

Spokane bomb trial hits snag on replica blasts

JUDGE: DEFENSE ATTORNEYS SHOULD HAVE BEEN PRESENT

Orders new replica bombs made

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The Associated Press

SPOKANE — Federal officials erred when they unilaterally constructed and detonated three bombs similar to the one planted at the city's Martin Luther King Jr. Day parade without collaboration from the suspects' lawyers, a federal judge ruled Friday. Defense attorneys should have been present for the tests, which were conducted at an FBI lab in Virginia, to ensure the replica bombs closely resembled the bomb that was found and defused in Spokane on Jan. 17, U.S. District Judge Justin Quackenbush said.

"The defense is entitled to know how they were put together in case they want to challenge the evidence," Quackenbush said. The explosions of the replica bombs were videotaped and photographed, and prosecutors want to present that material at trial to illustrate how destructive the original device was.

Quackenbush ordered prosecutors to have additional replica bombs made, in collaboration with a defense expert, to ensure the replicas are similar to the original. It was the final pretrial hearing for Kevin Harpham, 37, who pleaded not guilty to attempted use of a weapon of mass destruction, committing a hate crime and other charges. Harpham is accused of making the bomb and leaving it along the parade route in



Spokane bomb suspect Kevin Harpham

downtown Spokane. Harpham's public defenders objected to the introduction of any evidence from the replica-bomb tests. "The testing was far from true and accurate tests," federal defender Kim Deater said. She contended that the replica bombs were not identical to the original, and that video and photographs of the tests cannot be introduced as evidence. "We have a client facing great jeopardy," Deater said. "He has certain rights we have to protect."

Harpham was arrested at his home in rural Addy, north of Spokane, on March 9 and remained held without bail in the Spokane County Jail. He could face life in prison if convicted. Little is known about Harpham's motivations and the investigation that led to his arrest because the judge ordered that most files in the case remain sealed until the trial. Harpham has extensive ties to white supremacist groups. The Southern Poverty Law Center, which tracks hate groups, has said that Harpham made more than 1,000 postings on a website used by racists called the Vanguard News Network. The center has said that Harpham belonged to a neo-Nazi group called the National Alliance.

Prosecutors also revealed in court that Harpham took pictures of black children and a Jewish man who was wearing a yarmulke at the parade. The trial was set for Sept. 12. Quackenbush declined a request for a delay, but ordered experts for the prosecution and defense to work quickly to jointly make and detonate replica bombs.

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