

Verdi. And we're going to start again at the regular piano at 442. [Martinez sings "Il balen del suo sorriso" from Verdi's *Il Trovatore* at A-442.]

Bergonzi: Okay—432! [Martinez sings same at A-432.] This is a rounder and a warmer sound. Please repeat again that phrase, in a more relaxed way, "Sperda il sole" at 432. [Singer repeats the phrase.] Okay.

LeBell: There's quite a difference. What I feel is not only the warmth of the tone but also, in all cases, I feel more relaxed. And since music is something that really gets to me and, I think, to all of us who love it, right in our gut, it either relaxes you or makes you tense and uncomfortable, and this just kind of soothes and calms you.

Bergonzi: The thing that I would like to say is that this baritone, if he studies in this tessitura, will soften his sound, and his voice will become more round and have more body. This is a voice that needs to be developed, but not developed by force.

LeBell: This is fascinating. I wish we could go on for much, much longer to talk about this and give more examples. I would love at some point to do more with this whole idea. I know that you're doing a master class in New York. It will already have taken place before this program goes on the air. Since this book says Book I, I assume that there will be more books to come on this, Kathy Wolfe?

Wolfe: I think, in our great haste to hear the musical examples, we've forgotten about the book. I did want to say that this particular program arose when I sent Ms. LeBell the copy of Volume I of the Schiller Institute's new *Manual on [the Rudiments of] Tuning and Registration*, which has a very nice endorsement by Maestro Bergonzi on the back, for which I thank him very much. Volume I is entirely on the singing voice, and what we try to do in Volume I is go through each of the voices in turn, giving about 20 or 30 examples on the soprano, the mezzo, the tenor, the baritone, the bass, and the examples you've heard today are from the book. We show how the voice registers would function properly at the Verdi pitch, the lower pitch, and we show what the distortions in the registers are at the higher pitch.

LeBell: I wish that our audience could all be singers, so that they could *feel* the difference. I think that feeling it is even more than hearing it. But I think we've made the point today. Where is the book available? How can they get it?

Wolfe: I believe that it's starting to be sold at Patelson's. . . . The number to order the book directly from the Schiller Institute is in Washington, D.C., 202-544-7018. . . .

To answer your earlier question, Volume II will deal with all the instrumental voices, and we hope to be able to go through all 25 instruments of the orchestra, but we hope it won't be any thicker than Volume I, which is already thick enough to sit on to play the piano.

LeBell: If you're tall. I want to thank all of you for being here. . . .

The Randy Weaver Trial

The wrong party is being prosecuted

by Patrick Ruckert

On June 15, in Boise, Idaho, the Randy Weaver case was sent to the jury. The case is an example of a government gone mad, a government that deployed more than 400 FBI agents and U.S. Marshals to a remote Idaho mountaintop to "get Randy Weaver."

Randy Weaver, his wife Vicki, their four children, and friend Kevin Harris have become a cause célèbre among "anti-government/anti-establishment" political networks throughout the West.

It began last Aug. 21, when U.S. marshals initiated a shoot-out with the Weavers and Kevin Harris near Bonner's Ferry, Idaho. During the assault against the Weaver household, the federal agents managed to murder the Weavers' 14-year-old son, shooting him in the back as he ran toward his home, assassinated Vicki Weaver as she stood in her doorway with her baby in her arms, wounded Randy Weaver and Kevin Harris, and even killed the Weaver's dog, with a shot in the back as it was running away.

After an 11-day siege, Weaver, Harris, and the surviving children surrendered to the FBI, after former presidential candidate Bo Gritz intervened and helped to negotiate the surrender. If it had not been for Gritz's personal intervention, the FBI would have undoubtedly ensured that there would have been no live witnesses to testify in court.

The assault on the Weavers by the FBI and the Bureau of Alcohol, Tobacco, and Firearms (ATF) was run by the same FBI "Hostage Rescue Team" that carried out the assault and murder against the Branch Davidians in Waco, Texas earlier this year. The government learned several lessons in the Weaver siege that were applied in Waco, among them not letting the media get too close, destroying all the evidence, and killing everyone possible, i.e., not leaving any evidence on the scene that could point to government misconduct.

Weaver and Harris are charged with eight counts—including murder, conspiracy, selling illegal weapons, assault, harboring a person charged with a crime, using firearms in the commission of a crime, and committing crimes while on release from custody pending trial. Two other charges were dismissed by U.S. District Judge Edward Lodge.

The federal marshals had had the Weaver home, located in an isolated area of northern Idaho, under surveillance for 18 months, attempting to arrest Weaver on a warrant that

charged him with failure to appear on a 1990 weapons charge for illegally selling two sawed-off shotguns to an ATF undercover informant.

The government set up Weaver

As revealed in court testimony, this original charge was a complete setup by the ATF, using a government-paid provocateur named Kenneth Fadeley, who is now finding himself a new identity under the Federal Witness Protection Program. Fadeley is a self-described spy for the ATF in its investigation of white supremacist groups, who was posing as a firearms dealer and using the alias Gus Magiosono. According to Weaver's attorney, Chuck Peterson, Fadeley was so determined to set Weaver up, that he even pointed out where to cut on the barrel of the shotgun, to ensure that Weaver cut it short enough to qualify it as "sawed-off," and therefore as an illegal weapon.

Weaver was targeted by the ATF because he and his wife were reputed to be believers in racial separation, and Randy Weaver was running an increasingly popular campaign for county sheriff. By setting Weaver up for criminal charges, the federal agents believed that they could blackmail Weaver into becoming a spy for them against the white supremacists.

Herb Byerly, an ATF agent in Spokane who supervised Fadeley, testified that after two sawed-off shotguns were sold to the informant, allegedly by Weaver, Byerly and another agent confronted Weaver with the evidence, to try to coerce him into becoming their agent.

Despite the threat of prosecution, Weaver angrily refused to become a "snitch." So, he was arrested on Jan. 17, 1991, at the same cabin which in 1992 would become the scene of the deadly shootout.

The setup continued. Weaver was ordered to appear for trial on Feb. 19, 1991. After Weaver had left the courthouse, the trial date was changed to Feb. 20. Then a court official supposedly made a mistake and notified Weaver that the trial date was March 20.

When Weaver did not appear on Feb. 20 for the trial, a federal judge issued a bench warrant for his arrest for failing to appear. Even after authorities discovered their error, Weaver was indicted for failing to appear. Maurice Ellsworth, U.S. Attorney for Idaho, testified that after Weaver failed to show up for the Feb. 20 trial, he directed his staff to obtain the indictment, even though he knew a court officer had told Weaver in a letter that the trial would begin March 20.

The marshals shot first

The key question in the trial, around which the charges of murder and conspiracy to commit murder (of Federal Marshal William Degan) revolve, is who shot first, the marshals or the defendants.

The first shooting on Aug. 21, 1992, began when six specially trained marshals, including Degan, approached the Weaver cabin with silencer-equipped assault rifles and camouflage gear.

The government prosecutors claim that 14-year-old Sammy Weaver's dog Striker alerted Sammy, Weaver, and Harris, and they followed the dog to the agent's hiding place. Then, the prosecutors say, Harris fired the first shot, instantly killing Degan.

What the prosecution has yet to explain is how Marshal Degan was able to fire seven single shots from his weapon after he was dead, since that is the number of spent shell casings from his weapon that were later found where he was shot. Since Degan's weapon was set on semi-automatic, it required him to pull the trigger seven times.

In summation, just prior to the case being sent to the jury, defense attorney Gerry Spence set off a bombshell when he referred to the testimony of the government's own ballistics expert witness, who had testified that the bullet hole in the backpack of Marshal Degan had been fired by Marshal Cooper. Spence told the jury that they should not rule out the possibility that Degan was killed by Cooper, and not by Kevin Harris.

In addition, several prosecution witnesses have testified that they distinctly first heard the report from the marshal's weapon, which makes a sharply different sound than the weapons of the defendants. Weaver's lead defense attorney, Gerry Spence, and Harris's attorney, David Nevin, presented a much different and more believable reconstruction of this confrontation than did the prosecution.

Nevin said that the first round fired was that of another marshal, Art Roderick, shooting the dog. The second shot was supposedly that of Sammy Weaver, reacting in anger to the shooting of his dog, while at the same time turning to run from the marshals. The marshals then opened up with a full return fire. Marshals Larry Cooper and Degan both shot at Sammy Weaver, killing him with one or more bullets in the back, as he ran for home.

Attempting to defend Sammy, Harris then fired toward the marshals. But no evidence was presented by the prosecution that proved that Kevin Harris killed Degan.

Bolstering the defense's arguments was the testimony given on June 3, by one of the other federal marshals present that day. Marshal Frank Norris, a prosecution witness, stated that the first shots he heard were from the rifles of the marshals. A paramedic, on the scene as part of the backup for the marshals, also testified that he distinctly heard the report of the marshals' weapons first.

Prosecutorial misconduct

Prosecutorial misconduct has permeated this case. In court on May 22, the defense announced that they had just been informed that notes "found in a desk drawer in FBI headquarters," written by agent Cooper and another agent, contradict the testimony of the marshals, clearly stating that Marshal Roderick fired first, shooting the dog. This piece of evidence had been withheld from the defense for weeks.

The most egregious example of government misconduct, and one that finally pushed U.S. District Judge Edward

Lodge to impose sanctions on the prosecutors on June 8, was revealed in court on June 4. The judge, calling the conduct of the FBI "totally inexcusable," ordered the federal government to pay all defense attorney fees for one day, and to recall FBI sniper Lon Horiuchi, who had killed Vicki Weaver, from Washington, D.C. to testify again. Horiuchi had testified that he was aiming at Kevin Harris as Harris ran into the house, and that the killing of Vicki Weaver was an accident. The FBI documents received by the defense indicate that Horiuchi knew that Vicki Weaver was in the line of fire.

These internal FBI documents that defense attorneys had subpoenaed in mid-April for use in cross-examining FBI witnesses, including Horiuchi, were not given to them until noon on Friday, June 4, just minutes after Horiuchi had stepped down from the witness stand and had been hurriedly put on a plane heading for Washington, D.C.

The FBI sent the documents from Washington by fourth-class mail, which took two weeks to reach Boise!

Judge Lodge wasn't buying any excuses. He said that this incident culminated a clear pattern of delayed disclosures and mishandling of evidence by federal prosecutors and investigators.

In trial on May 26, the prosecutor apologized to the court after admitting that he had been told eight weeks earlier that FBI investigators had fabricated photographs of evidence from the shootout. Prosecutor Howen said that photos turned over to the defense showing evidence at the scene of the shootout were staged by the FBI. They were reconstructed—taken after FBI agents removed the evidence and then put it back where they thought it came from.

As part of this pattern, in May FBI agents testified that they had either lost or mishandled key pieces of evidence from the shoot-out.

Back on May 13, the jury had heard testimony about how desperate the federal agents were to get Randy Weaver. The enforcement chief of the Marshal Service, Tony Perez, acknowledged that to ensure the loyalty of a northern Idaho sheriff, he had considered bribery. The notes he kept during the surveillance of Weaver stated, "Approach the sheriff!!!! (offer him some money)."

'A watershed case'

The ones who should be on trial here are the federal agents of the ATF, the Marshals Service, and the FBI, who murdered Sammy and Vicki Weaver and are also responsible for the death of Marshal Degan. The only conspiracy in this case is that created by the federal government: a conspiracy to entrap an innocent man, blackmail him, prosecute him, and then attempt to assassinate him and his entire family.

In his closing arguments to the jury, lead defense attorney Gerry Spence said that after the federal agents murdered Sammy Weaver and had the dead body of their colleague Marshal William Degan lying in the woods beside them, they awoke the next day and realized that they had really blundered. The rest of the siege, including the assassination

of Vicki Weaver, and the entirety of the prosecution's case, was and has been an attempt by the federal government to cover up its own crimes, Spence argued.

As revealed in court, the lead prosecution attorney in the case, Ronald Howen, was on the scene at the Weaver cabin the day that Vicki Weaver was murdered. On that day he began constructing the government's coverup, outlining the scenario for the agents' stories, and planting and altering the evidence. Spence had sought to disqualify him as the prosecutor, and to have him called as a witness. The judge refused that request.

The FBI learned several lessons in the Weaver siege that were applied later in Waco, Texas, such as not letting the media get too close, killing everyone who was a witness, and not leaving any evidence on the scene that could point to government misconduct.

Ronald Howen, in his closing arguments on June 11, looking pale and speaking almost incoherently, stopped midway through his presentation. He told the judge that he could not continue, and left the courtroom. He did not return, and the government will not say what happened to him.

Howen's behavior throughout this case reflected the philosophy and identity of the prosecutorial team generally—a point that was ironically made during an argument among the judge, the defense, and the prosecutors on June 14. Defense attorney Spence complained to the judge that he should not be restricted to a podium 30 feet away from the jurors. He said that "being required to be married . . . in spastic embrace to a podium" would make his closing argument less effective.

The prosecutor responded that that was the way it had been done in England for centuries and that the English courts looked down on the U.S. courts for not being more formal.

Spence, in a very sarcastic voice, told the prosecutor that he had no desire to try to emulate the British. He then asked the prosecutor if he thought they should all wear long, white wigs.

The case was then handed over to the jury. Defense attorney Spence told the jurors that this is a watershed case, and what they do will be permanent and magnificent. He said that "eternal vigilance is the price of liberty," that government agents couldn't hide facts just because they were the government, and that they could not act with impunity just because they were arrogant with power. Spence said that the government agents murdered Sammy and Vicki Weaver. That, he said, is the only murder and conspiracy that has occurred in this case.