

# The FBI takes aim at AIM



*Skyhorse and Mohawk with their lawyers. Now they are not even allowed to see their lawyers face to face in the same cell.*

by Elliot Kanter

Ventura, Ca. Richard Mohawk is a Tuscarora Mohawk from upstate New York. Paul Skyhorse is an Anishnabe Chippewa from Minnesota. For the past two and a half years, both men have been awaiting trial in the Ventura County, California, jail charged with a murder they in all likelihood did not commit.

On February 23, they were so badly beaten by at least six guards that they had to be taken to the emergency room at County Hospital for treatment. Since then, they have been kept in complete

isolation, unable to receive phone calls or visitors. Their lawyers are not permitted to confer with them privately, but must shout information that is supposed to be confidential and privileged from a catwalk separated from their cells by two sets of bars.

## The Crime

It all started on the evening of October 10, 1974, when five people, living in Ventura at "AIM [American Indian Movement] Camp 13," drove to a party at the home of actor David Carradine, who was out of town at the time. Among the five were Marvin Redshirt, Marcie Eaglestaff, and Holly Broussard, a young white woman

engaged to Redshirt and owner of the car.

About 10 p.m., these three decided to leave the party, and called a cab. When it arrived a few minutes later—driven by 26-year-old George Aird—Broussard, Eaglestaff, and Redshirt got in and rode the 27 miles back to the camp. "AIM Camp 13" was located in Box Canyon, a rugged, thinly populated area just north of the Los Angeles-Ventura line.

When they reached Box Canyon, Aird was dragged out of the cab, beaten, and stabbed to death. Several camp residents were arrested, but only the three who had taken the cab were held for murder. One week later, Richard Mohawk and Paul Skyhorse were arrested in Phoenix and charged

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with the murder after Mohawk was shot by an unknown assailant.

Eaglestaff, Broussard, and Redshirt were tied to Aird's death by strong circumstantial evidence. When Eaglestaff was arrested, she was taking a shower, trying to wash off blood—still in her hair, on her feet, and under her nails. Blood was sprayed across Holly Broussard's boots, suggesting that she may have kicked the body. She also had blood on her pants. Redshirt had extensive bloodstains on his pants, jacket, undershirt, and boots—even inside the boots. A bloodstained knife was retrieved from Broussard's pants pocket. A second knife, whose description matches the one Redshirt usually carried, was found in an outdoor oven, beneath a pile of Aird's papers, which had Redshirt's fingerprints on them.

Despite this evidence, Broussard, Eaglestaff, and Redshirt were granted immunity in January 1975, in exchange for implicating Mohawk and Skyhorse. Broussard and Eaglestaff were released; Redshirt pled guilty to assault with a deadly weapon and was sentenced the following July to the time he had already served, and then released on probation. Although there appears to be no physical evidence tying them to the murder, Mohawk and Skyhorse were reindicted for murder under "special circumstances," and the prosecution called for the death penalty. It looks very much like they are the victims of a frame-up. Their only crime may well be that they are organizers for AIM, long a prime target of both the FBI's COINTELPRO and the CIA's domestic Operation Chaos.

#### The Strange Role of Douglass Durham

Mohawk and Skyhorse had long been activists for Indian rights; both were considered "second-echelon leaders" in AIM; both traveled around the country on AIM's behalf. It would have been natural for AIM to come to their defense, and indeed, AIM's National Security Director, Douglass Durham, undertook an investigation. Durham came to the conclusion that Mohawk and Skyhorse were clearly guilty of a brutal murder and deserved no special help. On the basis of this report the two men were expelled from AIM and AIM members were prohibited from offering them support. Durham did recommend that AIM give aid to Broussard, Eaglestaff, and Redshirt. When attorney Mark Rosenbaum of the American Civil Liberties Union of Southern California became interested in the case after he was approached by Skyhorse's family, Durham advised Rosenbaum that AIM did not support Mohawk and Skyhorse. Rosenbaum decided not to get involved.

In December 1974, a sanity trial was arranged for Skyhorse by the public defender. In what the judge described as "the shortest superior court jury deliberation" he could recall, Skyhorse was found capable of standing trial.

One witness called by the public defender was identified as a doctor of clinical psychology from the University of Iowa. His name was Douglass Durham. The district attorney's office was aware of the deception, but "decided not to prosecute him for perjury." Despite Durham's stated belief that the defendants were guilty, he quickly became part of the defense committee, privy to its strategies and secret deliberations.

In addition to "helping" with the defense of Mohawk and Skyhorse and serving as National Security Director of AIM, Durham had become the administrator of the AIM national office, coordinator of the Wounded Knee Legal Defense office, and chief aide to AIM leader Dennis Banks. Three months after Skyhorse's sanity hearing, Douglass Durham confessed to being an undercover agent for the FBI.

He had been no mere informer, but a professional with thirteen years' experience in police work, six of them undercover. Police sources report that during his military service in the late 1950s, he worked with the CIA, first as part of a Marine unit transporting right-wing guerrillas to Cuba, and then, after 1959, as a civilian at the Guatemala base for the Bay of Pigs invasion.

The disclosure of Durham's affiliation with the FBI shook AIM to its foundations. It became clear that the FBI and other government agencies had a direct line to the innermost secrets of the organization. If infiltration had reached the highest levels of leadership, who could be trusted? And how could AIM distinguish what Durham had done "legitimately," to maintain his cover in the two years he worked for AIM, from what he had done to disrupt and betray the organization?

Paula Giese was a staff researcher in the AIM national office in St. Paul, Minnesota. She was given the assignment of checking and reevaluating Durham's actions during the time he was attached to AIM, and it was these investigations that led her back to the Mohawk-Skyhorse case. She describes Durham's involvement in the case as "one of the most damaging things that he did."

#### The Case of the Disappearing Evidence

While Mohawk and Skyhorse have been sitting in a Ventura jail awaiting trial, much of the evidence that might

have been used to point the finger at Redshirt, Broussard, and Eaglestaff has mysteriously disappeared. The two knives which allegedly belonged to Broussard and Redshirt have vanished. The second one, found under the pile of Aird's papers, was sent to the crime lab to be analyzed for blood and fingerprints. Somehow a note was attached instructing that it be destroyed. It was, but not until nine months later, in July 1975—just after Redshirt's release on probation.

The bloody handle of a third knife was found in a file cabinet in the camp office. Oddly enough, the handle was never examined for fingerprints. Nor was an attempt made to match a blood print found on the file cabinet. That print was wiped off to determine whether it was really blood.

The defense has a copy of a police photo showing two bloodstained books which may have belonged to Holly Broussard: a copy of the *Tibetan Book of the Dead*, and a volume of occult poetry, open to a poem about death. Both were found in the camp office. Both have disappeared.

In fact, many of Broussard's possessions, as well as Redshirt's, have vanished. The day after the murder, Broussard's father, a wealthy retired naval officer from Long Beach, was allowed to take home a load of their possessions. The defense believes this may have included towels matching the expensive new one used to wipe away the blood. Broussard's father also took her car out of police impound; its trunk was reported to contain knives, axes, and rope similar to a length found around Aird's neck.

The defense has discovered empty evidence envelopes and a variety of other items missing, such as tags, lab records, and notes.

Forrest J. Litterly left his job as chief of the Ventura County crime lab in March 1976, after eight years of employment. The defense says Litterly told them he was fired for refusing to structure physical evidence in patterns more helpful to the prosecution. The defense also learned from several sources that 14 pieces of evidence were removed from the Ventura lab and sent to a more "cooperative" lab in Santa Barbara. The defense says Litterly expressed "cautious willingness" to be a defense witness. Since then, a hearing was held, closed to the defense, in which the prosecution reportedly introduced information about Litterly.

Litterly now commutes to a job in the Long Beach Police crime lab, more than 80 miles from his home near Ventura. He insisted to *Seven Days* that his leaving the job in Ventura "had nothing to do with the Indian case. Absolutely nothing." He claims that he "was a pro-





Douglass Durham infiltrated AIM for the FBI. Now he's on the lecture circuit, telling Birchers that AIM aims to destroy America.

secution witness all the way." When asked about the charge that the prosecution wanted evidence biased, Litterly made an all-purpose denial: "I don't believe I said that. If I did I was in error. And if they [the defense] told you that they're not telling you what I said." He also denied knowledge of any evidence being sent to an outside lab, something he said was never done in all the years he worked there.

#### Witnesses for the Prosecution

Although the trial has not yet begun, the defense has been able to guess at the prosecution's case, based on its own examination of the evidence. The prosecution will probably contend that during the ride back to Box Canyon, Broussard, Eaglestaff, and Redshirt were friendly with the cab driver. They even drank together. When they arrived at the camp parking lot, however, Skyhorse and Mohawk, supposedly incensed against whites as a result of a demonstration they had attended earlier the same day, grabbed Aird, and dragged him into the camp office where they killed him. Then, while the others remained at the camp, Mohawk and Skyhorse allegedly fled, first to Los Angeles and then to Phoenix.

The story of a friendly cab ride, however, conflicts with the evidence. Witnesses saw the cab being driven erratically. Aird seemed frightened, and had flipped on the "bandit light"—installed on all Los Angeles cabs to attract attention in case of trouble. The wires of

## A.I.M. is a military operation.

It is a foreign army using guerrilla warfare to destroy America. A.I.M. terrorists have stashed dynamite on the Rosebud Reservation, and in Wisconsin, New Mexico, Kansas, Nebraska, and Iowa!



*Hear*

### DOUG DURHAM

Former A.I.M. Leader

#### *tell what he learned while "Inside A.I.M."*

Doug Durham joined the "American Indian Movement" in March, 1973, at the request of the F.B.I. As an undercover operative, he became National Security Director, National Administrator and Director of National Offices. As the right-hand man to Dennis Banks, Doug attended secret strategy meetings and wrote policy-making papers. During the Wounded Knee trial of Banks and Means, Doug acted as A.I.M.'s Security Chief.

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the cab's meter were pulled out, producing a fare reading of \$6 when it should have read \$16.80.

The heart of the prosecution's case will be the testimony of Broussard and Redshirt who have revised their stories several times until the accounts converged.

After his release on probation, Redshirt was given a scholarship from the Bureau of Indian Affairs to attend a local college. Last January he was arrested for assault, but surprisingly his probation was not revoked. Instead, he was allowed to plead guilty to a traffic violation and given a provisional six-month term.

Marcie Eaglestaff is less likely to be useful to the prosecution. The police claim to be ignorant of her whereabouts, and a warrant is out for her arrest because of her failure to appear in court. But last November, using an address supplied by the prosecution, defense investigators found Eaglestaff in San Francisco. They describe her as having a "very heavy" drug and alcohol problem, unable to keep her story straight. She has a long criminal record, including armed robbery and assault with a deadly weapon. She has again dropped out of sight.

Three other witnesses drove into the camp parking lot just after Aird was killed, and later called the police. Two of them, David Marruffo and Carmel Fish, said they saw only Eaglestaff and Redshirt standing over the body.

Marruffo has since died under mysterious circumstances. No autopsy was performed and the death certificate was dated ten days before his death. Two women, claiming to be Marruffo's sister and aunt, told the defense that all during 1975 he had received anonymous threats to prevent him from testifying.

Fish has changed her testimony to say that Mohawk and Skyhorse were standing over the body, but the defense believes she is too dubious a witness for the prosecution to put her on the stand. Her new version was preceded by a reduction of sentence for an unrelated assault conviction in Wisconsin.

The third witness is Marilyn Skyhorse, Paul's wife, and her testimony could be the most damaging. She saw Redshirt, Eaglestaff, and, in the shadows nearby, a third person she thought was Paul Skyhorse. The person seemed to be wearing Paul's jacket, although the boots were more like Broussard's.

The defense says that enormous pressure was brought to bear on Marilyn Skyhorse to strengthen her identification.

In December, 1974, Marilyn Skyhorse was thrown into the Ventura

—Continued on page 34

## LABOR

# For J.P. Stevens it's cheaper to violate the law than recognize it

by Robert Friedman

It came to this: the chairman of the board of a billion-dollar corporation telling a dissident stockholder that there were no rules governing the company's annual meeting. "This is my meeting," the chairman said. "We do not follow *Robert's Rules of Order*. I sit here with a vast majority of the proxy votes and I can overrule anything I want."

And it came to this: a black minister from Montgomery, Alabama, wearing a bright green leisure suit, standing at the microphone, recounting the abuse and discrimination he had suffered as an employee of the company. When the chairman said he didn't know much about the situation in Montgomery, the minister responded, "If you were the chairman of my board, and you didn't know what was going on, I'd get myself a new chairman."

Rev. Albert Pinkard had been waiting five years for a chance to confront the "big boss," James D. Finley, chairman of the board of J.P. Stevens, the nation's second-largest textile corporation. His moment came midway through a raucous, four-hour shareholders' meeting held March 1 at the company's corporate headquarters in New York City.

Pinkard, who earns \$3.50 an hour working in a Stevens mill, told of being repeatedly passed over while whites with less seniority were promoted. And he angrily asked why Stevens has persistently interfered with union organizing activities.

Finley, who earns \$378,305 a year in salary and "incentive compensation," politely thanked the minister, apologized for any "mistakes" the company may have made, and then proceeded to denounce the union—the Amalgamated Clothing and Textile Workers Union (ACTWU)—for seeking to "force itself"

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on Stevens' workers and for trying to destroy the company.

The confrontation was not likely to have any effect on the company's policies, but it was symbolic of the war of nerves between Stevens and the ACTWU. And it was a gratifying moment for Pinkard and several hundred union supporters who had come to the annual meeting to present two shareholders' resolutions calling on the company to disclose information about the employment of minorities and about its labor policies.

Despite the cheery tone of the 1976 annual report showing record sales of \$1.4 billion and record profits of \$41.1 million, Stevens is a company under siege.

Workers at many of Stevens' 80 mills scattered across the South have been seeking union representation to improve working conditions and wages. Only 10% of all Southern textile workers are organized and the average textile wage, \$3.76 an hour, is the lowest of any major manufacturing industry in the country.

The union won its first and only victory in August 1974, at Roanoke Rapids, North Carolina, when a majority of the Stevens workers there voted to unionize.

Although Stevens has been bargaining with the Roanoke Rapids union for the past two and a half years, the company has refused to sign a contract, and it is currently facing bad-faith-bargaining charges brought by the National Labor Relations Board. In Statesboro, Georgia, after the NLRB found Stevens guilty of bargaining in bad faith, the company closed its plant for what it said were "economic reasons." Over the past 13 years, the NLRB and the federal courts have found Stevens in violation of labor laws in 11 cases. In all, the company has had to reinstate 289 workers it had illegally fired for union activities and pay them a total of \$1.3 million in back wages.

The company is also under fire for discriminatory employment practices.



# The FBI takes aim at AIM

—Continued from page 10

County jail and told that her daughter would be taken away and that she would be prosecuted for welfare fraud unless she gave a deposition confirming that she had seen her husband at the scene. She was also told that there was absolute scientific proof, bolstered by other witnesses, that Mohawk and Skyhorse were guilty; that Paul was crazy, knew she had talked to the police, and would certainly be after her if he ever got out. She was shown gory photographs of the murder, including those of the autopsy. Despite the pressure brought to bear on her, Marilyn Skyhorse now doubts that Mohawk and Skyhorse are guilty.

## Taking Aim at AIM

There is no doubt that, at the very least, Ventura County authorities, in their eagerness to convict Mohawk and Skyhorse of murder, have been guilty of misconduct in the handling of evidence and the obtaining of testimony. But does this necessarily point to anything beyond a prosecutor's zeal for an easy conviction?

In the light of the dubious proceedings against the two men, the fact they were the only legitimate AIM people at Box Canyon requires that their case be considered in the context of the U.S. government's counterintelligence campaign against the left.

By 1974, although its 15-year-old COINTELPRO had been officially halted, the FBI was still at war with AIM. With the help of local law enforcement across the U.S., federal authorities were infiltrating local chapters, disrupting AIM activities, tying up the organization in lengthy trials, and publicly discrediting AIM as violent and irrational.

Douglass Durham may have been a star performer in the campaign against AIM, but he had considerable help. In the same Wounded Knee trial in which Durham infiltrated the defense camp, it was established that FBI agents repeatedly lied under oath. Federal Judge Fred J. Nichol complained from the bench that it was "hard for me to believe that the FBI, which I have revered for so long, has stooped so low." Fred and Jill Schafer, FBI operatives who had set up a disruptive "Red Star Collective" in New Orleans, later estab-

lished fund-raising operations in South Dakota to divert money from AIM, and tried unsuccessfully to infiltrate the Wounded Knee legal defense.

AIM leaders and members seemed to be on trial everywhere, and a number were the victims of violent attacks. In 1975, 28 AIM members were arrested in seven states on, among other things, archaic charges of criminal syndicalism.

In California, AIM was also the subject of official scrutiny. What is known about the attention paid to the camp at Box Canyon is fragmentary, but nonetheless suggestive.

The camp had been set up by Los Angeles AIM in October 1973. Three months later, L.A. AIM decided to close it down. Several people remained at the camp, and it degenerated into a virtual crash pad, loaded with drugs and alcohol. L.A. AIM made a number of attempts to improve the situation, but the people living there insisted that AIM had no right to interfere.

Marvin Redshirt came to the camp in early 1974, and on occasion identified himself as "camp director." The evidence indicates that he may have been an informer, even before his arrest.

There have been reports from South Dakota that he had been "a goon for Dick Wilson," at that time the violently anti-AIM tribal chairman of the Pine Ridge reservation.

The camp was still widely considered to be an AIM project. Back in St. Paul, Durham was telling people the land had been given to AIM as a "training camp" and implied it was for guerrilla training.

Several weeks before the murder, Skyhorse and Mohawk came to the camp to "straighten the place out," but concluded little could be done.

In the last weeks before the murder, Durham took an increasing interest in the situation at Box Canyon. He arrived in southern California a week before the murder, accompanying Dennis Banks to an AIM benefit. Visiting Box Canyon two or three times, he met with both Skyhorse and Mohawk. Skyhorse recalls that Durham virtually interrogated him, managing "to elicit from me some of my projected ideas and plans, including that I intended to go to Phoenix and participate in the National Indian Education Association Convention." (When Mohawk and Skyhorse were arrested in Phoenix a week after

## Heard any good verdicts lately?

Can Mohawk and Skyhorse get a fair trial? Not if the legal establishment of Ventura County has anything to say about it. Rarely has the racism endemic to this profession been more blatantly displayed than in a "humorous" skit put on at the Ventura County Bar Association Annual Dinner last fall, for the edification of the members. Judge Marvin Lewis, who was assigned to the Mohawk-Skyhorse case, was much in evidence.

During the course of the evening's festivities, Mohawk and Skyhorse twice became targets of magisterial wit. "A tragic story tonight," read the script for the evening's skit, "involving a former judge, Marvin Lewis. Lewis, who had earlier set a judicial endurance record in the celebrated Indian case, suffered a complete breakdown in court today, and drooling and babbling, had to be removed in restraints. Courtroom observers said Lewis had been despondent for some time, but had taken a turn for the worse after being assigned the case of *People v. Nanook*, a case in which a mob of unruly Eskimos had allegedly beaten a vacationing Mounty to death with a frozen caribou haunch."

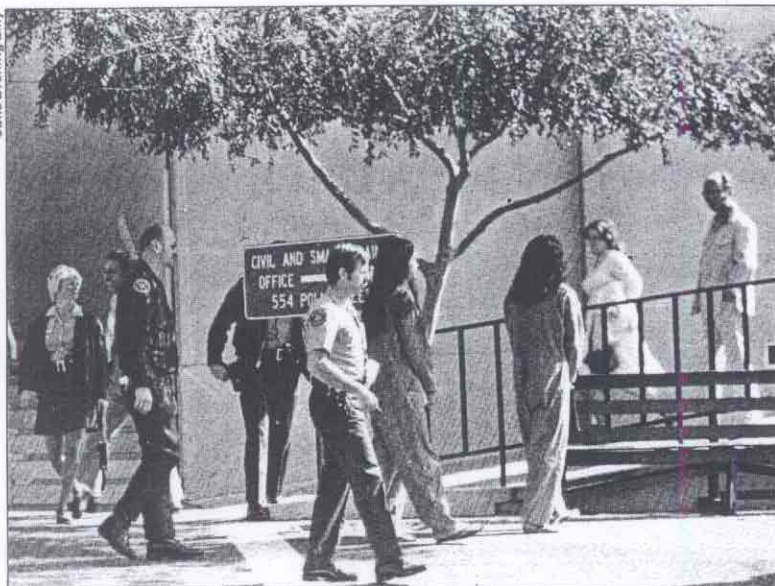
Then the legal wags addressed themselves directly to the case of *People v. Tonto* in the following manner:

Some people say the court ought to follow the laws,  
But this court deals with Braves and Squaws,  
Braves and Squaws and prairie skies,  
My mind's growing weak as the years go by.  
Motions and writs and what do you get?  
Many moons older and the lawyers all sweat.  
Judge Willard don't you call us 'cause we're not done,  
We're all just having too much fun.

This ditty, as well as the script itself, was written and directed by Steven B. Perrin, Holly Broussard's lawyer. Judge Lewis later disqualified himself. Judge Robert Shaw, who replaced him in January, was disqualified by the defense. He had previously told Mohawk and Skyhorse in open court: "In my opinion, you are guilty and responsible for murder."

Those who would like to contribute to the defense can write to Cosma Childs, 335 Orange Drive, Oxnard, Ca. 93030.





*Skyhorse and Mohawk, in jail for two and one-half years, have yet to stand trial.*

the murder, Durham had arrived there from St. Paul; the defense believes he was instrumental in setting up their arrest.)

The defense has requested reports on all surveillance at the camp, both by phone taps and other means. The court has thus far denied the relevancy of such records and refused to order their disclosure.

Nevertheless the defense has pried loose a tape, and memo summarizing it, dated October 9 (the day before the murder), from a Lieutenant Murphy, probably of the Ventura Sheriff's Department. The first half describes some automatic weapons fire at the camp—a local drug dealer was shooting at camp residents. The second half of the summary describes information from an unidentified "female informant" who said there were 15 new people at the camp, an arsenal of automatic weapons was being stockpiled, and the Indians were planning another Wounded Knee. No subsequent reports confirmed any of this. The memo went on to say that, even if the information was "mostly rumor, now is the time for a show of force against the Indians at the camp."

Another suggestive piece of information was turned up in testimony by former Ventura County Sheriff's deputies Michael DeGray and Ernest Loveday, who were two of the arresting officers. They clearly remembered receiving a radio transmission between 10 and 10:30 p.m. on the night of the murder, alerting them to serious trouble at the AIM camp. They were instructed to rendezvous with other units from

Ventura and Los Angeles; they did so and remained together until midnight, when the call came in to make the arrests. The time is significant because the cab was called at 10; Broussard, Eaglestaff, and Redshirt got into it at 10:15. They could not have gotten to the camp any earlier than 10:45. The murder took place between 10:45 and 11.

Interesting as these glimpses of police activity may be, they remain only fragments. A fuller story of the government role at "AIM Camp 13" is locked up in official files, awaiting a court decision that this information is, after all, relevant to the case. But in light of the catalog of misconduct and irregularities in the proceedings against Mohawk and Skyhorse, and the counterintelligence war being conducted against AIM, a hypothesis on what really happened at Box Canyon becomes possible.

Suppose that an agency such as the FBI wanted to take advantage of the situation at Box Canyon where a unit identified with AIM was not under AIM's effective supervision. By keeping one or more informers and/or provocateurs inside the camp, the agency could destabilize the situation which would discredit AIM since the organization was identified with the camp. In addition, legitimate AIM members and other concerned Indian people, unaware of the presence of informers in the camp, could be drawn into ill-advised actions, or at the very least find themselves linked—guilt by association—to any provocations perpetrated by the informer-saboteurs.

The agency would also be in a position, thanks to information provided by its informers, to move against such actions and to prosecute those unwittingly lured into participating.

Douglass Durham practiced such a strategy—used by the FBI all across the U.S.—himself in Des Moines in 1973, when his leadership earned the local AIM chapter a reputation of being "crazy" in the eyes of AIM elsewhere in the U.S.

One possible inference that can be drawn from Lt. Murphy's tape, and from the testimony of DeGray and Loveday, is that the police, looking for a pretext for a show of force at Box Canyon, decided to create one. This would explain why they were alerted to trouble before it started.

It seems unlikely the authorities would plan the murder of an innocent outsider; it is very likely they could have planned a situation where some kind of violence was inevitable. If Redshirt were actually an informer, there would be intense pressure to cover up the embarrassment of his part in the crime. In any case, the only two real AIM leaders around would be excellent candidates for a frame-up. There would be two more leaders in jail and the organization would be smeared. (There are reports, for example, that a major motion picture on Wounded Knee planned by Columbia, starring Marlon Brando and expected to raise large amounts of money for AIM, was canceled in part because of the impact of the murder.)

Mohawk and Skyhorse are acting with increasing effectiveness as their own attorneys, although the court continues to deny them the advisory counsel of their choice. Their appeal to disqualify all local judges for prejudice (see box), and for a change of venue are still pending.

Meanwhile, Indians in southern California have taken an increasing interest in the case; so have individuals and tribal groups across the country. The local chicano community has also begun to identify with the legal fight. Recently there was a major demonstration at the state capitol in Sacramento. Dennis Banks and Elaine Brown of the Black Panther Party spoke.

AIM, of course, now gives what support it can. The ACLU considers this case "an affront to civil liberties" and expects to work closely with the defense. Amnesty International is expected to have an observer from Germany in court. Until recently the case has received little attention outside of southern California. But the spotlight that is beginning to focus on the Ventura County Courthouse seems likely to change that. □