

TRIALS

Rush to judgment in Oklahoma

By E.N. Earley

McALESTER, OKLA.

IN A SMALL DEATH ROW CELL DEEP inside the Oklahoma State Penitentiary here, a 34-year old Cherokee Indian sits in total silence, staring at the white-washed walls and bars that surround him. His name is Gene Leroy Hart and he is accused of murdering three tiny Girl Scouts who were dragged from their tents, sexually molested, repeatedly beaten and slashed during a spring campout nearly a year ago.

But Hart's case involves more than murder.

It is also the story of a bizarre investigation involving murder clues hidden in secret caves, vanishing fingerprints, volunteer posses of cowboys in pickup trucks and a man-hunt by jungle-trained Vietnam veterans called "Spooks."

It is a story of how a friendly Oklahoma town called Locust Grove changed overnight into a hamlet haunted by fear, where strangers no longer were welcome, where doors that never were locked now are bolted, and where loaded guns are kept nearby.

And it is a tale of people divided, brother against brother, friend against friend, white man against Indian, as Oklahomans choose sides to argue: "Is Hart the killer?"

Next month, Hart is scheduled for trial. American Indian Movement leaders say they will protest. An unknown vigilante has promised to kill Hart. And whenever Hart is brought from his cell, crowds of up to 300 gather. Some people jeer, others cheer, most just push and shove for a glimpse.

And when the trial finally begins, more will be at stake than Hart's future.

Mayes County Attorney Sidney Wise, who was unknown across the state before the murders, is now a candidate for state attorney general. His staff openly admits that a guilty verdict will insure him easy victory. An acquittal could leave him unemployed.

The current attorney general is campaigning for governor this year and the governor is running for the U.S. Senate. They too are expected to get involved in the highly publicized prosecution.

"I thought once we caught Hart our troubles were over," said Mayes County Sheriff Glen "Pete" Weaver, "but the damn thing just keeps getting worse."

Even the reputation of the state crime bureau is at stake because of the unusual way the case was handled.

The murders.

The bodies of Michelle Guse, age 9; Lori Lee Farmer, 8; and Doris Denise Milner, 10, all of the Tulsa area, were discovered by a young camp counselor at dawn June 13 outside their tent at Camp Scott about a mile from Locust Grove, a northeastern Oklahoma town of about 1,000.

They had been attacked the first night of a two-week campout. Their tent was the only one without an adult counselor in it. Two of the girls were beaten to death. The third was strangled.

Officials announced they had two good clues—a footprint and a full set of "picture perfect" fingerprints found on one of the dead girls' thighs.

The next day, Wise was furious because the media had printed stories about the footprint. "The murderer has sure gotten rid of those shoes now," he yelled. The incident marked the beginning of a bitter feud that ended with Wise calling for a news blackout and refusing to tell the press anything.

Three days after the slayings, Wise had two specially trained tracking dogs flown in from Pennsylvania. Within a week, one of them had died of heat prostration and the other was struck by an automobile.

Investigators gave one neighbor of the camp a lie detector test after new tracking dogs led searchers to his cabin. A newspaper ran the caption "Slayer's son



The case of Gene Leroy Hart (above) accused of murdering three Girl Scouts, has stirred local passions, and observers question whether Hart, despite significant problems in the case against him, will be able to receive a fair trial.

der his photograph by mistake. The man suffered a stroke.

Fresh tracking dogs led investigators to a small cave about a mile from the murder site. Inside, officials found empty food cans and pieces of two photographs of three women.

The photographs were distributed to newspapers which printed them on the front pages with the caption, "Who are these people?" Within 24 hours, the women in the photographs had been identified as guests at a 1969 wedding of a prison employee's daughter.

Investigators said Hart, who was in prison at the time, had worked as a dark-room assistant and had attended the wedding.

Escaped four years before.

Hart was serving a ten-year sentence for the kidnap and rape of a pregnant woman when the wedding was held. He was paroled later that year, but within months was arrested on burglary charges and returned to prison.

While awaiting a court hearing in 1973 on another matter, Hart escaped from Sheriff Weaver's jail—the only prisoner ever to do so. He had been missing for nearly four years when the girls were murdered, but Weaver was confident that he was in the same area as the camp.

Hart's mother lived less than a mile from the camp and Weaver claimed various informants had told him several times Hart was in Locust Grove. "Every time we went up to get him, he was gone," Weaver explained. "Hell, he's related to half them folks up there."

Wise charged Hart with three counts of murder, each punishable by death. There was just one problem, investigators said Hart's fingerprints did not match the ones found on the body.

A few minutes after the charges were filed, Sheriff Weaver jumped into his car and raced from the camp. A farmer had seen a man matching Hart's description hiding in a cave. It was getting dark so Weaver called for volunteers to encircle a one-mile area. More than 200 lawmen and 400 farmers, teenagers, and businessmen responded. Many of them had heard about the posse on their citizens' band radios. Some came armed, some came drunk, a few were arrested for possessing marijuana.

As Weaver and the lawmen—some of them wearing bullet-proof vests and carry-

ing automatic weapons—moved slowly through the dense brush, the 400 volunteers used their cars and trucks to form a circle. They turned on their vehicles' headlights to make sure no one could slip past the chain of cars and trucks. "He could be hiding in the trees," Weaver warned. "Be careful."

By daybreak, most of the volunteers had abandoned the project and the only things lawmen had found were ticks, chiggers and snakes. A helicopter with a heat-sensing device also failed to find anything.

Reward.

Weaver decided to try an older approach at catching fugitives. He offered a \$5,000 reward for Hart.

Little happened until July 30th when some tracking dogs stumbled upon a small cave near the slaying site. Written on one wall in black ink was the taunting message, "The killer was here. Bye Bye Fools, 77-6-17."

Weaver immediately said it was a message from Hart. "He's just signing his work—those murders—like a painter signs art." But others doubted the killer would be hiding in the woods with a felt-tip pen.

The cave provided few additional clues, but it did suggest the slayer might still be in the Locust Grove area and bounty hunters moved in.

A group of Vietnam veterans called "Spooks" bragged they would capture Hart within 24 hours by setting up ambush points. American Indian Movement leaders were horrified and called Weaver's investigation a "circus."

Hart's mother, Ella Mae Buckskin, asked for AIM protection because she said she was being followed constantly and harassed. When police asked the 51-year old woman why she was buying chewing tobacco one day, she stuck a wad of it in her mouth and spit it at them. "Cause I chew it, that's why," she said. "It ain't for Gene."

Hiding with a medicine man.

Mrs. Buckskin told reporters she had undergone a vision and seen her son in Canada. But Hart was not out of the state, lawmen soon discovered. He was less than 50 miles away, hiding with an Indian medicine man in a broken-down wooden shack.

A group of shotgun-armed agents stormed the shack, breaking down its doors, capturing Hart alone, unarmed.

They had been tipped off by an informant who collected the reward.

Despite massive news coverage, including one story which called Hart "the killer," Wise and his staff are confident Hart can get a fair trial in Mayes County.

"He killed them here and we're going to convict him here," says assistant prosecutor Hobbs Royce. "It's as simple as that."

Hart's attorneys refuse all comment.

And the questions linger unanswered.

State crime bureau agents now say there never were any fingerprints on the dead girl's body. That was misinformation, they say, a mistake. Hart's attorneys have filed a court petition demanding a thorough investigation.

And why would a man be carrying two photographs with him eight years after a wedding if he was hiding in a cave?

There is another mystery officials do not like to discuss. More than a month before the murders someone had broken into another girls' tent, opened a bag of doughnuts, eaten some and left the bag at the entrance, with a note beneath. It said three girls would be killed in one of the tents soon. A counselor destroyed the note, thinking it was a prank because a boy scout camp is nearby and pranks are common.

And how did the killer choose the one tent that lacked a counselor that night?

And what of the mysterious footprint found outside the dead girls' tent? One agent believes the tracks came from new tennis shoes—the type young boys get when they go to camp for the first time.

Before authorities, under heavy public pressure to find a killer, set out for Hart, rumors pointed toward a counselor or a Boy Scout.

Outside the prosecution, it is not known what if any evidence exists against Hart, beyond those torn photographs in the cave.

But almost everyone here expects that, in the heavily charged atmosphere, he will be held over after the June preliminary hearing for trial.

Gene Leroy Hart remains silent, sitting in his cell, staring at the walls and bars surrounding him, waiting for his day in court.

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IN THE WORLD

ITALY

The Red Brigade's macabre parody

By Diana Johnstone

ALDO MORO'S GHOST VOWED to haunt Italy, and no doubt will. In life an enigmatic unifier, masking contention with ambiguity, he died not with a rallying cry but disowning his political heirs. Bitterly, his last letters demanded that the colleagues and state who had made no move to save him refrain from honoring his corpse. Moro's testament disinherits the politicians who would interpret the posthumous wishes of a martyred statesman to suit their own ends. In death, Moro preserves his inscrutability.

Had Moro been assassinated rather than kidnapped on March 16, he would have died as a martyr to the state and to the "historic compromise" between his Christian Democratic party (DC) and the Communist party (PCI). But between March 16 and his brutal "execution" by the Red Brigades on May 9, a second Moro became known to the public through his prolific letters written in captivity, pleading with the Christian Democratic government to negotiate his release in exchange of "political prisoners." This second Moro was not a statesman willing to suffer martyrdom for the state. He was very simply a man who did not want to die.

The Moro who did not want to die no doubt touched the hearts of millions of his countrymen who were hostile or indifferent to the enigmatic statesman. But he alarmed and deeply embarrassed the political class, forced to sacrifice him rather than let the state lose all authority in the eyes of its citizens, its police (who were reportedly ready to revolt if the government gave in to Red Brigade demands) and other governments. Indeed, had the DC made concessions to save Moro, the gesture would have been widely resented as favoritism for a big shot and condemned by some of the same people who now blame the government for unfeeling indifference to his fate.

A "prisoner of war."

In their painful dilemma, Italian political leaders claimed that the captive Moro was no longer himself. He retorted that he was no doubt in an unpleasant situation but quite in command of his faculties. Indeed, Moro had always been a compromiser; what could be more consistent and genuine than for him to seek compromise when his own life was at stake? Trapped by murderous fanatics, looking desperately for a way out, Moro appeared in his very weakness to embody what was perhaps least to be despised in Christian Democracy, with all its corruption and hypocrisy: a flexible realism and concern for the individual, starting, no doubt, with oneself. If this has produced a bad social and political system, the Red Brigades, by pumping Moro full of bullets, provided a reminder that there may be worse ones.

Accepting the rules of the war game imposed on him by the Red Brigades, Moro described himself as a "prisoner of war." As Serge July observed in the Paris daily *Liberation*, "by killing their only prisoner, captured in the course of their 'war against the Italian State,' the Red Brigades became war criminals" by their own logic. Their secret "trial" of a defenseless man in the name of a "people" rigorously excluded from all their decisions, and whose fate they presumed to manipulate through technological mastery, their merciless "execution" of their prisoner, were the only clear indications of the sort of social order they want to set up.

Such an image of "communism" is designed to reconcile large numbers of peo-



Mourners placed flowers under large portraits of ex-Premier Aldo Moro at the site where he was found dead inside a car on May 9. Contrary to Moro's expressed wishes, he was honored in state memorial services after his assassination by Italy's Red Brigades.

ple to Moro-style Christian Democracy as the lesser of the evils. But it is questionable how long Moro-style Christian Democracy will survive him.

Moro was the essence of a certain staunch Catholicism whose very pessimism about the things of this world favored the utmost pragmatism in adjusting to reality. Moro was the philosophical center of Italian Christian Democracy, which was not, as the Red Brigades claimed, merely a lackey of the imperialist multinationals, but an expression of Italian contradictions and culture. In one of his last letters, Moro asked suspiciously if "German or American pressure is perhaps behind the hard line taken against me?" Such rigor in the name of abstract principle did not seem to Moro an authentic expression of Italian Christian Democracy.

End of historic compromise?

By humanizing in torment the leading spokesman of a discredited political leadership, the Red Brigades have probably restored a large measure of public sympathy to the DC, as its strong showing of 42.5 percent of the vote in the May 14 municipal elections seemed to show. In rejecting martyrdom, Moro may have been the first to foresee that dead, he would not successfully carry on his life's work, contrary to the rhetoric of memorials. A DC strengthened by his ordeal may take a different course.

The crisis seemed to bring the PCI and DC closer together. Nobody wanted to give terrorists the satisfaction of succeeding in disrupting the parties' unity. But the Red Brigades' bloody exploits have raised doubts about the historic compromise, which was supposed to assure national unity, and has nearly set off civil war. The PCI's drop from 35.6 percent of the vote in the 1976 parliamentary elections to 26.5 percent on May 14 confirms that by edging out of the opposition, the PCI has lost a good part of its constituency.

The pressure from below is for the party to assert its separate identity more forcefully, to press the DC harder to get going with reforms. But the DC, strengthened, is in a better position to resist PCI pressures, especially since the improved showing of the Socialist party in the municipal elections suggests the eventual prospect of dropping the PCI for a return to a center-left DC-Socialist alliance.

The current leaders of the DC show no sign of wanting to drop the advantages of PCI support, but they may be pressed from the right to give little or nothing in return.

"Death to the Reds."

"Moro, you wanted communism, now enjoy it!—and then croak" was the moral drawn in April on Roman walls by some fascist groups. In the crowds that gathered around DC headquarters after the

discovery of Moro's body, there were shouts of "Death to the red," apparently with more than the Red Brigades in mind. By depositing the body near PCI headquarters in Rome, the Red Brigades not only took another symbolic crack at the historic compromise and delivered a none-too-veiled threat to PCI leaders, they also set off the rumor in the most ignorant segments of Catholic right-wing opinion that Moro had been held and murdered by the PCI. How long will right-wing politicians resist the temptation to cash in on such confusion?

The left is confronted with the unwelcome fact that it is not enough to brand the Red Brigades "fascists" and to eject them to the opposite end of the political spectrum. The Red Brigades are acting out a macabre parody of a certain Leninist revolutionary mystique that most of the left has long since implicitly abandoned.

But to define precisely what it is that separates them from the Red Brigades, people on the left, and especially the far left, need to sound the very sources and limits of their political commitments and pretensions. In the process, many apparent agreements will turn out to have been based on misunderstandings, on rhetorical tricks and ambiguities no less mystifying than those perpetrated by Moro. The verbal glue is coming unstuck. The "historic compromise" is not all that is in danger of falling apart. ■