

Government Also on Trial, Attorney Says

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By David Harper

The trial of former informant Carol Howe begins.

The trial of former federal informant Carol Howe began in Tulsa Monday with Howe's attorney telling jurors that they sit in judgment not only of Howe, but also of the government.

Howe is charged with conspiracy, willfully making a bomb threat and possessing items that could have been turned into a pipe bomb "in a New York minute" according to Assistant U. S. Attorney Neal Kirkpatrick.

Howe's attorney, Clark O. Brewster opted not to give an opening statement Monday. But he has previously said that he believes Howe was charged in a "retaliatory" move by the government, a measure meant to punish the former ATF and FBI informant for speaking out about the advance warning she says she gave of the April 19, 1995, Oklahoma City bombing. Brewster made the statement about the jury judging the government as well as Howe during jury selection. Howe was charged along with Tulsan James Dodson Viefhaus, Jr., who was convicted of all charges Friday in federal court in Tulsa.

Kirkpatrick said the reference on a Dec. 8 answering machine message recorded by Viefhaus constitutes a true threat when considered in the context of the weapons, Nazi literature, "target" list and "how-to" books on Viefhaus and Howe shared. The government alleges Howe helped "compose" the message.

Kirkpatrick said, "You'll see, you'll hear, you'll know what they were up to." The case will be heard by a seven-man, five-woman, all white jury.

The March 11 indictment in the case alleged Howe and Viefhaus founded the National Socialist Alliance of Oklahoma. The indictment alleges that the group's "philosophy and preps.. .was to promote the alleged superiority and survival of the white or Caucasian race."

Two whites were excused from the 28-member jury panel because they were concerned that they would not be able to separate their consideration of the facts of the case from their repulsion over the racism promoted by the National Socialist Alliance of Oklahoma.

Howe said last week during her testimony in the Viefhaus trial that she held racist beliefs for "about six weeks" in 1994 after a traumatic experience in a Tulsa park. However, she said she no longer holds such views and that the tapes and literature associated with the organization were meant to elicit responses from people her government bosses might be interested in monitoring.

The government maintains it knew nothing of Howe's activities with the National Socialist Alliance of Oklahoma and that Howe was not authorized to do any informant activities after June 1995. Another potential juror was excused because of her opposition to firearms. There were several legally owned firearms at the residence and Howe testified last week that she still owns three firearms.

Two other potential jurors were excused because they said they heard Viefhaus was found guilty last week and would have a hard time believing Howe's innocent since she lived with Viefhaus.

Many potential jurors indicated they had heard of the case against Howe but none said that the media coverage had biased their opinion one way or another. In light of Howe's anticipated defense, Kirkpatrick asked potential jurors if they believe the United States had "specific" warnings of the explosion at Oklahoma City's Alfred P. Murrah Federal Building that killed 168 people. Kirkpatrick also asked if any jurors believed that the government would not do all it could to prevent such a disaster.

None of the jury panel answered affirmatively to the questions. Brewster told the potential jurors that he anticipates the case will last well into next week.

Each side announced its witness list Monday. Among the scheduled defense witnesses are Howe's former attorney, Allen Smallwood; Tulsa white separatist Dennis Mahon; ATF agents Angela Graham and Dave Roberts; FBI informant Richard Schrum; Howe's father, Bob; convicted bomb conspirator Willie Ray Lampley; Viefhaus' attorney, Craig Bryant; retired FBI agent Martin Weber and journalist J. D. Cash.

The rule of sequestration was invoked Monday for all potential witnesses except for David Argo of the FBI and Bob Howe. Cash will not be permitted to watch the trial.

The prosecution's witness list is nearly identical to that used in the Viefhaus trial. In fact, Monday afternoon's testimony was virtually identical to that presented in the early stages of the Viefhaus trial. Kenneth Piernick, unit chief of the FBI's domestic terrorism operations unit in Washington, D.C., testified that he was contacted last December by a journalist in Spokane, Wash., who was alarmed by an answering machine message in Tulsa. The message alluded to 15 bombs being activated in 15 U. S. cities on Dec. 15, 1996, unless action was taken against the federal government by that date.

Piernick said he considered the message to be a "profound threat" and that his colleagues in Washington were "visibly shocked." Piernick said he notified FBI officials in Oklahoma.

On cross-examination, Brewster asked Piernick if he was aware that Howe lived at the house where the message was coming from and if he knew that Howe was an informant.

Piernick said all he knows of Howe's informant background is "what I've read in the newspaper."

Brewster brought up in his questioning that informants are supposed to "talk the talk" and fit in with those they are monitoring.

Piernick said he didn't know the taped message was based on a statement made by Lampley until about a month ago. Lampley is in prison in Illinois after being convicted in federal court in Muskogee last year in a bomb conspiracy case.

However, Piernick said his concern would have been heightened, not lessened, in December if he had known of the Lampley connection due to Lampley's history of dangerous activity.

The day concluded with the jury hearing tapes of the National Socialist Alliance of Oklahoma's "Aryan Intelligence Network" hot line from which the Dec. 8 "threat" tape came.