germany.

W.A.R. has approximately 20-25 active, 50 non-active, and 200 under-ground members locally...

The 200 underground members are referred to as 'illegals'... The illegals are individuals who have criminal convictions. They are responsible for recruiting and using violence against the public and the government directly."

Mahon has made numerous statements regarding ... manufacture and use of explosive devices... Mahon has stated both the knowledge and ability to manufacture a range of explosive devices. Mahon intends to manufacture and use any or all of the above when he deems necessary. Mahon and his organization are preparing for a race war and war with the government in the near future and it is believed that they are rapidly stock piling weapons. (Emphasis added.) (Bureau of Alcohol, Tobacco and Firearms, Report of Investigation, Report #001, White Aryan Resistance (W.A.R.), dated August 30, 1994; Exhibit E, attached hereto.)

This is proof, from the ATF's own files, that nine months before the bombing of the Murrah Federal Building, a radical, violent, armed group, based in the state of Oklahoma,

with ties to neo-Nazis in Germany, and over 200 hundred members, was rapidly stockpiling weapons and preparing for war with the government. The most visible spokesman for this group had both the intention and (he claimed) the demonstrated capability to manufacture and employ "a range of explosive devices" (also known as bombs).

On September 6, 1994, Carol Howe did not appear at the scheduled hearing for her application for a protective order against Dennis Mahon and the application was dismissed without prejudice for her failure to appear. (Order of Dismissal, Application for Emergency Protective Order, Case No. PO-94-2047, Tulsa County District Court, Tulsa, Oklahoma, filed September 7, 1994; Exhibit F, attached hereto.)

ATF Special Agent Finley filed her second Report of Investigation on September 26, 1994. Report #002 stated (based largely on information obtained by the new confidential informant, Carol Howe, whose CI number was "CI-53270-183"):

On September 2, 1994, CI 183 [Howe] traveled alone to Elohim City for the day... 183 [Howe] met Andy LNU, a German male... who is head of security for Elohim City...

Andy also told 183 [Howe] that there exists a black market dealer who can get grenades, C-4, and a range of explosives... also told 183 [Howe] that the race war would begin on the hottest day of 1995, and they need to prepare for it. (Bureau of Alcohol, Tobacco and Firearms, Report of Investigation, Report #002, White Aryan Resistance (W.A.R.), dated September 26, 1994; Exhibit G, attached hereto.)

"Andy," the head of security for this virulent nest of neo-Nazis with a stated mission of conducting violent attacks on the public and the government, was Andreas Carl Strassmeir. Mr. Strassmeir was in the United States illegally while openly talking to Ms. Howe of his intentions to attack U.S. Government property and installations and to do so by "blowing things up" months before the attack on the Murrah building. He specifically told her he wanted to engage in "direct action" which included "bombings" (underlined by Special Agent Finley in her handwritten note), "mass murder" and "assassinations," all aimed at federal property and employees. (Emphasis added.)

She told Special Agent Finley (confirmed by Special Agent Finley's handwritten note from the September/October 1994 period) that Dennis Mahon had told Ms. Howe that:

* ... he [Mahon] made [a] 500 pound ammonium nitrate bomb in Michigan about 5 years ago, put it under truck and blew it up. [Mahon] [w]ants to take CI to Fred's place--in Missouri.

[Mahon] [m]oved out of Elohim City because Ellison coming and mixing races by Elohim City.

["Ellison" refers to James Ellison, a former leader of the radical group, the Covenant, the Sword, and the Arm of the Lord (CSA). Ellison was released from prison in April 1995 and returned to Elohim City at that time. Ellison had become a cooperating witness in the case against other CSA leaders. He was not universally popular for his contributions to the government's case against his former peers, but the leader of Elohim City, Robert Millar had determined to take Ellison back into the nest of neo-Nazis. Ellison and Richard Wayne Snell (who was executed on April 19, 1995, in Arkansas for the murder of a black state trooper)

had planned to attack and destroy the Murrah Federal Building in 1983 with explosives.] (Federal Bureau of Investigation Report of Investigation FD-302, dated July 7, 1995, #D-6754; Exhibit H, attached hereto.)

She provided information to Special Agent Finley (confirmed in Special Agent Finley's October 20, 1994, Report of Investigation (Report #003) that:

On September 27, 1994... [ATF Technician] installed a video camera with microphone in the residence of CI-183.

On September 28, 1994, CI-183 met with Mahon to discuss manufacturing a destructive device.

Mahon spoke at the end of the service [October 8, 1994, at Elohim City] and stated that he would kill any informant who caused anyone in the movement to go to prison... He instructed CI-183 how to make the napalm during their walk. Mahon then pulled out his equipment to include a "tap," green fuse, black powder, bolts, paper funnel, grenade shell, contact cement, and a drill bit.

Mahon had left a couple newspaper clippings in CI-183's mailbox earlier this day. One of the articles was about recent explosions in Tulsa, which were at and around the previous residence of CI-183. Mahon suspects CI-183 of being involved in the explosions and appears to be proud of him/her.

On October 22, 1994, CI-183 met with Eddie and Andy and took them to the Tulsa Gun and Knife Show. (Bureau of Alcohol, Tobacco and

Firearms, Report of Investigation, Report #003, White Aryan Resistance
(W.A.R.), dated October 22, 1994; Exhibit I, attached hereto.)

In November, 1994, Dennis Mahon and Andreas Strassmeir made the first of three visits to Oklahoma City, and that the purpose of this visit was to "case" the federal building as one of three potential targets being considered for attack by explosives. (Results of telephonic interview of January 29, 1997, by a journalist, provided in confidence to the defense, and Federal Bureau of Investigation Report of Investigation Insert, dated April 21, 1995, #E-427; Exhibit C, attached hereto.)

She informed Special Agent Finley (confirmed in the Report of Investigation, Report #004, dated November 29, 1994) that:

On November 3, 1994, CI-183 traveled to Elohim City with Mahon...

During this visit, Mahon discussed Syntex [a high order explosive] and said ~~A 1000~~ that it costs \$100.00 per pound. He said he knows where to get it and that there is a lot of it around... Mahon wants to set a pipe bomb off at the door of a Mexican owned video store in Tulsa. [Note: Ms. Howe has separately indicated that Mahon's pipe bomb was exactly like the one which Michael Fortier claims Timothy J. McVeigh unsuccessfully attempted to explode in the Arizona desert.]

CI-183 has become close to the head of security, Andy LNU, and has received various information... Andy stated that he deals with a Class III dealer in Ft. Smith, Arkansas, and would give CI-183 the address at some point.

Andy stated that he was involved with CSA, the Covenant, Sword and Arm of the Lord. He was born in 1959 and served in the West German military starting in 1979. He was an infantry officer. His plans are to forcibly act to destroy the United States' Government with direct actions and operations such as assassinations, bombings, and mass shootings. He believes the biggest enemy to be the United States Government (ZOG).

Jim Ellison, former member of CSA, is in close contact with Elohim City... In April he will be moving to Elohim City. (Emphasis added.) (Bureau of Alcohol, Tobacco and Firearms, Report of Investigation, Report #004, White Aryan Resistance (W.A.R.), dated November 29, 1994; Exhibit J, attached hereto.)

In December 1994, Dennis Mahon and Andreas Strassmeir made the second of three visits to Oklahoma City, and that the purpose of this visit was to "case" the federal building as one of three potential targets being considered for attack by explosives and that this was the only "reconnaissance" trip on which Ms. Howe accompanied Mahon and Strassmeir to Oklahoma City for this purpose. (Results of telephonic interview of January 29, 1997, by a journalistic, provided in confidence to the defense, and Federal Bureau of Investigation Report of Investigation Insert, dated April 21, 1995, #E-427; Exhibit C, attached hereto.)

[Corroboration of Ms. Howe's testimony regarding Andreas Strassmeir is provided by these Immigration and Naturalization (INS) documents:

A December 13, 1994, Immigration and Naturalization Service (INS) computer printout has the handwritten annotation: "Need certification of non-existence of legal permanent residence. Sensitive Investigation by ATF - SA Angela Finley." (INS computer printout, dated December 13, 1994; Exhibit K, attached hereto.)

A December 1994 memorandum from INS Special Agent Debra Bryant to Supervisory Special Agent Stephen C. Merrill (addressed to "Steve"): "SA Angela Finley, ATF, from Tulsa called regarding the attached individual. They have an on-going case on him which she described as 'sensitive' for an unknown reason. He's buying guns but that's all she said. I found the non-immigrant record on him but no LPR [lawful permanent residence] status. She said he lives out in the boonies in Eastern Oklahoma. They plan to charge him with 922(g) [illegal alien in possession of a weapon] but needed evidence that he is here illegally. I have ordered a certificate of non-existence of lawful permanent residence from HQ which will take 6-8 weeks. I had it sent to Dallas and I'll forward it to you when I get it. Angela also wanted to know if an INS agent could go with them when they arrest him. I told her to contact you." (Emphasis added.) (Immigration and Naturalization Service Oklahoma City Office, Memorandum (undated), Oklahoma, From INS Special Agent Debra Bryant to Supervisory Special Agent Stephen C. Merrill; Exhibit L, attached hereto.)

Carol E. Howe will testify that:

She informed Special Agent Finley (confirmed in the Report of Investigation, Report #005, dated January 1, 1995) of the more complete identification "of 'Andy' who is said to

be the head of security at Elohim City. He is actually Andreas Karl (sic) Strassmeir, a West German, DOB: May 17, 1959," and that:

"Strassmeir had questionable weapons connections."

"During the Sabbath meeting, Millar gave a sermon soliciting violence against the United States Government. He brought forth his soldiers and instructed them to take whatever actions necessary against the United States Government."

"... He [Millar] explicitly told 183 that they were preparing to fight a war against the government... had been close friends of the Weavers... He stated that they were friends with some of the Branch Davidians in Waco, Texas, and that the Branch Davidians have set up another community in Colorado."

"... 183 spoke with an individual named 'Mike' who is actually William Brescia [currently under indictment and in federal custody in Pennsylvania for his role in the "Midwest bank robberies"]

"... Ellison will have a militia with fully automatic firearms." (Emphasis added.) (Bureau of Alcohol, Tobacco and Firearms, Report of Investigation, Report #005, White Aryan Resistance (W.A.R.), dated January 1, 1995; Exhibit M, attached hereto.)

[Corroboration of Ms. Howe's testimony regarding Andreas Strassmeir is provided by these Immigration and Naturalization (INS) documents:

In a January 5, 1995, INS form titled, "INS Criminal Alien Information Referred To Investigations," re Andreas Carl Strassmeir (initialed by "SCM" [Stephen C. Merrill, INS Supervisory Special Agent, Oklahoma City office]):

"Investigation pending - no arrest or warrant as of yet - Northeastern Oklahoma - request participation. Raid - next month." (Emphasis added.)
(Immigration and Naturalization Service Office, Oklahoma City, Oklahoma, "INS Criminal Alien Information Referred To Investigations," dated January 5, 1995, re Andreas Carl Strassmeir; Exhibit N, attached hereto.)

In a January 10, 1995, INS Routing and Transmittal Slip (drafted by K. May, to [Supervisory Special Agent, Stephen C. Merrill], via [Clarice McVeigh. Pendley, Investigative Assistant, INS OKC office])

"Per your note, I talked to Angela Finley, ATF.

"It may be awhile before the subject is contacted or arrested, but we will probably be called to assist." (Emphasis added.) (Immigration and Naturalization Service Office, Oklahoma City, Oklahoma, "Routing and Transmittal Slip," dated January 10, 1995; Exhibit O, attached hereto.)

Carol E. Howe will testify that:

She informed Special Agent Finley (confirmed in the Report of Investigation, Report #006, dated February 28, 1995) that:

"On January 19, 1995, CI-183 traveled to Elohim City. CI-183 then traveled with several individuals from Elohim City to Oklahoma City." (Bureau of Alcohol,

Tobacco and Firearms, Report of Investigation, Report #006, White Aryan Resistance (W.A.R.), dated February 28, 1995; Exhibit P, attached hereto.)

In February 1995, Dennis Mahon and Andreas Strassmeir made the third of three visits to Oklahoma City, and that the purpose of this visit was to "case" the federal building as one of three potential targets being considered for attack by explosives. (Results of telephonic interview of January 29, 1997, by a journalist, provided in confidence to the defense, and Federal Bureau of Investigation Report of Investigation Insert, dated April 21, 1995, #E-427; Exhibit C, attached hereto.)

[Corroboration of Ms. Howe's testimony regarding Andreas Strassmeir is provided by these Immigration and Naturalization (INS) documents:

An INS notarized "Certification" re Andreas Carl Strassmeir, stated that "after diligent search... there is no evidence of any lawful admission to the United States as an immigrant..." (Immigration and Naturalization Service Form CO 230 (Rev.3/16/93)Y, dated February 16, 1995; Exhibit Q, attached hereto.)

[Corroboration of Ms. Howe's testimony regarding Andreas Strassmeir is provided by this Oklahoma Highway Patrol document:

In February (after the 16th), 1995, a "Be on the lookout for" (BOLO) was issued by Oklahoma Highway Patrol Trooper Ken Stafford re Andreas Carl Strassmeir:

"BOLO for Security Chief at Elohim City Compound..."

"- carries a .45 auto pistol at all times..."

"- He is an illegal alien, ATF wants to be notified if he is stopped and has the gun on him. They will file the charges.."

"Contact: Agent Angela Finley ATF..."] (Emphasis added.)

("BOLO" issued by Oklahoma State Highway Patrol, Trooper Ken Stafford #765, undated; Exhibit R, attached hereto.)

[Corroboration of Ms. Howe's testimony regarding Andreas Strassmeir is provided by this ATF Report of Investigation, Report #006, dated February 28, 1995) that:

"On February 23, 1995, RAC David Roberts was contacted by FBI Supervisor, Marty Webber, who stated that FBI Special Agent in Charge, Bob Ricks, would be available during the week of February 27, through March 03, 1995, to meet with ATF Special Agent in Charge, Lester Martz. RAC Roberts then contacted Dallas Division to request that SAC, Martz, meet with SAC, Ricks to discuss the investigation of Elohim City."

"It was determined that CI-183 would be visiting Elohim City during the week of March 5-11, 1995, for ... three to five days."] (Emphasis added.) (Bureau of Alcohol, Tobacco and Firearms, Report of Investigation, Report #006, White Aryan Resistance (W.A.R.), dated February 28, 1995; Exhibit P, attached hereto.)

Carol E. Howe will testify that:

On April 19, 1995, Special Agent Finley contacted Ms. Howe "in regard to the bombing in Oklahoma City," contrary to the claim in ATF Report of Investigation (Report #007, dated May 22, 1995) that Ms. Howe contacted Special Agent Finley on

April 20, 1995. (Emphasis added. Results of telephonic interview of January 29, 1997, by a journalist, provided in confidence to the defense.)

There was "not a doubt in my mind [Michael] Brescia is John Doe II," contrary to the claim in ATF Report of Investigation (Report #007, dated May 22, 1995) that Ms. Howe stated that she "believed suspect #2 resembled one of the residents of Elohim City, Tony Ward." (Emphasis added. Results of telephonic interview of January 29, 1997, by a journalist, provided in confidence to the defense.)

On April 21, 1995, ATF Special Agent Angela Finley, along with FBI Special Agent John Risanhoover, traveled to Tulsa to pick up Ms. Howe and transported her to Oklahoma City. She was debriefed by Special Agents from the ATF and the FBI. She informed FBI Special Agent James R. Blanchard, II, and ATF Special Agent Angela Finley during this extensive interview in Oklahoma City that:

She believed in 1994, she saw an individual resembling the composite of UNSUB #1 in a white separatist paramilitary camp called Elohim City. This camp is located around Stillwell, Oklahoma. [She] knew this person as "PETE."

When she saw the television pictures of Timothy James McVeigh, she said "McVeigh doesn't look like 'PETE.'"

She had learned that Elohim City is operated by Robert Millar, that Elohim City's "Chaplain" is Zera Patterson, and that Elohim City's Security Officer is Andreas Strassmeir - an illegal alien from Germany, who is a former West German Infantry Officer and who spoke English fluently, but with a German accent.

Strassmeir had talked frequently about direct action against the U.S. Government. He is trained in weaponry and has discussed assassinations, bombings and mass shootings. Strassmeir frequently talks about direct action against the U.S. Federal Government.

[*It must be noted that an attorney from the Office of General Counsel of the Central Intelligence Agency has admitted to Ms. Beth Wilkinson of the prosecution that Strassmeir has had an undefined relationship with that agency. The defense has not been informed of the nature of this relationship.* (Emphasis added.) (See FBI Report of Investigation FD-302, #D-14705, dated February 6, 1997; Exhibit S, attached hereto.)

On January 11, 1996, the INS office in Oklahoma City filed a Memorandum of Investigation re Andreas Carl Strassmeir - "Subject is wanted for questioning by FBI, Oklahoma City. DETAIN AND NOTIFY FBI... REFER TO FBI CASE NO. 174A-OC-56120. SUBJECT IS POSSIBLY ARMED AND MAY BE DANGEROUS." (Emphasis in the original.) (Immigration and Naturalization Service Office , Oklahoma City, Oklahoma, "Memorandum of Investigation," dated January 11, 1996; Exhibit T, attached hereto.)

On March 18, 1996, Special Agent Paul Brown of the Department of State, Diplomatic Security Service, filed a memorandum regarding Strassmeir that said, "*Strassmeir was a (sic) overstay on his last trip to the US... is*

known to have been the military training officer for a white supremacist (sic) group, 'WAR' (White Aryan Resistance).... has been the suspect of several investigations for purchasing weapons, and making the weapons fire on full auto. Strassmeir should not be allowed to return to the US." (Emphasis added.) (Department of State Memorandum by Special Agent Paul Brown, dated March 18, 1996; Exhibit U, attached here to.)]

She had heard frequent anti-Federal government philosophy. She described Elohim City residents as being ultra-militant white separatists. Many of the younger members practice Odinism the worship of the Norse God Odin. There is much required reading at the compound such as Mein Kampf, The Silent Brotherhood and The Turner Diaries. She described The Turner Diaries as a book which described the idea of driving a delivery truck loaded with explosives into the delivery area of a Federal building and detonating it at 9:30 a.m. She also noticed a book with instructions about making "C-4" high explosives.

She reported that many Elohim City residents have sympathies to David Koresh and even have a Branch Davidian flag hanging in the Elohim City church. She heard a lot of discussion of hatred toward the U.S. Government for the WACO raid, and that Elohim City could be the government's next victim. Although some Elohim City members have suggested that they should strike the government first, she had heard of no specific plans for vengeance."

Dennis Mahon had talked with Ms. Howe about *targeting federal installations for destruction through bombings, such as the IRS Building, the Tulsa Federal Building and the Oklahoma City Federal Building.*

Dennis Mahon also discussed a plan for destroying power lines from Oklahoma City to Catousa, Oklahoma, during the hottest time of the summer. Mahon reasoned this will create a panic, and without air conditioning, mass race riots would begin.

Dennis Mahon and Strassmeir had taken three trips to Oklahoma City: (1) in November, 1994; (2) in December, 1994; and (3) in February, 1995. She only accompanied the group once, in December 1994.

She reported that Elohim City has 308 [caliber] rifles, MAC 90s, mini-14s, and various fully automatic weapons. Strassmeir once bragged about having an M-60 automatic machine gun, but later denied it.

That (contrary to the erroneous dates in the FBI Report of Investigation) April 19 is the anniversary of the WACO raid and April 20 is Hitler's birthday. She said Elohim City residents are very conscious of these dates.

She attempted to use ATF equipment to make a consensually recorded telephone call to Mahon on April 21, 1995, but was unsuccessful in reaching him. Special Agent Finley supervised Ms. Howe in these attempts. (Emphasis added.) (Federal Bureau of Investigation Report of Investigation Insert, dated April 21, 1995, #E-427; Exhibit C, attached hereto:)

She informed Special Agent Finley (confirmed in the Report of Investigation, Report #007, dated May 22, 1995) that:

Following her three-days of interviews in Oklahoma City, a lead sheet was completed and federal law enforcement officials "determined that she would be sent to Elohim City to obtain any intelligence relating to the bombing."

On April 29, 1995 she met with area W.A.R. leader, Dennis Mahon, and obtained several video tapes regarding the movement. Ms. Howe stated that they discussed alibi's for April 19, 1995 and the components of the explosive. She stated that Mahon mentioned the name of a man familiar in explosives who lives in Illinois. Mahon used the name, Pierson; however, he was not sure. Ms. Howe stated that Mahon could have been referring to Paulson because he cannot remember people's names.

On May 1, 1995, she traveled to Elohim City and stayed for three days.

On May 3, 1995 Special Agent Finley met with Ms. Howe and debriefed her. Special Agent Finley then took Ms. Howe to Oklahoma City to again meet with ATF and FBI agents for further debriefing.

Ms. Howe stated that while she was inside the Elohim City compound, a news crew was also there doing a story and that she was asked to stay out of sight. She was excluded from the daily worship meetings due to the media attention. Ms. Howe did speak to one of Robert Millar's daughters who stated, "There is a big secret out here." Ms. Howe also was informed by Zara Patterson IV that James Ellison was then residing at Elohim City. Ms. Howe did not see him.

Ms. Howe stated that she viewed the freshly dug grave of Snell, the man executed in Arkansas on April 19, 1995 for the slaying of an Arkansas trooper and was informed that Robert Millar had attended the execution and transported the body to the Elohim City compound for burial. Ms. Howe stated that individuals she had spoken with were supportive of the bombing of the building in Oklahoma City.

On May 13, 1995, Special Agent Finley met with Ms. Howe "to discuss returning to Elohim City [for a second post-bombing visit] in order to determine what the 'big secret' is, and to attempt to identify suspect #2."

On May 22, 1995, Ms. Howe contacted Special Agent Finley and stated that Ms. Howe "had been contacted the previous day and informed that she had better not go to Elohim City. [Ms. Howe] stated that the person called again on this day and gave her the same warning. [She] did not reveal to Special Agent Finley the source at this time. [Ms. Howe] then stated that she had seen the numerous television broadcasts about Elohim City and was too frightened" to visit there again. (Emphasis added.) (Bureau of Alcohol, Tobacco and Firearms, Report of Investigation, Report #007, White Aryan Resistance (W.A.R.), dated May 22, 1995; Exhibit V, attached hereto.)

[Confirmation that Ms. Howe's concern for her personal safety was legitimate is indicated by the following quote from ATF Report of Investigation, Report #007:

On May 24, 1995 Special Agent Finley was informed by Resident Agent in Charge, David Roberts that Robert Millar suspected CI-183 of being a confidential informant. It was determined that CI-183 would not be sent to Elohim City at this time or in the

future. (Emphasis added.) (Bureau of Alcohol, Tobacco and Firearms, Report of Investigation, Report #007, White Aryan Resistance (W.A.R.), dated May 22, 1995; Exhibit ~~X~~, attached hereto.)

[The government has raised the issue of Ms. Howe's mental stability. In an ATF Report of Investigation, dated May 18, 1995, and titled, "Request of use of Confidential Informant," the Resident Agent in Charge of the Tulsa ATF office, David E. Roberts, made the following official statement, endorsing the recommendation to reactivate Ms. Howe as a confidential informant :

It has been established through several prior meetings with the informant, that he/she is stable and capable of working in this investigation.

I concur with the recommendations of Special Agent Angela Finley to reactivate CI-53270-183. (Emphasis added.) (Bureau of Alcohol, Tobacco and Firearms Report of Investigation, dated May 18, 1995; Exhibit ~~X~~, attached hereto.))

[Corroboration of Ms. Howe's testimony regarding Elohim City and the White Aryan Resistance, and her fitness to resume her role as a paid Confidential Informant for the U.S. Government is provided by these quotes from ATF Report of Investigation, Report #007, dated May 22, 1995) that:

This is a 30 day status report in the investigation of the White Aryan Resistance and the violations of federal firearm, explosive and conspiracy laws in both the Northern and eastern Judicial Districts of Oklahoma.

This investigation to remain open. (Emphasis added.) (Bureau of Alcohol, Tobacco and Firearms, Report of Investigation, Report #007, White Aryan Resistance (W.A.R.), dated May 22, 1995; Exhibit ~~X~~^Y attached hereto.)

[Concluding remarks:

The prosecution has claimed that Ms. Howe was terminated in March 1995 as a Confidential Informant due to mental instability. The prosecution has now acknowledged that Ms. Howe was "reactivated" and remained an active, paid, Confidential Informant for federal law enforcement until December 1996, when the Tulsa residence she shared with Mr. James Viefhaus was raided by federal and local law enforcement officers.

Ms. Howe has acknowledged professional treatment for a short period for mental stress, brought on by the extraordinary pressures she dealt with on a daily basis while serving as a undercover operative in a most dangerous environment. That she made a satisfactory recovery is conclusively proven by the government's eagerness to retain her services in the most important criminal investigation then active in our nation.

Ms. Howe's veracity and reliability has been tested and found very credible. She has been polygraphed, and passed the examination without any indication of deception. But it is the consistency of her information, evaluated over a period of nearly two and one-half years, using multiple sets of contemporaneous records, that makes the strongest argument for her credibility.