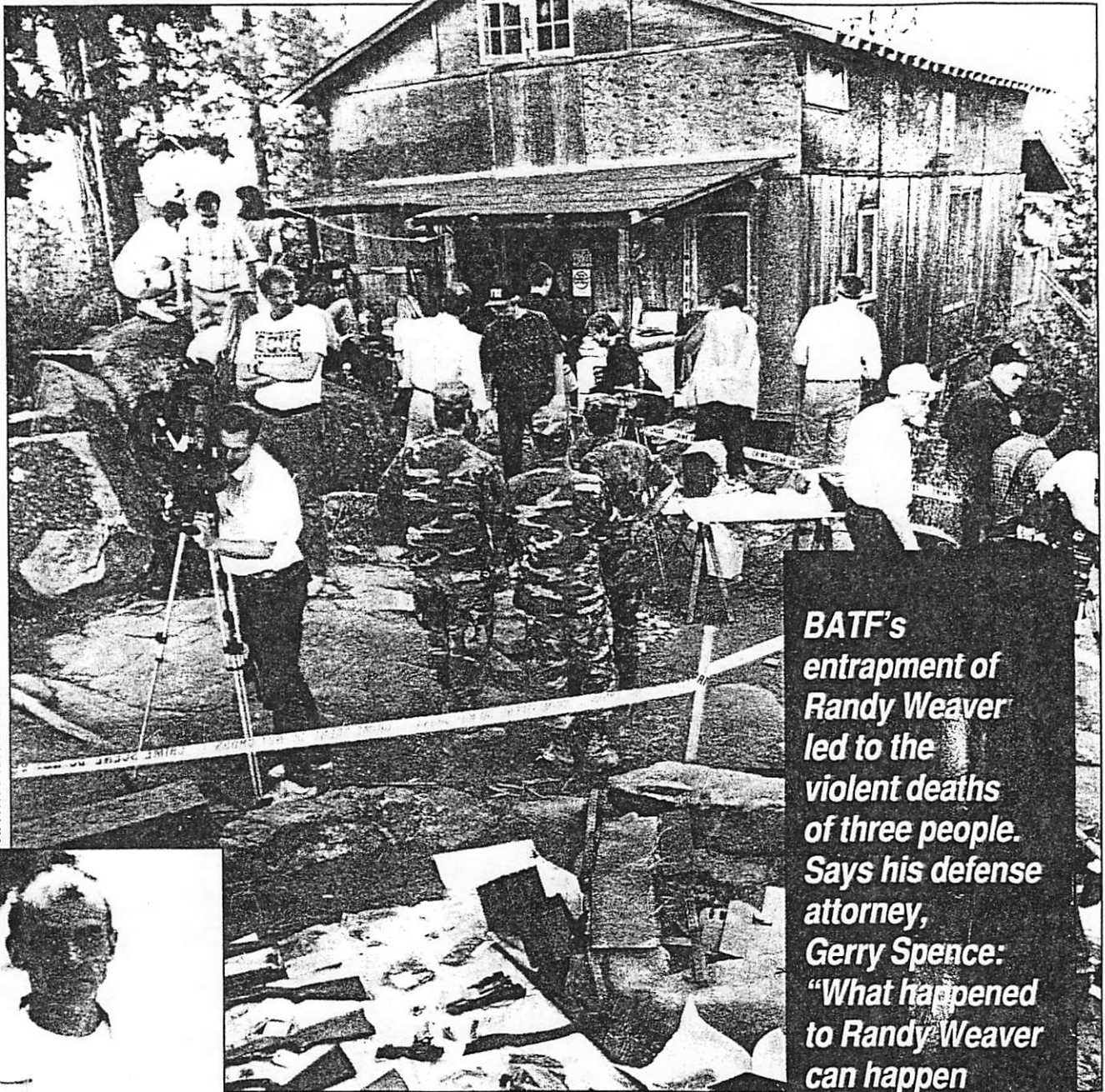


THE RANDY



AP/Wide World Photos



RANDY WEAVER

SEEING his dog, Striker, shot to death by masked intruders clad in camouflage, Sammy Weaver, 14, fired back in fear for his life. The 4 ft., 11"-tall youngster was hit in the arm, then shot in the back as he turned to run for home. He died instantly, killed by an agent of the federal government.

Cradling her 10-month-old daughter in her arms, Vicki Weaver stood in the doorway of her home, mourning her slain son, unaware that she herself had only seconds to live. In an instant a bullet tore into Vicki Weaver's face, blew through her jaw and sev-

BATF's entrapment of Randy Weaver led to the violent deaths of three people. Says his defense attorney, Gerry Spence: "What happened to Randy Weaver can happen to anybody in this country."

BY JIM OLIVER

Members of the media and federal agents mill about the Weaver home after the occupants had surrendered.

WEAVER CASE...

Another Federal Fiasco!

ered her carotid artery. The bullet was fired from 200 yds. away by an agent of the federal government.

What had the Weaver family done to bring FBI snipers and submachine-gun-toting U.S. Marshals to the woods around their cabin on Ruby Ridge in northern Idaho? Why did the government act as though the Weavers had forfeited the protections guaranteed all Americans by the United States Constitution? Who made the decisions that led to their unjustified deaths and also to the death of deputy U.S. Marshal William Degan?

For the six men working near Weaver's plywood cabin on Ruby Ridge, Aug. 21, 1992, was another day on a job that had been going on more than 16 months. Their employer, the U.S. government, was spending \$13,000 a day, and there had been no end in sight to the work.

The cabin—really a shack—was home to 44-year-old former Green Beret Randy Weaver and his family—wife, Vicki; son, Sammy; and daughters, Sara, Rachel and Elisheba. It was also home to their young friend, Kevin Harris. They were subsistence hunters, and tended a garden, putting up vegetables. A generator produced occasional electricity. They had no TV, no radio.

This day there were some new men on the job site not far from the cabin—one, 42-year-old William Degan, had been brought to northern Idaho on special orders. He was to help plan a successful conclusion to the job.

The men in the woods were dressed in their work clothes—camouflage commando outfits complete with masks. They carried the tools of their trade—two-way radios rigged for quiet operation, night vision equipment, semi-automatic handguns, fully automatic military rifles and at least one silenced HK submachine gun. One of the men was a medic, prepared to care for any casualties.

The Weaver family had dogs. Somebody threw a rock to test their reaction. A golden retriever barked near the cabin and came running their way. A mission somebody in the Marshal Service had dubbed "Operation Northern Exposure" was about to end.

The "op" had included use of jet reconnaissance overflights with aerial photographic analysis by the Defense Mapping Agency, and placement of high-resolution video equipment recording activity by the Weaver family from sites 1½ miles away—160 hours worth of tape used.

For nearly a year and a half, federal agents had roamed the area, picking locations for surveillance and for snipers. One belonged to the Special Operations Group, the others to the Marshals' national SWAT team. The six on-site this day were deputy U.S. Marshals.

The target of all of this—and of a Federal law enforcement and prosecution effort that would eventually total ap-



AP/Wide World Photos

The Weaver "arsenal," laid out by federal agents for media scrutiny after the surrender, was a remarkably ordinary collection. There were three Ruger Mini-14s, a 1917 Enfield, an old Savage 99, a Remington 721, and such.

proximately \$3 million—was Randy Weaver. What kind of criminal was he to demand this kind of attention? Was he a major drug dealer? Serial killer? Was he a terrorist bomber?

No. On Oct. 24, 1989, Weaver sold two shotguns whose barrels arguably measured 1/4" less than the 18" length determined arbitrarily by Congress to be legal. The H&R single-barrel 12-ga. and Remington pump were sold to a good friend who instructed Weaver to shorten the barrels. The "good friend" was an undercover informant working for the Bureau of Alcohol Tobacco and Firearms (BATF), who later told reporters he was in it "mainly for the excitement."

Eight months after he sold the shotguns, Weaver was approached by two BATF agents with an offer—spy on the Aryan Nations, a white supremacist hate group headquartered in northern Idaho, or go to jail. Weaver refused to become a government informer, and—six months later—he was indicted on the shotgun charge.

On Jan. 17, 1991, as Weaver and his wife were driving to town for supplies, they encountered a pickup truck-

THE RANDY WEAVER CASE

"The crime he committed was not sawing off a shotgun. The crime he committed was refusing to go undercover for the (B)ATF."

Gerry Spence



AP/Wide World Photos

One of two BATF agents at a roadblock during the siege totes an HK MP5 sub-machine gun. The government deployed awesome resources in the Weaver case.

boy, Sammy—a kid whose voice hadn't yet changed—and Kevin Harris followed Striker. Harris and Weaver later said they thought the dog was chasing a deer. Harris carried a bolt-action hunting rifle. The boy also had a gun.

Without warning a federal agent fired a burst into Striker, killing him. (It came out in court later that there had been a plan to take the dog "out of the equation.") The boy, frightened, shot back, and when one of the agents fired another burst, Sammy lay dead.

Kevin Harris shot deputy William Degan in the chest. He died a few moments later. The shooting ended relatively quickly. The agents would claim Harris fired first. Harris claimed he fired after the boy was shot. Agents told the media their men had been pinned down for eight hours. It was a lie.

The dog was dead. The boy was dead. Deputy Degan was dead. Two American families had tragically lost loved-ones. During the night hours, Randy Weaver and Kevin Harris brought the little boy's body to a shed near the cabin and washed it.

Deputy Degan's shooting brought in the FBI. Soon, the Weaver's property was ringed by a huge force of FBI, BATF, U.S. Marshals, Idaho state police and local law enforcement and Idaho National Guard.

Among the federal law enforcement commanders was Richard Rogers, the head of the FBI's hostage rescue team, which includes its snipers. On the flight out, he took an extraordinary step—he decided to alter radically the prescribed rules of engagement of FBI sharpshooters.

Normally, agents can only shoot when they are facing death or grievous harm. But the 11 snipers that were positioned around the Weaver cabin were given new orders:

"If *any adult* in the compound is observed with a weapon after the surrender announcement is made, deadly force can and *should be employed* to neutralize the individual." This meant Randy Weaver's wife would be fair game. It went on:

"If *any adult male* is observed with a weapon *prior to the announcement*, deadly force can and should be employed if the shot can be taken without endangering the children." (Emphasis added.)

In words reminiscent of hollow justifications used in Waco, Texas, federal spokesmen kept telling the media of their concern for the children. In fact, Gene Glenn, the agent in charge of the siege, told *The New York Times* he considered the kids to be hostages. Yet they'd already killed one child.

The negotiators were not in place, and no effort had been made to contact the Weavers, when Randy Weaver, Kevin Harris—armed—and 16-year-old Sara Weaver left the cabin and moved to the shed where Sam's body lay.

As the three reached the shed, an FBI sniper some 200 yds. away aimed at

camper with its hood up, a man and woman seeming to be in trouble. The Weavers stopped to offer their help. A horde of federal agents piled out of the camper. A pistol was pressed against Weaver's neck. Vicki Weaver was thrown to the slushy ground.

Weaver was arraigned before a federal magistrate, who later admitted he cited the wrong law. Out on bond, Weaver went back to his cabin. According to friends who testified in court, he and his wife vowed not to have any more dealings with the courts of the federal government. They would just stay on their mountain.

A hearing was set on the shotgun matter for Federal Court in Moscow, Idaho. The government notified Weaver by letter that he was to appear March 20, 1991. The actual hearing was held February 20—one month earlier. The error in dates was enough to give rise to a memo within the Marshal Service saying the case would be a wash-out. (Weaver did not show for the wrong

Acquitted on all charges, Kevin Harris leaves the federal courthouse in Boise with family members. He was wounded by the same bullet that killed Mrs. Weaver.



AP/Wide World Photos

date, either.) U.S. Attorney Ron Howen went to the grand jury anyway, and Weaver was indicted for failure to appear.

But why had the BATF picked Randy Weaver to set up as an informer? He was a man devoted to his family, a man with no criminal record, a veteran who served his country with honor. It was Weaver's beliefs that made him an ideal target. His unorthodox religious and political views were far outside mainstream America. He was a white separatist. And, Randy Weaver was little, a nobody.

Over the next 16 months, the feds painted Weaver as racist, as anti-semitic, as a criminal. But they had to entrap him into his only crime, altering two guns. The media were unquestioning. In print and on TV and radio, Weaver's home—the plywood shack he built himself—became a "mountain fortress," and then "a bunker," and "a stronghold protected by a cache of 15 weapons and ammunition capable of piercing armored personnel carriers."

The common shotguns Weaver sold became the chosen "weapon of drug dealers and terrorists" or "gangster weapons" that "have no sporting use." The media always added the universal out . . . "agents said." But there were no gangsters. There were no terrorists or drug dealers, just Weaver, the gun buyer and the government.

It was all a lie. Hate-hype. People believed it, maybe even the agents who planted the hate-hype began to believe it. It all ceased to matter on August 21, when Striker barked and sniffed out the agents spying on the cabin—lives changed, lives ended.

Nobody, except the people who were there, knows exactly what happened next. There were several versions of the story. But some facts jibe. Randy Weaver's little

Weaver. He told the court he was aiming for the spine, just below the neck. He missed; shot Weaver in the back of the arm, the bullet exiting through the armpit.

Sara later told *Spokesman Review* staff reporter Jess Walter in a copyrighted story:

"I ran up to my dad and tried to shield him and pushed him toward the house. If they were going to shoot someone, I was going to make them shoot a kid."

At the cabin, Vicki Weaver was waiting at the door, holding her infant daughter, Elisheba. The sniper fired again. His bullet hit Vicki Weaver. She was dead before the baby hit the floor, miraculously unhurt. Harris was hit by bullet fragments and bone from Vicki's skull. He was bleeding badly. Randy Weaver, daughters Sara and 10-year-old Rachel all saw the violent death.

Later, sniper Lon Horiuchi stated in court that killing Vicki Weaver had been a mistake; that he was aiming for Kevin Harris. Defense attorney Spence asked him, "You wanted to kill him didn't you?" He answered, "Yes, sir."

Sara Weaver recounted the night following her mother's death. Again from reporter Jess Walter's story:

"Elisheba cried during the night. She was saying, 'Mama, mama, mama.' . . . Dad was crying and saying, 'I know baby. I know baby. Your Mama's gone. . . .'"

She told Walter that on Sunday, they tried to yell at federal agents and get their attention, to tell them that her mother was dead. She said they got no response. Instead they would hear FBI negotiators.

"They'd come on real late at night and say, 'Come out and talk to us, Mrs. Weaver. How's the baby, Mrs. Weaver,' in a real smart-alecky voice. Or they'd say, 'Good morning, Randall. How'd you sleep? We're having pancakes. What are you having?'"

The FBI later claimed it had no idea that its sniper had shot Vicki Weaver. Yet, a *New York Times* stringer quoted FBI sources as saying they were "using a listening device that allow(ed) them to hear conversations, and even the baby's cries in the cabin." Another lie?

On Thursday, August 27, radio newsman Paul Harvey used his noon broadcast to reach the Weavers, who he'd learned were regular listeners. Urging Randy Weaver to surrender, Harvey said, prophetically, "Randy, you'll have a much better chance with a jury of understanding homefolks than you could ever have with any kind of shoot-out with 200 frustrated lawmen."

As part of their efforts to make contact with the Weavers, the FBI sent a robot with a telephone to the cabin. But the robot also had a shotgun pointed at the door, so the Weavers feared that reaching for the phone could result in death or injury.

Somewhere in all of this, the FBI discovered the body of Sammy. They told the media they didn't know he'd been killed.

The siege began to unravel six days after Vicki Weaver had been killed. Her

body remained in the kitchen of the cabin all that time. Sara crawled around her to get food and water for her family. It was during this time that Randy Weaver and Kevin Harris dictated their version of their story to Sara. In this letter, Weaver accused his government of murdering his wife.

The news media, based on information from the feds, repeatedly reported that Vicki had been killed in "an exchange of fire" or in a "gun battle." More spin control.

The only shots were two—from the government's sniper.

Kevin Harris was the first person to come out. Sunday, August 30, badly wounded, he was rushed to a Spokane hospital where he was treated and charged with murder. A magistrate told him he was facing the death penalty.

The rest of the family came out on the next day. The surrender was negotiated—not by the FBI—but by Bo Gritz, former Green Beret hero.



AP/Wide World Photos

"Here you had federal agents come into a little county in northern Idaho, suspend state law and then say they had the right to eliminate anyone with a gun." Gerry Spence

All the lies and federal spin control over the story were about to end. The case was going to go to court.

The 36-day trial took place in the U.S. District Court in Boise, with Judge Edward Lodge presiding. The jury of eight women and four men heard the government put on 56 witnesses. The defense rested without calling a single witness, confident that the government had destroyed its own case. They were right.

The jury deliberated for nearly three weeks, and found Harris not guilty of murder or any other charges leveled against him. They found Weaver not guilty of eight federal felony counts. The judge had earlier thrown out two other counts.

Weaver was found guilty of two counts: failing to appear in court and violating his bail conditions. He was declared not guilty of the gun charge—the seed of all of this misery.

It was a bizarre trial, full of contradictions, with government witnesses countering each other's stories as to the events of August 21, and countering the events leading up to Vicki Weaver's death the next day.

The question of who fired first—Harris or the Marshals—was key to the jury deciding on the murder charge against Harris. In the end they believed Kevin Harris acted in self-defense. Earlier, the death penalty had been ruled out. The law the prosecution cited had been struck down by the U.S. Supreme Court two decades before.

The government spent days going over the Weavers' religious views, trying to establish they were racist and demonstrated a long-lived conspiracy to violently confront the government. The jury didn't believe it.

Marshal Service witnesses told about a series of pre-siege scenarios to root Weaver out of his cabin. But when pressed by the defense, they said they never considered simply knocking on the door and arresting him.

During the trial, the government admitted that the FBI had tampered with the evidence; that the crime scene photos given the defense were phony reenactments. Physical evidence had been removed and replaced. The prosecutor knew this and had failed to tell the defense.

The prosecution also withheld documents that might have helped the defense. When ordered by the judge to produce them immediately, the FBI sent the material from Washington, D.C., via *Fourth Class mail*, which took two weeks to cross the country. For prosecutorial misconduct, the judge ordered the government to pay part of the defense attorneys' fees, an action almost unheard of in a criminal case. Prosecutor Howen also was forced to apologize in open court. At the end of the trial, he collapsed in the middle of a statement, telling the judge, "I can't go on."

Gerry Spence told the jury, "This is a murder case, but the people who committed the murder have not been charged. The people who committed the murder are not here in court."

After the trial, Spence told *The New York Times*, "A jury today has said that you can't kill somebody just because you wear badges, then cover up those homicides by prosecuting the innocent."

"What are we going to do now about the deaths of Vicki Weaver, a mother who was killed with a baby in her arms, and Sammy Weaver, a boy who was shot in the back?"

Spence has asked the Boundary County, Idaho, prosecutor to bring charges against various federal agents. Should that happen, lingering questions about the Weaver case finally may be answered. Should that happen another jury undoubtedly will serve notice to those who have forgotten that the United States government is supposed to serve its citizens, not entrap them, not defame them, not falsify evidence against them and absolutely not kill their children. ■